



Appeal Decision

Site visit made on 27 February 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/Q9495/W/22/3305242

Land off Danes Road, Staveley LA8 9PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Allan Livesey against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/5555, dated 29 August 2020, was refused by notice dated 8 March 2022.
 - The development proposed is development of office/light industrial units with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Allan Livesey against Lake District National Park Authority. This application is the subject of a separate Decision.

Preliminary Matters

3. For the sake of clarity and brevity, I have taken the description of development from the Council's decision notice.
4. The address of the appeal site detailed in the banner heading above is taken from the appeal form.

Main Issues

5. The main issues are the effect of the proposal on the surrounding area in terms of drainage, whether the proposal would preserve or enhance the setting, character or appearance of the Staveley Conservation Area, and the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to outlook, privacy and parking.

Reasons

Drainage

6. There are concerns that the proposed development would exacerbate existing capacity problems with the local sewer network, particularly following periods of heavy rainfall. This has been evidenced by representations including a photograph of a manhole cover on Gowan Terrace surcharging onto the road.
7. A Flood Risk Assessment and Surface Water Strategy has been submitted which concludes that the proposed development is at very low risk of flooding

from groundwater and sewer flooding, and it is proposed to manage surface water run-off by restricting the peak rate of run-off through the use of permeable paving. Separate foul sewage and surface water systems are proposed with foul drainage being connected to the public sewer. United Utilities have not raised any objections to the scheme recommending a planning condition is imposed requiring mitigation measures to manage the risk of sewer surcharge.

8. From the evidence before me, I am satisfied that, with the implementation of a suitable planning condition, the mains sewer network would not be adversely affected by the proposed development.
9. The appeal site is located within the catchment area of the River Kent Special Area of Conservation (RKSAC). An Appropriate Assessment (AA) had been undertaken with the planning application which concluded that the proposal would not result in an adverse effect on the SAC. Natural England had agreed with this initial AA.
10. Following the Council's decision, Natural England has published advice in relation to nutrient level pollution in a number of river basin catchments and this includes the catchment area of the RKSAC. Impacts on water quality from pollutants or increased nutrients can result in a threat to the aquatic ecosystem. There may be surcharge resulting from the proposed development that might enter the RKSAC. The development would also change the land from a field to buildings and hard standing, with surface water proposed to discharge from the site to parts of the RKSAC catchment area. The effect of nutrient neutrality therefore needs to be considered which was not done in the initial AA with the planning application.
11. Insufficient evidence has been provided in relation to nutrient neutrality and its effect on the RKSAC. Therefore, from the appropriate evidence before me, the proposal would have a likely significant effect on the RKSAC and no mitigation has been provided for me to determine that the proposal would not have an adverse effect on the integrity of the features of the RKSAC.
12. Accordingly, the proposal would have a harmful effect on the surrounding area and the RKSAC in terms of drainage. The proposal would be contrary to Policies 01, 04, 06 and 08 of the Lake District National Park Local Plan 2021 (LDNPLP) and the National Planning Policy Framework (the Framework) which seeks proposals to protect important habitats, reinforce the importance of local character, and conserve and enhance the extraordinary harmony and beauty of the Lake District landscape and its Special Qualities.

Conservation Area

13. The appeal site is located directly adjacent to the Staveley Conservation Area (SCA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

14. The significance of the SCA lies in its distinct residential, industrial and agricultural assets. The Staveley Conservation Area Appraisal and Management Plan 2011 (SCAAMP) identifies no important views into or out of the SCA. The SCAAMP details the architectural styles, materials and detailing of buildings in the SCA including the rugged and functional character of the former mill buildings and the simple two-storey domestic dwellings. The character of the SCA is derived from the different architectural stylings of the buildings as well as the various uses of the properties in the area.
15. The proposal would introduce a contemporary development with large elements of glazing contrasting with the proposed use of traditional materials including natural stone for the walls and slate roofing. The combination of contemporary and traditional design elements would provide interesting modern structures that complement the historic element of the SCA.
16. The scale of the proposal would be two storey and whilst larger than most of the residential buildings in the area, it would not be significantly different from commercial structures in the SCA, including the buildings immediately to the east. The size, mass and form of the proposed development would not be out of keeping with the mixed built form in the area.
17. The proposed development would preserve the setting, character and appearance of the SCA. The proposal would not be contrary to Policies 01, 02, 06 and 07 of the LDNPLP and the Framework which seeks the significance of the Lake District to be preserved, have development be of a scale and nature appropriate to the character and function of the location and have the significance of heritage assets to be conserved or enhanced.

Living conditions

18. The proposal would be two storey in height with large glazing sections facing towards Danes Road. The neighbouring properties to the north of Danes Road are separated from the appeal site by front garden areas and a wide road, and these properties are also elevated above the ground level of the appeal site.
19. Due to the scale and design of the proposed development, as well as the proximity of the proposal to neighbouring properties, it would not create any adverse overbearing effects in terms of outlook, and it would not result in any loss of privacy that would be to the detriment of neighbouring occupiers.
20. Up to 18 car parking spaces would be lost as a result of the proposal. There are parking spaces available on both sides of Danes Road extending in both directions along this highway. It is accepted that local residents, as a result of the proposal, may not be able to park directly adjacent to their property. However, sufficient parking opportunities would still remain in close proximity to the dwellings in the area. The proposal therefore would not have an adverse effect on the living conditions of neighbouring occupiers in terms of parking.
21. The proposal would not have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to outlook, privacy and parking. The proposal would be in accordance with Policy 06 of the LDNPLP and the Framework which seeks, amongst other things, for development to not have an unacceptable impact on the amenity of adjoining residents.

Other Matters

22. I have had regard to representations and objections made in relation to the proposed scheme including from local residents, the Parish Council and Sustainability & Energy Network in Staveley. Matters raised include flooding, drainage, traffic, parking, road infrastructure, need for the development and reference to the Clean River Kent Campaign report, a Traffic and Parking Survey, and the Sewage and Flooding Task Group. I have given careful consideration to these matters, some of which the Council have not raised any objections on, and some would be capable of being addressed by conditions, but they do not lead me to a different overall conclusion on the main issues.

Conclusion

23. I have found that the proposal would not have an adverse effect on the Conservation Area and the living conditions of neighbouring occupiers. However, these matters would not outweigh the harm I have identified with regards to drainage and the RKSAC.
24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
25. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR