

Public Document Pack

Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1345

Date: 30 July 2015



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 7 August 2015**

Time: **10.00 am**

Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence FIELD_REPORT**
2. **Minutes of the previous meeting 10 July 2015 FIELD_REPORT (Pages 1 - 12)**
3. **Urgent Business FIELD_REPORT**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Full Application - Change of Use And Alterations to External Elevations to Create Class A1 Convenience Store With Associated Servicing, Refuse, Plant And Parking Areas (Revised Description) - Rutland Arms, Calver Road, Baslow (NP/DDD/0115/0040, P.5887, 20/1/15, 425122/372391, MN) FIELD_REPORT (Pages 13 - 34)**
Site Plan
7. **Full Application - Change of Use of Barn to Agricultural Worker's Dwelling at New Building, Vicarage Farm, Hollinsclough (NP/SM/0315/0158, P.1813, 406551/366550,**

26/07/2015/KW/CF)FIELD_REPORT (Pages 35 - 48)

Site Plan

8. **Full Application - Two New Hydro Electric Stations on the River Derwent at Chatsworth; one on the Upper and one on the Lower Weirs at Chatsworth House (NP/DDD/-515/0432, P6181, 426029/370173, 11/05/2015/ALN)FIELD_REPORT (Pages 49 - 70)**
Site Plan
9. **Listed Building Application - Two New Hydro Electric Stations on The River Derwent at Chatsworth; One on The Upper And One on The Lower Weirs at Chatsworth House (NP/DDD/0515/0433, P6181, 426029/370173, 11/05/2015/ALN)FIELD_REPORT (Pages 71 - 84)**
Site Plan
10. **Full Application - Continued Use of Land For Clay Target Shooting at Land Facing The Grouse Inn, Chunal (NP/HPK/0315/0169, P.4043, 403354 / 390501, 23/07/2015/AM)FIELD_REPORT (Pages 85 - 100)**
Site Plan
11. **Full Application - Single Storey Rear Extension And Alterations to Dwelling at 'Iona', Longreave Lane, Rowland (NP/DDD/0615/0558, P4239, 421013/371749, 15/06/2015/ALN)FIELD_REPORT (Pages 101 - 108)**
Site Plan
12. **Stanton Moor Mineral Liaison Group and Consultation on Mineral Planning Matters in the Stanton Moor Area (JRS)FIELD_REPORT (Pages 109 - 126)**
Appendix 1

Appendix 2

Appendix 3
13. **Approval of Bradwell Neighbourhood Plan to Take Forward to Referendum (AM)FIELD_REPORT (Pages 127 - 174)**
Appendix 1

Appendix 2
14. **Making of Chapel Neighbourhood Plan (AM)FIELD_REPORT (Pages 175 - 176)**
15. **Local Development Plan Annual Monitoring Report for 2013/14-2014/15 (BJT)FIELD_REPORT (Pages 177 - 238)**
Appendix 1
16. **Head of Law report (AMcC)FIELD_REPORT (Pages 239 - 240)**

Duration of Meeting

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk.

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: democraticservices@peakdistrict.gov.uk.

Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Resources to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website www.peakdistrict.gov.uk or on request from Democratic Services 01629 816362, email address: democraticservices@peakdistrict.gov.uk, fax number: 01629 816310.

Written Representations

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

Recording of Meetings

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

General Information for Members of the Public Attending Meetings

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk.

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To:

Members of Planning Committee:

Chair: Mr P Ancell

Vice Chair: Cllr D Birkinshaw

Cllr P Brady
Cllr D Chapman
Mr R Helliwell
Cllr H Laws
Cllr J Macrae
Cllr Mrs J A Twigg
Vacant

Cllr C Carr
Cllr Mrs N Hawkins
Cllr C Howe
Ms S McGuire
Cllr Mrs K Potter
Cllr G Weatherall

Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority
Tel: 01629 816200
E-mail: customer.service@peakdistrict.gov.uk
Web: www.peakdistrict.gov.uk
Minicom: 01629 816319
Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: **Planning Committee**

Date: Friday 10 July 2015 at 10.00 am

Venue: Board Room, Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr Mrs N Hawkins, Mr R Helliwell, Cllr H Laws, Ms S McGuire, Cllr Mrs K Potter and Cllr Mrs J A Twigg
Cllr Mrs C Howe in attendance as an observer only
Cllr Mrs L Roberts in attendance

Apologies for absence: Cllr D Chapman, Cllr J Macrae and Cllr G Weatherall

76/15 CHAIR'S ANNOUNCEMENTS

The Chair welcomed new Member Cllr Mrs Caroline Howe, who was present to observe the meeting and Mr R Helliwell, attending his first planning committee for the Authority, having previously been a member of the Audit, Resources and Performance Committee. The Chair also noted that Cllr Mrs L Roberts was in attendance to take part in the debates but not to move any recommendations or vote on any agenda items.

77/15 MINUTES OF PREVIOUS MEETING

The minutes of the meeting of 12 June 2015 were approved as a correct record.

The Chair noted that Item 13 had been withdrawn from the agenda following the withdrawal of the Parish Council's objections to the proposals. The application would be determined under delegated powers.

78/15 URGENT BUSINESS

There was no urgent business to report.

79/15 MEMBERS DECLARATIONS OF INTEREST

Item 9:

Cllr P Brady declared that he had a slight acquaintance with Mr A Sebire, who had sent him an email in objection to the proposals.

Cllr Mrs J Twigg had received 2 emails relating to this item.

Mr P Ancell had been contacted by Mr A Sebire re general landscaping considerations.

Item 10:

The Chair noted that prior to the last meeting on 12 June, from which this item had been deferred, most Members had received correspondence from an Agent. Members had received no further correspondence since that time.

Mr P Ancell had been contacted by Ms S Jones and had been copied in on correspondence from the Agent.

Item 12:

Cllr Mrs K Potter had received a letter from Dr P Owens.

Cllr Mrs N Hawkins had received a letter from Dr P Owens.

Cllr P Brady declared a personal interest because the applicant uses his fields for grazing sheep. He would not take part in the debate or voting on this item.

Mrs S McGuire had received a letter and attachments from Dr P Owens.

Item 14:

Cllr H Laws had received an email from Mr A Sebire

Officers Declarations of Interests

Item 6:

John Scott, Director of Planning declared a personal interest in this item as he had previously worked as a planning consultant for the applicant.

80/15 PUBLIC PARTICIPATION

Ten members of the public were present to make representations to the Committee.

81/15 FULL APPLICATION - CONSTRUCTION OF HORSE EXERCISE ARENA AT LAND IMMEDIATELY ADJACENT TO FORD HOUSE, FORD, CHAPEL-EN-LE-FRITH

The Chair brought the item forward to the beginning of the agenda as it had been delayed in being heard at the June meeting.

The Director of Planning reported that following deferral for a site visit at the last meeting, Members had visited the site the previous day. He confirmed that the proposed use was solely private and not commercial.

The following spoke under the Authority's Public Participation Scheme:

- Mr D Purdon, Objector
- Mr N Marriott, Agent

Following Member debate and questions, amendments to the recommendation were proposed:

Condition 2 – include explicit details of arboricultural methodology

Condition 3 – further detail to be added re landscaping of the south-west embankment to include additional planting

Condition 6 – amend the wording to say “no horse jumps, field shelters or other structures shall be placed on the application site, other than when the exercise area is in use. When not in use, they shall be removed and stored in a location to be agreed.”

Additional Condition 8 – That samples of surface materials be submitted for assessment of their appearance and drainage capabilities, prior to use at the site.

The recommendation as amended was moved, seconded, put to the vote and carried.

RESOLVED:

That the application is APPROVED subject to the following conditions:

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with specified approved plans and arboriculture survey. Specific details of the arboricultural methodology to be included.**
- 3. Landscaping to be carried out in complete accordance with the approved plans within the first planting season following completion of the development, further detail to be submitted re landscaping of the south-west embankment to include additional planting**
- 4. The use of the manège hereby permitted shall be ancillary to the domestic use of the dwelling known as “Ford House” only. The manège shall not otherwise be used for commercial purposes or livery at any time.**
- 5. The new timber fencing and kickboards shall be tanalised and left untreated to weather naturally and maintained as such throughout the lifetime of the development hereby approved.**
- 6. Notwithstanding the provisions of the General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), no horse jumps, field shelters or other structures shall be placed on the application site, other than when the exercise area is in use. When not in use, they shall be removed and stored in a location to be agreed.**
- 7. There shall be no external lighting or floodlighting erected, and the manège shall not be provided with any other external source of illumination at any time.**
- 8. Samples of surface materials shall be submitted for assessment of their appearance and drainage capabilities, prior to use at the site.**

82/15 FULL APPLICATION - SINGLE EARTH-SHELTERED DWELLING ON DERELICT LAND TO THE WEST OF YOULGRAVE (AMENDMENTS TO APPROVED PLANS), THE CHASE, COLDWELL END, YOULGRAVE

The Director of Planning left the meeting room and took no part in the discussions following his declaration of interest in this item.

The planning officer reported that these proposals were essentially the same as the application that Members had previously approved but with a modified design which resulted in a reduction of size and scale. Officers considered that the new design had greater merit than the previous and included good sustainability features.

Since September 2014, work had begun to exclude slow worms from the site by means of a fence. The new proposals would move the house further away from the applicant's neighbour. The officer noted that the site still needed tidying.

The following spoke under the Authority's Public Participation Scheme:

- Mr R Roper, Objector
- Mr D Frederickson, Supporter
- Mr A Baker, Applicant

The recommendation was moved and seconded.

Following further questions from Members, officers agreed to submit a report to the planning committee explaining the Authority's policy on the imposition of Tree Preservation Orders (TPOs). This would be expedited by the Director of Planning and consideration would be also be given to possible input into Members' planning training by the Authority's Tree Officers.

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions/modifications:

Statutory Time Limit

1. **The development hereby permitted shall be commenced within three years of the date of the permission.**

Approved Plans

2. **The development shall not be carried out otherwise in complete accordance with the submitted plans and specifications subject to the following conditions:**

Submission of Details

3. **Submit and agree any details of spoil removal arising from the demolition and construction works.**
4. **Submit and agree Construction Working Method (including working hours) and Ecological mitigation Statement.**
5. **Submit and agree details of the construction site compound.**

6. **No development approved by this permission shall be commenced until a scheme for the package sewage treatment plant and for the disposal of surface waters has been submitted to and approved by the Authority. Such a scheme shall be constructed and completed in accordance with the approved plans, prior to the occupation of the dwelling hereby permitted.**
7. **No development shall take place until a revised scheme of landscaping has been submitted to and agreed in writing by the National Park Authority. The submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.**
8. **No works shall commence on the erection of the newly-built dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the dwelling, including samples of the stone, quoins, sills, lintels, and surrounds to be used in the construction of the external walls, samples of all roof coverings and rain water goods, and samples of all external door and window frames and external finish treatments, have been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
9. **Details of the scheme of Environmental Management Measures shall be submitted to and approved in writing by the authority. The agreed Environmental management facilities shall then be installed in accordance with a timetable that has been submitted to and approved in writing by the authority.**
10. **Submit and agree details of external lighting.**

Service Lines

11. **All new service lines associated with the approved development and on land within the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.**

Architectural Specifications

12. **Conditions relating to design details including specifications for construction materials, windows and doors, etc.**

Restrictions on Permitted Development Rights

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no ancillary outbuildings or other structures incidental to the enjoyment of the dwelling other than those expressly authorised by this permission shall be erected.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the newly-built dwelling shall be carried out.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or doors other than those expressly authorised by this permission shall be constructed on any elevation.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no walls, fences, or solar panels other than those expressly authorised by this permission shall be erected or installed on the site.

Access and Parking

17. Access entrance, visibility splays, access drive and vehicle parking areas to be carried out in accordance with the amended plan no. AR/XX/01/PD/332/01 Rev A prior to the occupation of the dwelling.
18. Visibility splays and parking/manoeuvring areas (including the car-port) to remain free from obstruction to their intended use.

Curtilage

19. The domestic curtilage shall be restricted to the are edged green on the attached plan no. 1/P.4221

A short break was taken between 11.09 and 11.16am.

As Item 7 had no speakers, the Chair brought Item 8 forward.

83/15 FULL APPLICATION - CHANGE OF USE OF BARN TO AGRICULTURAL WORKER'S DWELLING AT NEW BUILDING, VICARAGE FARM, HOLLINSCLOUGH

Members had visited the site on the previous day.

The officer stated that accommodation for the applicant's son was needed but that there were buildings nearer to the farmhouse that would better meet this need.

The following spoke under the Authority's Public Participation Scheme:

- Cllr Mrs G Heath, Authority Member, in support as the applicant's district and county councillor.

Following debate, Members were minded to approve the application on the basis that the buildings nearer to the farmhouse were not suitable for conversion, for reasons that had been apparent during the site visit. They were already in use for farm purposes which would have to be relocated as a consequence of conversion into a dwelling. Members also perceived no harm to the landscape arising out of the barn conversion and were satisfied that the use of the proposed dwelling and its domestic paraphernalia could be controlled by conditions and a legal agreement.

The Director of Planning advised that Standing Order 1.48 applied and that whilst the proposal to approve did not constitute a departure from policy, it was contrary to the officer recommendation, and a final decision should be deferred to the following meeting so that a section 106 legal agreement and detailed conditions could be brought back to Committee with a recommendation for approval.

RESOLVED:

That under the Authority's Standing Order no. 1.48, a further report setting out conditions and the terms of a legal agreement shall be brought to the next meeting of the planning committee for final determination with a recommendation for approval.

84/15 FULL APPLICATION: PROPOSED CHANGE OF USE OF REDUNDANT BARN TO DWELLING, INCLUDING REMOVAL OF LEAN-TO EXTENSION AND REPLACEMENT WITH 2-STOREY PITCHED ROOF EXTENSION, FROST BARN, SYCAMORE FARM, FAWFIELDHEAD, LONGNOR

Members had visited the site on the previous day.

The officer reported that although in officers' opinion Frost Barn met the planning criteria for conversion into an open market dwelling, the Core Strategy allowed for in principle conversions of such valued vernacular buildings only where there would be no harm either to the building or to its landscape setting.

On balance, Members felt that the proposals would have an adverse effect on the landscape and therefore could not be justified. A motion to refuse the application was moved and seconded on the basis of landscape impact and the poor structural state of the barn.

RESOLVED:

That the application be REFUSED for the following reasons:

- 1. The barn occupies a prominent and exposed position in a landscape of exceptional value that should be safeguarded because of its intrinsic scenic beauty. The current proposals would fail to meet/achieve this objective and the proposed residential conversion of the barn would spoil the character and setting of the barn and would not achieve its conservation or enhancement by virtue of the significant amount of rebuilding required for its conversion and by virtue of the introduction of a domestic use and associated developments in this sensitive location. The proposals would therefore be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8, and national planning policies in the Framework.**
- 2. In this case, by virtue of its remote and isolated location in open countryside and by virtue of the harmful impacts associated with the barn conversion, the**

benefits of granting planning permission for the development proposals would be significantly and demonstrably outweighed by the adverse impacts of doing so. Therefore, the proposals are contrary to the principles of sustainable development set out in Core Strategy policy GSP1 and national planning policies in the Framework.

85/15 SECTION 73 APPLICATION - VARIATION OF CONDITIONS 7, 8, 10, 12 AND 14 ON NP/SM/0711/0677 TO INCREASE THE NUMBER OF TOTAL CARAVAN AND TENT PITCHES, EXTEND THE SEASON BY 2 MONTHS AND ALLOW FOR A WARDEN'S PITCH FOR 10 MONTHS, UPPER HURST FARM, HULME END, ALSTONEFIELD

Members had visited the site the previous day.

The officer summarised the content of a further letter of objection that had been received.

The following spoke under the Authority's Public Participation Scheme:

- Miss S Green, Applicant

The recommendation for approval was moved, seconded, voted upon and carried.

RESOLVED:

That the application be APPROVED, subject to the following conditions:

Approved Plans

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plan no's 020/05 (Campsite Layout Plan), 020/01,02,03&04 (Landscaping Specifications), subject to the following conditions or modifications:

Landscaping

2. Any trees or plants which form part of the existing perimeter hedge/tree planting which die, are removed or become seriously damaged or diseased within five years of the date of this permission shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the National Park Authority.

Limitations on Use of Site

3. The proposed use of the site for touring caravans shall not take place other than within the area annotated as caravan pitches numbered C1 - C25 on the submitted plans and no other part of the land at Upper Hurst Farm within the applicant's ownership shall be used to site caravans.
4. The total number of caravans on the site at any one time shall not exceed 25.

5. No caravans shall be placed or retained anywhere on land within the applicant's ownership or control between 31st November in any one year and the 1st of February in the succeeding year.
6. Other than mobile recreational vehicles, no caravan or structure shall be placed anywhere within the red-edged application site which is not capable of being towed on a public highway by a private family car.
7. The warden's caravan shall not be occupied as a permanent residence and shall be removed from the site on or before 31st November in any one year and shall not be returned to its designated pitch hereby permitted until the 1st of February in the succeeding year.
8. No caravans on the annotated caravan pitches numbered 1-25 shall be occupied as a permanent or sole place of residence by any person at any time during the lifetime of the development hereby permitted.
8. The proposed use of the site for camping/siting of tents shall not take place other than within the areas numbered T1 – T15 on the submitted plans and no other part of the land at Upper Hurst Farm within the applicant's ownership shall be used to site tents/camping.
9. No tents shall be sited, placed or retained anywhere on land in the applicant's ownership between 31st November in any one year and the 1st of February in the succeeding year.
10. The total number of tents and caravans on the site at any one time shall not exceed 40.

Restrictions on Permitted Development Rights

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the utility building shall be carried out without the National Park Authority's prior written consent.
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no development required by the conditions of a site licence for the time being in force under the 1960 Act shall be carried out or erected on the site without the National Park Authority's prior written consent.

Access

13. The existing access from Beresford Lane to the camping and caravanning site at Upper Hurst Farm shall be maintained free of any obstruction to its designated use throughout the lifetime of the development hereby permitted.

Members had viewed the site on the previous day.

This application was deferred at the January 2015 Planning Committee to allow for the consideration of alternative uses for the barn. The agent submitted additional information and amended plans in June which had been incorporated into the report.

The following spoke under the Authority's Public Participation Scheme:

- Dr P Owens, Objector
- Mr J Oldfield, Agent

Following debate, Members moved and seconded another deferral for the purpose of obtaining more information about the structural condition of the barn by means of an independent survey. More information was also required about the likely costs of conversion, the possible alternative uses for the barn and about the surrounding strip field pattern.

As the seconder of the motion had Cllr Mrs K Potter left the room briefly during the discussion, another Member seconded it in her place. Cllr Mrs Potter did not vote on the proposals.

The committee voted to continue beyond 3 hours, in accordance with Standing Orders.

The motion for deferral was then voted upon and carried.

RESOLVED:

That the item be DEFERRED for the provision of further information about the structural condition of the building in order to determine its need for conversion.

87/15 RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF AN AGRICULTURAL BUILDING - LAND ADJACENT TO CORNERWAYS, CURBAR LANE, CURBAR

The officer reported that an agricultural appraisal had been submitted as requested by Members when the last application had been refused by the Planning Committee in September 2014.

The following spoke under the Authority's Public Participation Scheme:

- Dr P Owens, Objector
- Cllr D Nicholson, Chair of Curbar Parish Council, Objector
- Mr J Oldfield, Agent

A motion for refusal was moved and seconded on the basis of landscape impact, but fell when put to the vote. The recommendation for approval was then moved, seconded, voted upon and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions:

1. **The building shall only be used for agriculture on the holding and shall be removed from the site when no longer required for the purposes of agriculture.**

The committee broke for lunch at 1.35pm and reconvened at 2pm.

Cllr C Carr left the meeting during the lunch break.

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr Mrs N Hawkins, Mr R Helliwell,
Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire, Cllr Mrs K Potter, Cllr Mrs J Twigg

Also in attendance: Cllr Mrs L Roberts

88/15 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JULY 2015

The Chair noted the new format of the quarterly report and invited feedback from Members.

The officer explained that his intention was to provide a shorter, simpler report focusing on the last quarter, hence the reduction of historical statistics as formerly shown in bar chart form. Fuller statistical information would appear in an Annual Monitoring and Enforcement Report in April each year. Members requested that the Annual Report includes some information on the time taken to resolve cases.

The pie chart on page 5 of the report was insufficiently clear so the officer interpreted it for Members, showing that the greatest portion of cases were now classed as Stage 1 and the smallest portion as Stage 3 – the meaning of the different stages appeared at the bottom of page 4 of the report.

Members observed that although former “High Priority” cases would no longer appear in the quarterly report and instead “High Profile” cases were included, the two were not mutually exclusive. The shortened summary was welcomed.

The officer stressed that although four of the former ‘High Priority’ cases would no longer appear in the report the cases would not be closed and officers would continue to seek a resolution.

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

That the report be noted.

Cllr Mrs N Hawkins, Cllr Mrs K Potter and Cllr P Brady left the meeting.

89/15 HEAD OF LAW - PLANNING APPEALS

The recommendation was moved, seconded, voted upon and carried.

RESOLVED:

That the report be received.

The meeting ended at 3.45 pm

6. FULL APPLICATION - CHANGE OF USE AND ALTERATIONS TO EXTERNAL ELEVATIONS TO CREATE CLASS A1 CONVENIENCE STORE WITH ASSOCIATED SERVICING, REFUSE, PLANT AND PARKING AREAS (REVISED DESCRIPTION) - RUTLAND ARMS, CALVER ROAD, BASLOW (NP/DDD/0115/0040, P.5887, 20/1/15, 425122/372391, MN)

APPLICANT: NEW RIVER RETAIL PROPERTY UNIT TRUST

Site and Surroundings

The Rutland Arms public house is a traditional building sited on the western side of Calver Road within Baslow village. It occupies a prominent roadside and corner position in the Conservation Area, fronting the A623 and the road serving Baslow Bridge. It is believed to date from the late 1800s and has a two storey triple-gabled element which projects from the rear wall of the main building, with a further gabled extension projecting northwest off this and beyond the northwest elevation of the main building. There are also extensions to the northwest elevation in the form of two single storey mono-pitched lean-to extensions. These abut each other for some of their length, creating a partially dual pitched addition. There is also a flat roofed extension adjoining the north corner of the main building. This has a parapet wall to the top of the walls with a roof lantern above.

The building is constructed of coursed gritstone under a slate roof, with detailing in gritstone, including full window and door surrounds and quoins. Windows and doors are of timber construction. Most of the building has overhanging roof verges with barge boards, whilst the later extensions have flush pointed verges.

To the northwest of the building is the pub car park, which has two accesses onto the A.623 Calver Road. The front boundary of the car park is marked by a low stone wall. There is a yard area between the pub and the car park and also a store/garage that is set behind the building line of the main building. To the rear the pub is a beer garden that faces towards the river.

The River Derwent runs immediately behind (west) the site and is spanned by Baslow Bridge, which is sited very close to the south of the pub. The bridge is a Grade I Listed Building and a Scheduled Ancient Monument. The bridge is constructed of ashlar sandstone and there is a gable roofed watchman's booth to the northeast end. The bridge is dated 1608 by inscription. Over the bridge to the west of the river are the properties which comprise Bubnell. The buildings in the area are of varying ages, types, and sizes, but most have traditional materials of natural coursed gritstone and either blue slate or stone slate roofs.

The adopted Conservation Area Appraisal for Baslow and Bubnell describes the area around the pub as being the core of the village. It identifies that there are a mix of uses here, but that it is the services provided by this area and the people they attract that makes this the hub of the village community. The Rutland Arms is referenced in the Appraisal only for its role in 'closing' the view to the west.

Proposal

This application seeks to change the use of the Rutland Arms public house to an A1 shop use, including alterations to the building to facilitate such a change. Extensions were originally proposed as well but have since been omitted by the applicant along with a proposed external cash machine. These extensions were omitted because the results of the bat survey, required because the extensions would affect the roof eaves of the original building, were inconclusive, meaning that harm to this protected species as a result of the extensions could not be ruled out.

When the application was originally considered by Members in March 2015 the change of use could have been undertaken under the property's permitted development rights, with only the physical development requiring planning permission. However, the replacement of the Town and Country Planning (Permitted Development) Order 1995 with a revised and consolidated version, combined with the recent listing of the building as an Asset of Community Value, have removed the applicants permitted development rights to change the use of the building from a pub to a shop. These matters are addressed in more detail later in the report.

The physical works involve altering the northwest elevation. The existing flat roofed extension would now be the main area of external alteration made by the proposal, with the stone of northwest facing elevation being mostly replaced by a glazed door and glazing that would form the main entrance to the shop.

Other alterations to the building comprise blocking up a rear door at first floor level. The applicant is also proposing to remove the associated metal staircase, but this is outside of the application site area and therefore does not form part of this application. The applicant is also proposing to obscure the buildings windows internally.

The detached flat-roofed garage/store would also be altered by having its roof removed, some openings blocked up, and the timber doors being replaced by timber planked doors with black mesh to the bottom to provide air flow through the space, which would house a plant and refuse area. A widening of the two entrances to the car park is also proposed which would involve removal of a short section of low stone wall from the side of each entrance.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the following conditions:

- 1. 3 year time limit**
- 2. In accordance with revised plans**
- 3. All new walling to be natural stone to match the existing**
- 4. Prior to installation, precise details of the proposed windows along with details of their proposed finishes shall be submitted for written approval by the Authority**
- 5. Prior to the building being taken into the approved use amended details of the method in which the windows are to be obscured shall be submitted for written approval by the Authority**
- 6. Scheme of external lighting to be submitted for written approval by the Authority prior to the new use being implemented**
- 7. Prior to the installation of any external refrigeration, air conditioning, or other motors or fans a noise survey shall be undertaken, submitted, and any mitigation agreed in writing by the Authority.**
- 8. Delivery and refuse collections limited to be between the hours of 08:00 to 18:00, Monday to Fridays, 09:00 to 13:00 on Saturdays and no deliveries on Sundays and Bank Holidays**
- 9. Visibility splays and site accesses shall be maintained in perpetuity as shown on the revised plans.**

10. No development shall take place until space has been provided within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods and vehicles, and the parking and manoeuvring of employees and visitors vehicles in accordance with details to be submitted and approved in writing by the Authority.
11. No development shall take place until a Delivery Management Plan addressing size, timing, and routing of delivery vehicles has been submitted and approved in writing by the Authority.
12. No development shall take place until a Traffic Management Plan to deter roadside parking has been submitted and agreed in writing.
13. Parking provided and maintained in accordance with revised plans.
14. Shop doors shall not open outwards.
15. No access ramps to the shop within the public highway.
16. Removal of permitted development rights for extensions and external alterations.
17. Flood mitigation measures to be carried out in accordance with those proposed in the submitted Flood Risk Assessment document.

Key Issues

The key issues in assessing this proposal are:

- The acceptability of the principle of the development
- The impact of the development on the character and appearance of the building
- The impact of the development on the setting of the building, including on the Conservation Area and adjacent Listed bridge
- The impact of the development on highway safety
- The permitted development rights relating to the building

History

1995 – Temporary permission granted for erection of sign

2005 – Permission granted for the erection of new signage scheme

Consultations

A full re-consultation was undertaken on the application in June 2015 because of changes to the application description and following legislative changes in April 2015 that removed the permitted development rights of the building for a change of use from an A4 public house to an A1 retail use. Unless indicated otherwise, the responses below are those received in response to the application as originally proposed.

Highway Authority

Initial consultation response

No objections relating to the proposal on the basis that the change of use would constitute permitted development. Whilst not objecting, some concerns are raised regarding some elements of the proposal including bollards adjacent to the entrance, the external ATM, and the relocation of a lamp post. These elements have since been omitted. More detailed comments include:

- No access ramps should be sited within the public highway
- The shop doors should not open outwards over the public highway
- There is a potential for increased delivery vehicles to increase on-road parking to the detriment of the free flow of traffic on the highway and visibility from the egress. Therefore suggest that existing waiting restrictions (double yellow lines) are extended.
- The development is likely to lead to an increase in turning traffic at the site, but not necessarily an increase in vehicle numbers on the immediate road network
- There are no recorded collision incidents in the vicinity of the site in at least the last 3 years
- The site would not meet the recommended maximum parking standards, but would be closer to them than the extant pub use
- The applicant could consider relocating the cycle park away from the proposed delivery area.

Further consultation response following the March 2015 Planning Committee meeting, in response to Member requests for further highway safety information when deferring the application, and in response to the removal or permitted development rights for the building

- At the March Committee Members queried the discrepancy between the accidents noted by objectors and the lack of accidents reported by the previous Highway response. In response, the Highway Authority advises that the Police records they have access to show that there have been no recorded injury accidents within 200m of the site.
- Members queried the adequacy of the parking provision at the March meeting. In response the Highway Authority has nothing further to add to their previous response, other than to reinforce that adopted parking standards are maximum standards and not minimum standards
- Similarly, the Highway Authority also has nothing to add to their previous response with regard to delivery vehicles accessing the site.
- The Highway Authority is aware that the applicant will not benefit from permitted development rights to convert the building from a pub in to shop, whereas they did at the time they provided their original comments. Despite this, the Highway Authority previously reviewed the Transport Statement and considered it to be robust. However, even where it can be demonstrated that levels of traffic may be increased as a result of development proposals, the Highway Authority still has to have evidence to demonstrate that the harm caused by the extra traffic would be so severe as to require intervention (either by mitigation or rejection of the proposals). It is not incumbent upon applicants to address all of the pre-existing limitations of the highway network, only those where the development can be demonstrated to have a sufficiently large and harmful effect. Additionally, recorded injury accidents show no such incidents within 200m of the site.
- The proposals would re-use an existing building and the Highway Authority has taken commensurate use into its consideration of the proposals.
- Matters raised within the previous consultation response would still need to be addressed; Namely a revised location for the ATM [now omitted from scheme], imposition of Traffic Regulation Order, agreement of Delivery Management Plan, agreement of the relocation of the street lighting column [now omitted from scheme] and associated signage.

In conclusion the Highway Authority is not aware of any highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

District Council – Environmental Health

Initial consultation response

No objection subject to the control of delivery and refuse collection timings, and the undertaking of noise surveys in relation to the installation of potential refrigeration or air conditioning motors.

Further response based on Members request at the March 2015 Planning Committee meeting for the applicant to provide additional information relating to proposed plant items and related noise

Cannot make an informed decision as the specification sheets submitted by the applicants contain several models. For instance, noise levels for one of the units is 60dB which would be a concern. The applicant needs to carry out a noise survey to determine noise levels and any remediation required. This report must be submitted in writing for the approval of the Planning Authority. As river noise will form a large part of any background noise these surveys should ideally be carried out when the river flow is at its lowest.

Parish Council : Object to the proposal on the following grounds:

- Harmful effect on the character and appearance of the building, Listed bridge, and conservation area
- Highway safety including increased traffic, increased pedestrian movements and associated road crossing risks, and impacts of delivery vehicles on parking provision
- Inadequate parking/loading/turning provision
- Size of store not proportionate to local need
- Increased noise disturbance
- Increased light pollution
- External ATM will attract dangerous roadside parking

PDNPA Conservation

Response based on the revised proposal that omits the extensions to the building

Recommends that the application is refused, considering that the development would lead to a significant and irreversible loss of character and features to a fine vernacular building that plays a crucial townscape role in the conservation area. Specifically:

- There is a lack of heritage assessment provided with the application
- The building would be converted from a pub to a food store in a way that adversely affects its character; the outside appearance would bear no relationship to its gutted interior
- The proposal would involve substantial loss of historic building fabric
- The blanked-out windows would harm the character and appearance of the conservation area

PDNPA Ecology: Bat survey required [Scheme since revised to remove extension that necessitated this]

Environment Agency

Initial consultation response

No objections. Advice provided in relation to assessment of potentially contaminated land and removal of any contaminated waste from the site.

Response to re-consultation

No objections - It is noted that the floor levels will remain the same and there will be no work within 8 metres of the river.

English Heritage

Same response received to both initial consultation and re-consultation

Do not wish to comment in detail, but refer the Authority to the advice of their Conservation Officer and the English Heritage guidance on the setting of heritage assets.

Representations

At time of writing 199 letters of representation have been received - this includes responses received during the most recent consultation period, those submitted during the applications original consultation period and revised or repeated representations from some individuals that have been made during the most recent consultation period. 167 object to the proposals, whilst 32 are written in support. 1 of the letters of objection has been provided on behalf of a local group called Baslow SOS (Save Our Shop). The letter does not state how many people it is representing. The grounds for both objection and support are summarised below. The full version of each letter of representation can be read on the Authority's website.

In addition to the individual representation letters, a petition with 700 signatures titled '*Baslow does not require a second village/convenience store*' has been submitted. This was held in the existing village SPAR shop and Post Office with the signatures collected between 18 January and 17 February 2015. A second petition of 150 signatures was submitted alongside the first, having been held at the SPAR shop in the neighbouring village of Calver under the title '*Residents of Calver do not require more convenience stores in the area*'. It is not stated when this petition was carried out, other than over a two week period.

The grounds for objection raised by the individual representations are summarised as follows:

- The village already has sufficient convenience goods provision and there is no need for a further shop.
- The threat to other businesses and their employment within the village, including the existing convenience store, the Post Office, and the surgery pharmacy.
- The increased traffic on the highway around the site, posing an increased highway safety risk.
- The increased pedestrian activity, including an increased need to cross the main road in a dangerous location, posing an increased highway safety risk, particularly for children.
- Increased numbers of delivery vehicles generated by the development would cause an obstruction and hazard to users of the highway.
- There is insufficient on-site parking proposed, which will lead to on-road parking and waiting, posing an increased highway safety risk. Related to this, users of the new shop would make use of the limited parking outside existing nearby shops, reducing their custom from passing trade.
- Were the existing convenience shop forced to close, support of local suppliers would be lost as well as the additional community services offered, such as home deliveries for elderly customers.
- The proposed signage would be inappropriate and out of keeping, harming the appearance of the building and its setting.
- The change of use and/or the alterations and extensions would harm the character and appearance of the building, the Conservation Area, and the adjacent Listed and Scheduled Baslow Bridge.
- The loss of the pub, which is a valued community facility – as evidenced by its listing as an Asset of Community Value (ACV).
- The shop would be occupied by a national chain with no local interest and would detract from the rural and independent character of the village.

- No consultation was undertaken by the developer with local people prior to the application being made
- The proposed use would lead to increased noise to the detriment of nearby residents, including as a result of opening hours exceeding those of the current use.
- Increased traffic levels would lead to higher levels of pollution.
- The submitted traffic survey is inadequate and/or inaccurate and does not take account of local factors.
- The location is not accessible on foot to some residents.
- The pavement widths and barriers around the site lead to inadequate pedestrian access.
- If the development is undertaken and the retailer later pulls out it could leave the village with no convenience store provision (based on the assumption that the existing store would have been put out of business between times by the increased competition).
- The internal blanking out of the windows would have a detrimental effect on the appearance of the building and its setting.
- The external cash machine (ATM) would lead to harm to the buildings appearance, littering, and parking on the roadside in a position contrary to safe use of the highway (Officer note – ATM now omitted from proposal).
- The development would lead to the loss of views of the Listed Baslow Bridge from the pub garden.
- There is no requirement for further employment in the village.
- It would be premature to determine this application prior to the determination of the application that has been made to the district council for the pub to be listed as an Asset of Community Value.
- The lighting from the development would harm the amenity of nearby residents.
- An insufficient heritage assessment has been made of the building.
- The cycle storage area is at risk of being hit by delivery vehicles.
- The extensions will reduce the amount of light to some neighbouring properties (Officer note- extensions now omitted from proposal).
- The development would result in the loss of visitor accommodation, contrary to the economic health of the village.

The grounds for support raised by the representations are summarised as follows:

- The position of the existing convenience store is difficult for elderly and infirm residents to walk to.
- The development would provide an accessible shop for Bubnell residents, many of whom are elderly, without the need to use car or public transport
- The pub has become the 'dead centre' of Baslow
- It would provide a much-needed ATM
- It would be a stimulus for trade in nearby shops
- As a convenience store the building can still be a focal point to a village.
- It is an ideal location for a convenience store
- It would provide the required investment for the appearance of the building to be restored and maintained
- It would not be viable for the Rutland Arms to be run as a community pub
- There is little evidence that efforts are being made to utilise this facility by the community
- There are already several other community venues in the village
- It will meet the needs of the Chatsworth caravan site as well as passing trade
- There are three other public houses within the village that offer excellent facilities for both the residents of Baslow and for visitors
- The planning system should not prevent healthy competition, and the existing shop has a monopoly
- Baslow can support two convenience stores
- It will create employment for local people
- It would alleviate the need to travel to Bakewell or Chesterfield for convenience shopping

- Parking and vehicular access would be better at the proposed store than is the case for the existing store
- The development would provide a fuller range of products than is currently available in the village

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, HC4, HC5.

Relevant Local Plan policies: LC4, LC5, LC6, LC8, LC10, LC17, LC21, LS1.

Core Strategy policy GSP1 reiterates that the Authority has a statutory duty to foster the social and economic welfare of local communities in the National Park whilst GSP2 states opportunities to enhance the National Park should be acted upon.

Core Strategy policies DS1 details the development strategy for the National Park. It identifies Baslow as a named settlement.

Core Strategy policy HC4 permits the change of use of buildings providing community services, which includes both public houses and shops, to another community use.

Policy HC5 of the Core Strategy requires that any new shops and related activities are of an appropriate scale to serve the needs of the local community and the settlements visitor capacity. Local Plan policy LS1 reiterates some of these points, adding that there must be adequate facilities for the storage and disposal of goods, waste, and delivery of stock.

Core Strategy policy GSP3 and policy LC4 of the Local Plan seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.

Core Strategy policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. LC17 reiterates this position, stating that development will not be permitted unless adequate information is provided about its likely impact on the special interests of a site.

Core Strategy policy L3 requires development to conserve historic assets. Local Plan policy LC6, which states that any applications for development affecting listed buildings must clearly demonstrate how the building will be preserved and enhanced and why the development is desirable or necessary.

Local Plan Policy LC8 requires that the conversion of buildings of historic or vernacular merit must be able to accommodate the new use without changes that would adversely affect their character. It describes such changes as including significant enlargement or other alteration to form and mass, inappropriate new openings, and major rebuilding.

Local Plan Policy LC10 addresses shop fronts, requiring a design and appearance that conserves the character and appearance of a building and its locality.

Local Plan policy LC21 resists development that would have adverse impacts in terms of pollution or disturbance.

It is considered that these policies are consistent with the core planning principles set out in paragraph 17 of the National Planning Policy Framework.

Paragraph 28 is also particularly relevant here as it guards against the unnecessary loss of valued facilities and services, particularly where it would reduce a community's ability to meet its day-to-day needs.

Paragraph 70 of the Framework also addresses local services, seeking to ensure that they are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. It is considered that the intent of this part of the Framework is to support proposals for the growth and prosperity of established local services however, and so this is less pertinent.

Part 12 of the NPPF addresses the historic environment in detail, with Paragraph 135 stating that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.

Overall the Development Plan is considered to be in accordance with the policies in the Framework when taken as a whole because both documents seek to support the prosperity of rural communities, and promote the retention and development of local service provision, including local shops and public houses. Both documents also seek to secure high quality design that would conserve the valued characteristics of the National Park.

Wider Policy context

Since this application was heard at the March Planning Committee meeting the pub has been listed as an Asset of Community Value (ACV). Under the Localism Act 2011, if the owner of a listed asset wants to sell it a moratorium period will be triggered during which the asset cannot be sold. This is intended to allow community groups time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of that period.

In addition, ACV listing can be a material consideration when a planning authority is determining a planning application affecting such an asset. The Department for Communities and Local Government's non-statutory guidance on ACVs states that *"it is open to the local planning authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted, considering all the circumstances of the case"*.

An important legislative change relating to the listing of the building as an ACV has also been made since the application was last heard by Members. This is the replacement of the GPDO with an updated and consolidated version that came in to effect on 15 April 2015. This removes permitted development rights for the change of use of buildings from an A4 (drinking establishments) use to either A1 (shops) or A2 (financial or professional services) use where they are listed as Assets of Community Value.

In addition, the application site is located within the Baslow and Bubnell Conservation Area, and so the Baslow and Bubnell Conservation Area Appraisal is also a material consideration in the assessment of this application.

Assessment

Principle

Change of use from a public house to retail

The development would result in the change from one community use to another and would not result in the unavailability of any such service within the village; it would create a further shop and

the village would still benefit from two further pubs. The proposed shop would increase the breadth of convenience products available within the village, and in this sense would improve local service provision within the village, as encouraged by policy HC4 of the Development Plan.

The community value of the pub is also a material consideration because the Authority has a duty to consider the social well-being of its communities when carrying out its statutory purposes, as reiterated by policy GSP1. This is reflected in the Core Strategy and Local Plan policies referred to above. Additionally, the ACV listing requires Officers to consider whether the building's listing as an ACV is a material planning consideration and to make an assessment of how much weight to give to this status.

The listing of the building as an Asset of Community Value and the volume of letters of objection received in relation to the proposal make it clear that at least a proportion of the local community place significant value on the Rutland Arms as a public house.

The level of use of the current pub has not been established – although both objectors and supporters of the proposal have made reference to its current underuse – and no assessment has been made of its business model or service offering. Officers have therefore assessed its community value on the basis that the pub is, or could be, run as a successful business.

As well as offering a useful community facility for eating and drinking, successful pubs can also act as important social hubs within village settings. As previously stated, the pub is one of three available within Baslow, the other two being towards the eastern end of the village. Both of these serve food as well as drinks. There are also a number of other restaurants, a hotel and a cafe within the village. The change of use of the pub to a shop would not therefore leave local people without sufficient local provision for eating and drinking out, or without the social benefits noted above that pubs can provide.

There has been representation that suggests local people are seeking to obtain the required funding and support to make an offer to buy the building and to run it as a community pub. Whilst this does indicate that the pub use is of value to at least some members of the community, there is no indication of the level of support for, or the progress of, such proposals. In addition, the pub is not currently for sale. As a result of these factors, Officers cannot give this matter any significant weight.

Some objectors have noted that the proposal would result in the loss of visitor accommodation, to the detriment of the village and intent of local and national planning policy. The Rutland Arms is not a hotel however, it is a pub. Whilst it is stated that rooming has previously been offered at the pub this is not currently the case, and there can be no assurances that the establishment will offer such a service in the future. In addition there is other visitor accommodation available in the settlement, including 11 at the Devonshire Arms and more than 20 at the Cavendish Hotel, as well as other bed and breakfast accommodation in close proximity to Baslow. This argument is therefore afforded very limited weight.

Having considered all of the points above, the social and community impacts that the loss of the pub would result in are considered to be low and are afforded only limited weight in assessing the application. Whilst officers recognise that different places – even of the same type of facility – can meet different local needs, the range of alternative provision in Baslow in terms of both public houses and meeting places is such that residents' ability to meet their day-to-day needs would not be compromised.

Overall, the change of use away from a pub is considered to be compliant with the intent of the Development Plan and the Framework in these regards, particularly given that a change of use to another community facility is proposed.

Proposed use

Officers have considered the scale of the proposed development to ascertain whether it is proportionate to the local shopping needs and the settlements visitor capacity, as required by policies HC5 and LS1. Baslow village has a population of just over 1000 residents. The pub is situated on a main road used by both residents and visitors, as well as by those passing through the village on the A623 and A619. Whilst some objectors have stated that they consider the population of Baslow to be insufficient for a store of the proposed size to be viable, it is considered that its location means some of the store's custom would be likely to come from visitors to the village and those passing through on other journeys, as well as from local residents.

However, the shop would not be of such a size that the service it could offer would be likely to attract visitors from outside of the nearby area or outside of the National Park. In terms of size, the shop would be commensurate – relative to the village population – with the established convenience stores of other Peak District villages, including those at Calver, Tideswell, Bradwell and Bakewell.

Taking account of all of these factors, the proposed store is considered to be commensurate with the likely local demand and visitor capacity of the area, and in accordance with adopted policy.

Some objectors have raised concerns regarding the impacts of the proposed development on the existing convenience store within the village, as well as the Post Office and surgery-based pharmacy (including a knock-on effect to the surgery itself). Whilst Officers understand the desire to support longstanding local businesses, matters of competition are not material planning considerations. The Post Office can be considered to be a community facility in its own right, but there is no evidence to suggest that if the existing shop were to close that the Post Office would not be relocated to another site within the village. Indeed, at the March 2015 planning committee meeting officers reported that a local Councillor had contacted the Authority, stating that he had been in correspondence with the Post Office and that they had advised that they have no plans to close any offices and that the resignation of an agent would result in only a temporary closure whilst they seek a new operator. There is also no evidence of a potential impact on the pharmacy, or that any such impact would lead to a loss of the surgery.

Since the March Planning Committee meeting the applicant has made further comment on this matter, noting that it is common for small convenience stores such as the existing Spar and the proposed scheme to trade in close proximity to one another without adversely affecting turnover. They have used a geodemographic programme to point out that this already occurs in a number of rural settlements similar to Baslow. It is not apparent what criteria are used to identify 'similar' settlements however. In any case, and as noted above, matters of competition are not material to this planning application.

Some representations also object to the application on the grounds that it would introduce a national retail chain to a village with a generally rural and independent retail offering, and that this is unwanted. The identity or nature of the occupant of the shop is not a material planning consideration and so no weight can be given to this matter.

Design and visual impacts

As noted above, the extensions that were originally proposed have since been omitted from the scheme, leaving the alterations described in the 'Proposal' section above as the extent of proposed physical works. The Authority's Conservation Officer's views on the revised scheme have been sought since the March Committee meeting, as Members had some concerns that his previous objections were contrary to the Officer recommendation. Whilst some of the grounds for his objection have been removed (those relating to the now-omitted extensions) he maintains his objection to the proposal on grounds relating to the impacts of the remaining proposed works. He considers that the development would be harmful to the character of a non-designated heritage

asset. Some of his objection relates to the internal alterations that would be undertaken were the development to proceed, how the internal use would relate to the external appearance, the impact of obscuring the windows on the buildings appearance, and the loss of historic fabric.

Internally, the opening up of the ground floor to accommodate the shop floor would result in the removal of the majority of dividing walls (some of which would be historic fabric) and of the bar counter. The Conservation Officer considers that these changes would result in a building in which the interior appearance and use bear no relation to the external appearance, and that this has the effect of harming the building's character.

As a non-listed building, works to the inside of a building would not usually fall under planning control, limiting the weight that can be given to these changes. Since the application was last presented to Members it has been confirmed by English Heritage, in a response to a request for the building to be listed, that they do not intend to list the building because it lacks architectural distinction in form and detail, has been internally remodelled losing significant plan form and detail, and has only local and not national historical importance. Nonetheless, the building can be considered a non-designated heritage asset and the Framework requires applications to take account of the effect of development on the significance of a non-designated heritage asset when determining applications. The applicant's heritage statement and their supplementary statement submitted since the last committee meeting provide little detail with regard to the impacts of the proposed works to the building's appearance, but the nature and scale of the proposed alterations are such that it is considered an assessment of the application can still be made based on the information available.

The primary significance of the Rutland Arms is its role in the street scene and contribution to the character and appearance of the conservation area, being a historic and mostly traditionally designed building that occupies a prominent corner plot, and is also adjacent to the Scheduled and Listed Baslow Bridge. The internal works would not alter the building's external appearance in its setting (with the exception of internally screening the windows, which is discussed later in this section of the report). Officers also give weight to the fact that, regardless of this application or the change of use of the building, internal alterations could be made without the permission of the Authority. Officers therefore consider that very little weight can be given to the Conservation Officer's comments, or those of objectors, in relation to the internal alterations.

It is accepted that the change of use itself could have an impact on the character and appearance of the area and the village, which can be affected by the mix of uses as well as by the appearance of the buildings. The settlement and conservation area would retain a mix of uses however, and it is not considered that the use of the current building as a pub is integral to the character and appearance of the area.

The alterations to the existing flat roofed extension, as amended, would accommodate the main entrance to the shop. The front, road-facing, wall of the extension would be increased in height by approximately 600mm but would otherwise remain unchanged. This means that from the front and when approaching from the south the appearance of the building would be largely unaffected. The new shop front would be visible on approach from the north. It is considered that in these views it would be seen as a modern and unfussy intervention to a later part of the building. It is therefore not considered to have a significant effect on the building's overall character and appearance.

The impacts of the alterations on Baslow Bridge have been considered, as it is an important historic structure – described in the Baslow and Bubnell Conservation Area Appraisal as being a unique feature that adds to the individuality of central Baslow. The alterations to the northern end of the building, which is the furthest from the bridge and faces away from it, would not be seen in views with the bridge. The only alteration (other than the screening of the windows, addressed below) that would be seen in conjunction with the bridge would be the removal of the external staircase and the blocking up of the rear door at first floor level. Providing that this is undertaken

in stone to match the main building, its impact and prominence would be low, and would not be considered to harm the setting of the bridge. English Heritage (now Historic England) have been consulted for their views in relation to impacts on the listed bridge prior to the applicant omitting the extensions and they advised that they do not wish to make specific comment on the application, other than providing a standard reply that refers to the advice of the Authority's Conservation Officers. As the removal of the extensions serves only to reduce the impact of the development they have not been re-consulted since.

Members raised queries at the March Planning Committee meeting regarding the proposed use of the beer garden if the development were to proceed, considering that this could impact upon the setting of the bridge, as well as on the building itself. This area is outside of the application site area. However, since the last Planning Committee meeting Officers have obtained further details of the proposed use of this space from the applicant. The applicant has advised that there are no plans to alter the beer garden or use it as part of the development. They consider that due to the change in levels across the site that it would not be suitable for storage – and in any case such a use would not be permitted if the development were to be approved, with the land being outside of the application site area. The applicant's client, the Co-operative, has advised them that they would be willing to maintain the garden at their cost and make it available for community use.

The impact of the development on the setting of the bridge is therefore considered to be very low and in accordance with policy LC6, the wider Development Plan, and the Framework.

The applicant has advised that they are proposing to retain the ground floor windows but to blank them internally for security purposes. This is considered by the Authority's Officers to have an unfortunate effect on the building's appearance and its setting in the conservation area, as the light and activity behind the windows add life and vitality to the street environment and conservation area. However, the Authority has limited powers to reasonably control this. If the Authority were to require that the windows remain unobscured, there would still be no control over the internal layout of the shop. The applicant has advised that the layout would include shelving around the internal face of the external walls so if the windows are unobscured then views into the building would be of the back of these shelves, affording no views of people or lights, and having a more detrimental effect than if the windows were screened.

As a result, Officers have sought to minimise the impacts of screening the windows, considering this to be preferable to leaving the matter completely uncontrolled. The applicant had originally proposed to screen the windows internally with a grey film adhered to the rear side of the glass. Officers considered that this would deprive the windows of any depth, as neither the internal part of the window frames or the internal window rebate would be visible. Officers have therefore negotiated to secure a grey-coloured board in line the internal face of the wall across the openings. Whilst still not allowing views in to the building this will mean that when viewing the windows from an angle it will be less apparent that they have been obscured, and where it is apparent the windows will still retain some depth and character.

The alterations to the garage/store would facilitate its use as a plant area and for the storage of refuse. This building has a low impact on the appearance of the site. Whilst of non-traditional design, its low height and recessive position mean that it does not appear prominent. The replacement of the timber doors would have a low impact on the building's appearance, with the black mesh required to ventilate the space being limited to the bottom 300mm of the openings. The removal of the flat roof and fascia is considered to both improve the structure's appearance and reduce its prominence. Overall, the impact is therefore considered to be an improvement and in accordance with policies L3, LC4, and LC5.

The removal of a small amount of the low stone walling adjacent to the site entrances is considered to have an insignificant effect on the appearance of the site due to the limited amount of removal and the fact that the wall's low height reduces its role and importance in the street scene.

Overall, and based on the assessments above, it is considered that the alterations conserve the character and appearance of the property and wider area and therefore accord with policies L3, LC4, LC5, LC6, LC8, and LC10.

Whilst the proposed alterations are considered to conserve the character and appearance of the building, further extension or alteration has the potential to cause harm in these regards. If permission is granted, some further extension could be carried out under permitted development rights. If the application is approved it is therefore considered necessary for permitted development rights for alterations and extensions to be withdrawn.

Signage

There have been a number of objections to the proposed signage for the shop. The signage does not form part of this application and is controlled under the advertisement consent regime. Depending upon its final positioning some of the signage would be likely to benefit from 'deemed consent' under that legislation (i.e. no further permission would be required), whilst some could require a separate application to the Authority for 'express consent'. In order to make it clear that the signage is not part of this application, the applicant has omitted it from the revised montage illustration.

Highway matters

It is noted that the consultation response initially provided by the Highway Authority took account of the fact that the applicant could undertake the change of use under the buildings permitted development rights, without the need for further planning permission. Their revised comments have been made in the knowledge that these rights are no longer in place. Their position remains unchanged however, and overall they do not raise objection to the proposal, subject to certain matters being controlled by the Authority. Their more detailed responses are included below where applicable.

Parking

In terms of parking requirements, the 'Adopted Car Parking Standards in Derbyshire' included in the Local Plan is now very outdated. The more recently adopted standards (2005) of the Derbyshire Dales District Local Plan are a better representation of currently advised parking standards for this area. The applicant has used these to calculate that a food shop of the size proposed would require a maximum of 16 parking spaces. However, they have not accounted for the provision of staff parking spaces, which for a building of this size would amount to a maximum provision of 4 further spaces, totalling 20. The application proposes 13 spaces. The applicant has provided results from surveys monitoring parking levels for food shops that indicates provision of 13 spaces, even if 4 spaces are reserved for staff, would be sufficient during peak periods.

A number of objectors have stated that the survey findings do not account for local factors in arriving at these conclusions, noting that these are skewed towards urban areas rather than rural villages. No contrary, evidenced data has been put forward to contradict the survey findings, however, and the Highway Authority has found the figures regarding potential parking requirements to be "reasonably robust".

The parking provision should also be considered in the context of the existing use of the site. For a pub of this size, with a beer garden, the maximum number of parking spaces required would be much higher, around 90 spaces according the Highway Authority's calculations. Officers calculate it to be closer to 50, but it is nevertheless clear that the change of use proposed would result in a significant reduction in the requirement for parking spaces.

When Members last considered this application they raised some concerns regarding the levels of parking provision. Officers have therefore re-consulted the Highway Authority to ask if they have

any further comment to provide in this regard. They have advised that they have nothing to add to the comments provided previously. In light of this, there are no sustainable objections to the proposed level of parking provision, as it represents an improvement over the existing use and is likely to be sufficient to meet demand.

The provision of a cycle store is welcomed, encouraging the use of sustainable transport when visiting the site. The Highway Authority has noted that the applicant could consider moving the cycle park elsewhere within the car park to improve the safety of its use. However, they did not object to its proposed position and Officers do not consider this poses a significant safety risk; the cycle park would be clearly visible to those using the car park, and, whilst adjacent to the delivery area, it does not impede access to it.

Traffic and pedestrian movements

Due to the siting of the building on the main road it is expected that many visits to the proposed store would be combined with other journeys, or that they would replace trips to other convenience stores outside of the village. This accords with comments from the Highway Authority, which notes that around 85% of visits are likely to be pass-by or diverted and already be on the network. The shop would be unlikely to attract additional traffic from outside of the village, as the closest settlements of notable size, Calver and Bakewell, already benefit from larger convenience shops. In addition, it is noted that were the pub to run successfully then it could become a destination venue within the area, attracting visitors from a wider catchment and resulting in additional vehicular visits.

Nevertheless, it is still considered that there would be different patterns of movements between the two uses and that the frequency of vehicles entering and leaving the car park would be likely to be higher under the proposed use, especially during the daytime. Adequate visibility at the site entrances is therefore an important consideration here. Visibility distances in each direction from the site entrances accord with those advocated by the *Manual for Streets* and *Manual for Streets 2*, and there is also clear visibility across the adjacent pavements due to low boundary walls long the car park perimeter.

The applicant has proposed that deliveries would be made by 8m long vehicles and have demonstrated that 10m vehicles could access and leave the site in forward gear without encroaching over parking spaces and would have satisfactory exit visibility. This was something that Members requested evidence of at the last committee meeting. A plan showing the 'swept path' for delivery vehicle movements within the site was included by the applicant as part of their original submission. The Highway Authority was also contacted for further comment, but did not wish to add to their previous response in this regard.

Despite adequate manoeuvring space within the site, because the frequency of deliveries would be likely to increase under the proposed use, and because the 'dwell time' for customer vehicles would be reduced, it is possible that deliveries could lead to increased impediment of parking spaces and risk of vehicles parking on the highway. At this point of the road, this would be detrimental to the safe and efficient use of the highway. The Highway Authority has recommended that the double yellow lines adjacent to the existing site are extended across its entire frontage to reduce the likelihood of customers or delivery vehicles stopping here. It is therefore considered reasonable and necessary that a scheme of traffic management for this section of road, which could comprise double yellow lines or another parking deterrent such as an extension of the roadside railings, is required to be agreed with the Authority in consultation with the Highway Authority by a "Grampian" style planning condition, which would require discharging before any development is undertaken.

Due to the possibility of concurrent deliveries and deliveries by vehicles larger than those proposed Officers recommended in the report previously presented to Members that if permission was granted a condition requiring a delivery management plan to be agreed by the Authority prior

to the change of use taking place should be imposed. Members subsequently requested that further details from the applicant of what the delivery management plan would control were put forward. The applicant has since advised that they are still willing to enter in to such an arrangement by planning condition and provided some further information - but have not at this stage put forward a site-specific delivery management plan.

They have, however, advised that the Co-operative uses a software program which enables deliveries to be programmed to specific times of the day when customer car parking demand is low, reducing impact on the local highway network. They have also stated that the frequency of deliveries for a store of this size is anticipated to total 9 per week; 6 fresh food deliveries (frozen on the same vehicle) and 3 ambient deliveries per week. Refuse would be collected under the same management regime. They have also noted that noise from deliveries could be reduced by a requirement to turn off vehicle engines whilst deliveries are loaded/unloaded and turning off reversing alarms whilst in the delivery area.

Whilst these systems would reduce impacts associated with deliveries, Officers still consider that a condition requiring the agreement and implementation of a delivery management plan is required, because the information provided is not specific in terms of timings, vehicles movements, or vehicle sizes. Officers consider that this, in combination with the condition relating to traffic management detailed above, would mitigate any adverse impacts to a reasonable level, particularly taking account of the currently unregulated deliveries that could be made to the site under the extant use.

In terms of impact on pedestrian activity, it is considered that the proposed use would lead to some increase in on-foot visitors to the site. The stretch of the A623 adjacent to the pub is a well-used and at times busy road. It already serves as a crossing point for the pub itself, as well as for shops, a restaurant, and the church. In addition Baslow Bridge provides the main pedestrian link between the houses of Bubnell Lane and Baslow village, and from there people are also required to cross the A623 to access most village services. The pub's position close to a bend in the road does reduce visibility to the south east when crossing the road. A central pedestrian refuge is in place on the road some 30m east of the pub, aiding crossing of the road, but visibility to the north west at this point is still less than would be desirable. The road bends towards the north west as it passes the pub and straightens out, and crossing the road 30m north west of the pub gives sight lines of over 60 metres to the south east and over 100 metres to the north west.

Some objectors have referred to accidents at this location, including repeated damage to the refuge bollards, and the potential for these to be increased under the proposed use. However, the Highway Authority has advised that no accidents or collisions have been recorded within the vicinity of the site within the last 3 years, and they do not raise any concerns regarding the potential increased level of pedestrian activity at this location. As Members queried the discrepancy between accidents reported by objectors and the Highway Authority, Officers have asked the Highway Authority if they have any further information to provide in this regard. They have advised that the information previously provided represents the full records available to them, and that they have nothing to add to their previous comments in this regard. Consequently, there are no grounds for objection in this regard.

Whilst the narrow pavement around the pub is not ideal in terms of pedestrian access, this is an existing situation outside of the applicant's control, and affects the existing use in the same manner in which it would affect a shop. There would be some improvement in access to the building due to the door being set away from the narrow section of pavement that restricts access to the current door, and by virtue of it being wider than is currently the case. This would make access for disabled people and those with prams/buggies easier.

Permitted development rights

The Town and Country Planning General Permitted Development Order (GPDO) is a material consideration in assessing this application. This generally permits the change of use of a building from an A4 use (which includes pubs) to an A1 shop use.

When the application was presented at the last committee meeting the application building would have benefitted from this provision, and it therefore represented an alternative ‘fall-back’ option for the applicant if this application is refused. Whilst this would have enabled them to change the use of the building to a shop they would not have been able to undertake the external physical works that were proposed without making a planning application.

The building has now been listed as an Asset of Community Value and, as explained earlier in this report, this and the amendment of the GPDO in April 2015 means that the building no longer benefits from these permitted development rights.

The ‘fall-back’ position for the applicant is therefore no longer a material consideration in assessing this application.

Noise

The Environmental Health officer has been consulted and has raised no objections to the proposal on noise grounds subject to deliveries being restricted to take place only between 8:00 and 18:00 Monday to Friday and 9:00 to 13:00 on Saturdays with no Sunday or bank holiday deliveries. They have also advised that there is the potential for additional refrigeration or air conditioning motor noise to be generated, and that the applicant must carry out a noise survey to establish potential impacts, with the findings and any required mitigation to be agreed in writing by the Planning Authority prior to installation. At the last committee meeting Members requested further details of the likely impacts of such installations. The applicant has since provided information of the range from which the 3 units proposed to be installed externally would be selected. The further views of the Environmental Health officer have been sought on the proposed units. As only the ranges have been identified at this stage – and not the specific units – and because a survey of the existing ambient noise levels has not been undertaken, their recommendation remains unchanged.

Officers are of the view that it would be likely that a combination of selecting quieter units and the implementation of a scheme of sound proofing would be able to overcome any adverse noise impacts caused by this part of the development, and therefore it would be appropriate and acceptable for a condition in line with Environmental Health Officers recommendation to be imposed, were permission to be granted.

Subject to such a condition, and one controlling delivery times as recommended by the Environmental Health officer, the application is considered to accord with policies LC4 and LC21.

Pollution

As identified earlier in the report, it is considered that most traffic utilising the site will already be on the highway network. As the proposed use of the site would contribute no further pollution than the extant use in other regards pollution impacts are considered to be low and therefore in accordance with Policy LC21.

Lighting

External lighting has the potential to impact on nearby properties if not properly controlled, as well as the character and appearance of the conservation area. For this reason, if permission is granted it is considered necessary that any external lighting should be subject to the prior approval of the Authority. This could be controlled by planning condition.

Flood risk

Much of the site is within Flood Zone 2. However, the use type would change from one that the Environment Agency (EA) class as 'More Vulnerable' (drinking establishments) to one that would be classed as 'Less Vulnerable' (shops). The EA raise no objections to the proposal. The applicant has undertaken a flood risk assessment as part of their submission, which confirms that the existing floor levels would remain unchanged, and demonstrates that both these and car park ground levels would provide sufficient flood resistance and access routes were such an event to occur. Based on the change of use, the EA's advice, and the subject to the development being carried out in accordance with the proposed mitigation measures (finish floor levels), there are no objections to the proposal on flood risk grounds. This could be secured by planning condition.

Protected species

The Authority's Ecology Officer advised that a bat survey should be undertaken in their consultation response. This was due to the previously proposed extensions altering the eaves of the roof of the building, potentially disturbing or harming bats and reducing their habitat. As the extensions have since been omitted the survey is no longer required, and there are considered to be no impacts on protected species. The application therefore accords with policies L2 and LC17.

Appeal decisions

A number of Appeal and Planning Authority decisions have been brought to Officers attention in the representations for consideration in relation to the current proposal. Whilst this application has to be determined upon its own merits, each appeal has been assessed to determine if it is material to the consideration of the current proposal and, if so, how much weight it should be afforded. A short summary of how each has been assessed can be found below.

Somerset House public house, Chesterfield: Appeal allowed for conversion of public house to shop

The property benefitted from a permitted development 'fall-back' position that would permit a change of use to a shop, which makes it significantly different from the current proposal. It is also outside of the park where different local planning policies apply. It is therefore attributed limited weight.

The Porcupine public house, London: Appeal dismissed for conversion of public house to shop

This proposal involved substantially extending the existing building and the building was also the last remaining pub in the local centre. It had substandard access visibility and replaced existing landscaping with additional car parking space. It is also outside of the park where different local planning policies apply. The decision is therefore afforded limited weight.

Angel Hotel public house, Sheffield: Planning permission refused for the conversion of public house to public house with 2 attached dwellings and construction of 2 new dwellings

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. The decision is therefore afforded very limited weight.

Golden Lion public House, Camden: Appeal dismissed for conversion of public house with ancillary accommodation to public house with flats above and erection of 3 storey extension

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. The decision is therefore afforded very limited weight.

The Cross Keys public house, London: Appeal dismissed for conversion of public house to dwellinghouse, including extension and alteration

This proposal is materially different in nature to that being considered, and is outside of the park

where different local planning policies apply. The decision is therefore afforded very limited weight.

The Feathers public house, London: Appeal dismissed for conversion of public house to dwellinghouse, including extension and alteration

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

9 Phene Street, London: Appeal dismissed for conversion of public house to dwellinghouse, including extension and alteration

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

Purbeck Hotel, Swanage: Appeal dismissed for conversion of public house to retail units, apartments and houses

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

Bull Ring Inn, Hereford: Appeal dismissed for change of use of land ancillary to public house for erection of 2 dwellinghouses

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

The Chesham Arms, London: Enforcement notice upheld by appeal relating to the unauthorised change of use of first floor of public house to dwellinghouse.

This proposal is materially different in nature to that being considered, and is outside of the park where different local planning policies apply. It is therefore afforded very limited weight.

Conclusion

Officers have assessed the application against all relevant planning policy and all other material considerations. Whilst there is more local objection to the proposal than there is support, it is considered to comply with both national and local planning policies. All other material matters have also been considered and are either considered to be acceptable, or can be made acceptable by the imposition of planning conditions.

The application is therefore recommended for approval, subject to conditions.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

This page is intentionally left blank

This page is intentionally left blank

7. FULL APPLICATION – CHANGE OF USE OF BARN TO AGRICULTURAL WORKER'S DWELLING AT NEW BUILDING, VICARAGE FARM, HOLLINSCLOUGH (NP/SM/0315/0158, P.1813, 406551/366550, 26/07/2015/KW/CF)

APPLICANT: MR JIM HUDSON

Introduction

This application is being returned to the Authority's Planning Committee for a final decision following the meeting in July 2015 where members were minded to approve this application subject to a legal agreement and appropriate planning conditions. However, as the previous report contained an officer recommendation of refusal, the issue of whether a legal agreement would meet the relevant policy tests and what planning conditions would be necessary to make the proposed development acceptable in planning terms was not covered. Hence, the current report, which is focussed on the reasons for approval of the current application, the requirement for a legal agreement in this case, and suggested planning conditions.

Site and Surroundings

The building known as 'New Building' is a detached barn situated in an isolated and exposed position about 240m north-east of Hollinsclough hamlet. It is adjacent to the narrow northerly back lane between Hollinsclough and Longnor. A Byway Open to All Traffic (BOAT) passes diagonally through the yard area to the front of the barn, which is also signposted as a public footpath. The barn is framed by the dramatic backdrop of Chrome and Parkhouse Hills, which are situated ½km to the north-east. Access to the barn is directly off the BOAT and there is an informal grassed yard area to the front of the barn

This is a traditional barn with a low two-storey form and constructed of roughly coursed natural gritstone under a Staffordshire Blue natural plain clay tile roof. It has a fairly simple appearance, but has pleasant symmetrical frontage with three door openings on the ground floor and a central 'picking hole' window above. The external corners of the barn are dressed with natural gritstone quoinwork and there is projecting gritstone string coursing to the eaves. There is a single-storey, lean-to building attached to its north-eastern gable, which has a corrugated sheet roof.

The barn sits on level ground close to the lane and occupies a prominent position in the landscape, particularly when approaching the site along the back lane and the public footpath. The barn is also visible from more distant viewpoints along the southerly approach road into Hollinsclough from Longnor 460m to the south-west. From these viewpoints the barn appears relatively isolated and is framed by the iconic limestone hills of Chrome and Parkhouse. Consequently, it presents a pleasing composition in the landscape that makes a significant contribution to the character of the surrounding landscape.

Proposal:

The application proposes the conversion of the barn to an agricultural dwelling for the applicant's son. The applicant and his family operate from their tenanted farm at Dale Farm Wetton, but also have a farm unit and associated complex of farm buildings at Vicarage Farm in the centre of the Hollinsclough hamlet. There is currently no-one resident on the Vicarage Farm unit.

The submitted scheme proposes the conversion of the barn to a two-bedroomed agricultural worker's dwelling. The accommodation is provided over two floors with part of the first floor extending into the roofspace in order to achieve appropriate headroom. The overall floor area is 94m², which just exceeds the size of a 5 person local needs dwelling (87m²).

The scheme proposes no new openings in the walls, save for the unblocking of an existing door opening on the rear elevation. The grassed yard area to the front of the barn is to be incorporated into the residential curtilage and enclosed by a drystone wall, and a small 12m deep strip of the field to the rear of the barn is to be incorporated into the residential curtilage and enclosed by a post and wire fence. Two vehicular parking spaces and associated turning space are to be provided to the eastern side and rear of the barn.

RECOMMENDATION:

That the revised application be APPROVED subject to prior entry into a s.106 legal agreement preventing the separate sale of the new house from the associated land within the applicant's agricultural holding and restricting the future occupancy of the new house, and subject to the following conditions/modifications:

Statutory Time Limit

- 1. The development hereby permitted shall be begun within 2 years from the date of this permission.**

Approved Plans

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, BM 2375-3, BM 2375-4 and BM 2375-5 subject to the following conditions or modifications:**

Conversion within Existing Shell

- 3. The conversion hereby approved shall be carried out entirely within the shell of the existing building. No part of the building shall be rebuilt without the prior written consent of the National Park Authority.**

Underground Service Lines

- 4. All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.**

Disposal of Foul Sewage

- 5. No development shall take place until a scheme for the disposal of foul sewage to a package treatment plant has been submitted to and approved in writing by the Authority. Thereafter, the package treatment plant shall be installed in complete accordance with the approved plans prior to the first occupation of the dwelling hereby permitted.**

Parking and Access

- 6. No development shall take place until a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas has been submitted to and approved in writing by the National Park Authority.**
- 7. Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be completed in accordance with the specifications approved under Condition 7 (above).**

Residential Curtilage

- 8. Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall along the boundaries of the application site shown edged in red on Drawing No. BM 2375-5. The drystone wall shall be constructed in locally obtained natural stone, to a height of 1.2m - 1.5m, coursed and pointed to match the stonework of the existing boundary walls.**

External Lighting

- 9. Unless otherwise agreed in writing by the National Park Authority, there shall be no external lighting and the converted building and associated curtilage shall not be provided with any other external source of illumination at any time during the lifetime of the development hereby approved.**

Design Details and Architectural Specifications

- 10. Prior to the installation of any new windows, full details of their precise design, including any glazing bar detail, recess from the external face of the wall and external finish, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.**
- 11. Prior to the installation of any new doors, full details of their precise design including external finish and recess from the external face of the wall, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.**
- 12. Prior to the installation of any external flue pipe for a wood burner or any other heating appliance, full details of its precise design including its size, location and external finish shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.**
- 13. All pipework, other than rainwater goods but including soil vent pipes and drainage pipes, shall be completely internal within the building.**
- 14. The rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.**
- 15. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.**

Permitted Development Rights

- 16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the converted building shall be carried out and no extensions, porches, sheds, or ancillary outbuildings shall be erected on the site without the National Park Authority's prior written consent.**

Key Issues

Taking into account the resolution made at the meeting of the Authority's Planning Committee in July 2015, the key issue in making a final decision on this application is whether the planning obligations sought by the Authority meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

History

There is no relevant planning history on the proposed barn conversion site, however, the following planning history on the Vicarage Farm Unit is considered to be relevant to this proposal.

May 1973 – Full consent for the erection of a 27.4m x 30.63m cubicle feed shed.

October 1974 – Outline approval granted for the erection of a farm worker's bungalow at Vicarage Farm. This approval was subject to an agricultural occupancy condition.

July 1976 – Full planning consent granted for the farm worker's bungalow, which was subsequently built.

June 2011 – Full planning consent granted for covered roof over a 27.5m x 13.8m silage clamp.

February 1998 – GDO Prior Notification consent for silage pit extension.

Consultations

County Council (Highway Authority) – No reply to date.

District Council – no reply to date.

Parish Council – A unanimous and comprehensive letter of support has been received. This is available to view on the public file. The Parish Council (PC) response includes the following comments:

- New Building is sited close to one side of a BOAT which runs from the road south-west of Parkhouse Hill to the road (Carr Lane). This redundant barn is one that some local people have been commented on as being a 'crying shame' that it has not been converted to a dwelling.
- This is a sympathetic scheme that requires no new openings or rooflights or requirements for a new access.
- There is a proposed gravel standing for vehicles and no special lighting requirements and therefore no additions to existing light pollution in the parish.
- The accompanying agricultural business appraisal clearly demonstrates that this is a well-established farm business where there is a clear need for a farm worker's dwelling and where local property prices are beyond the means of a farm worker.
- Vicarage Farm is complicated in that its 'partnership owners' have two farm units; one at

Dale Farm, Wetton (rented) and Vicarage Farm, which they own. The two farms make for a very versatile farming business with the latter focussing on dairy farming and the former, beef and sheep.

- The development will meet the needs of the Hudson family without compromising the sense of history and tradition attached to the barn. It is a modest development with no desire to increase its size and with an agricultural occupancy restriction.
- It will improve the quality of life for those working the farm and ensure its long term management. Vicarage Farm is a well-established farming business.
- The PC is aware of the hard-working ethic of the applicants and is satisfied that the family's current situation is unsustainable and unsatisfactory.
- It is often debated whether Hollinsclough is a hamlet or a village. The parish is large with many widely dispersed dwellings but the settlement itself is small. In the centre of the settlement there is only 6 residences owned or rented by people who live there permanently, with a further 4 permanently based families living within ½ mile. Beyond that the parish is made up of hamlets. In the majority of cases, there are few people to feed into the local school and the number of properties that are second homes or holiday cottages does not help this situation.
- The concerns raised by a nearby resident must be taken into account to ensure their continued uninterrupted access along the BOAT, which provides access to their property.

National Park Authority (Conservation Architect) - The whole field barn character of the building will be lost if conversion happens, and its landscape setting with it. At present there are no windows in the building, only boarded openings or doors; this will change completely if converted, despite the drawings showing closed external. The limited plan area and the limited number of openings does not make for a good conversion. Some of the areas will be dark – the kitchen especially and may result in additional new openings being requested in the future. There is also no stove or flue indicated, no outside lights, meter boxes, soil vent pipes. There is also no provision outside storage be accommodated. Conversion to a dwelling would be very harmful for both the building and the landscape.

National Park Authority (Ecologist) – Given the presence of a common pipistrelle summer bat roost and nesting swallows, appropriate bat and bird mitigation is required. It is not clear from the proposals if the bat roost can be retained during works, if the roost is to be lost it is likely that a development licence issued by natural England will need to be approved in order for the works to proceed.

In these respects, a further condition is recommended by the Authority's ecologist requiring that a site licence be obtained from Natural England, or a letter from the relevant licensing body (NE) confirming that a licence is not required. Where a licence is not required no work shall be undertaken on the application site until a detailed working method statement and monitoring programme has been supplied and agreed in writing with the Authority's Ecologist stating how potential threats to bats occurring at the site will be avoided. The development shall thereafter be carried out in complete accordance with the agreed details.

The proposals are otherwise considered to be acceptable by the Authority's Ecologist subject to the attaching of conditions, including the following: submission and agreement of the exact choice, location and number of bat boxes to be installed; provision, where possible, provision for bats within the internal structure; no external lighting that directly illuminates bat boxes or bat access points, submission of details that shows the location of enhancement/mitigation features for future bat and hirundine (swallows/house martins) usage.

However, whilst the aims of the bat mitigation are deemed acceptable by the Authority's Ecologist, as stated in the bat survey report confirmation on the level and type of mitigation will be subject to agreement with the licensing authority (Natural England) and may therefore change from the submitted recommendations. Any loss or disturbance to known bat roosts is likely to require the submission of a protected species licence issued via Natural England, should Natural England deem that a licence is not necessary; confirmation should be submitted to Authority.

National Park Authority (Landscape Architect) - The barn lies within the Upper Valley Pastures landscape character type of the South West Peak Landscape Character Area. Key characteristics of this landscape setting include undulating lower valley slopes with incised stream valleys. This is a settled landscape with dispersed gritstone farmsteads and loose clusters of dwellings with stone slate or clay tile roofs and permanent pasture enclosed by a mixture of drystone walls and hedgerows.

What makes this barn unique is that it stands in isolation separate from any farm buildings; most farm buildings in the area both modern and traditional are associated with a farm complex, such as the buildings at Vicarage farm, the main farm complex for the holding.

The barn is seen as being isolated even though it is only a short distance from Hollinsclough. It sits in a pastoral landscape with open views in particular towards Chrome and Parkhouse Hills, both iconic limestone hills. The proposed development of the barn will domesticate the landscape. The proposed development plans provided show the window openings with solid wooden shutters and doors, which in reality will be kept open. No detailed site plans have been provided it is therefore assumed that the red line will form the curtilage of the property. Even with permitted development rights removed this area around the barn will become domestic in nature requiring space for at least parking, bin stores, fuel stores and drying facilities.

There is an adjacent footpath and it is clear that the barn forms part of the landscape setting with the imposing backdrop of Chrome and Parkhouse hills.

The impact of supplying electricity and telephones to the barn is also a concern. These should be undergrounded. If services are to be undergrounded, The route of the proposed undergrounded lines should be provided as part of the application as there may be implications on ecology and archaeology.

It is recommended that this application is refused on the impact of the proposal on the setting of Parkhouse and Chrome Hills.

Representations

A letter from the owners of two of the main properties affected by the proposal has been received. They have no objections to the conversion of New Building, but they are seeking confirmation that the applicant would alter gateways and erect fencing between the field and the roadside.

The reason for this request is one of highway access issues. The enclosing of the yard in front of the barn will reduce the size of the yard by a half and would in turn cause congestion with cows on the road and in the yard when they are being taken for milking. When there are a hundred cows or so it would be impossible to get car access on to the BOAT, which serves their properties. It is suggested that an alternative access through the adjacent field is provided to create an enclosed cow handling area that would maintain a clear access over the BOAT.

Main Policies

Core Strategy policies GSP1, GSP3, GSP4, DS1, HC1, HC2, L1, L2, L3, HC1, T1 & T7

Local Plan policies LC4, LC12, LC17, LT11 & LT18,

Policy LC12 of the Local Plan and Policy HC2 of the Core Strategy provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because policies HC2 and LC12 set out the relevant criteria for assessing proposals for the re-use of existing buildings to meet local need.

It is considered that there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the National Planning Policy Framework with regard to the issues that are raised. This is because the Framework continues support the re-use of existing buildings specifically for key workers in small rural communities that would not normally be made available for the provision of open market housing subject to normal planning considerations including design and landscape conservation objectives.

Paragraph 115 in the Framework otherwise states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage. This is consistent with a wider range of policies in the Development Plan including Core Strategy policies GSP1, GSP2 and L1.

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

In terms of the Authority's Landscape Strategy and Action Plan, the barn conversion site is situated within the Upper Valley Pastures landscape character type of the South West Peak Landscape Character Area. Key Characteristics include undulating lower valley slopes with incised stream valleys; a settled landscape with dispersed gritstone farmsteads and loose clusters of dwellings with stone slate or clay tile roofs; and permanent pasture enclosed by a mixture of drystone walls and hedgerows. In this landscape setting, field barns are identified in the Landscape Strategy and Action Plan as landscape features to be conserved and enhanced

However, it should also be noted that the barn lies within the imposing and iconic backdrop of Chrome and Parkhouse hills and the site can be seen from these hills, which are popular visitor destinations. Therefore, the landscape setting of the barn is especially sensitive to change and this is reflected in a recent appeal decision where the creation of a natural burial ground close to the application site was refused planning permission on the basis of the adverse visual impact of the creation of a new track and changes to the vehicular access.

In terms of design, Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4 is now also supported by the more recently adopted policy GSP3 of the Core Strategy which says development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. GSP3 goes on to say, amongst other things, particular attention will be paid to:

- A. impact on the character and setting of buildings

- B. scale of development appropriate to the character and appearance of the National Park
- C. siting, landscaping and building materials
- D. design in accordance with the National Park Authority Design Guide

LC8 and L3 otherwise set out further guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 otherwise require development to be provided with appropriate access and parking provision that would not harm the environmental quality of the National Park. Further detailed advice on the conversion of buildings to other uses is provided in the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

These policies and the Authority's adopted supplementary planning documents are considered to be consistent with the Framework because they promote and encourage development proposals that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

Assessment

In July 2015, members of the Authority's Planning Committee were satisfied that the proposed development met the requirements of the key policies in relation to the provision of agricultural dwellings: Core Strategy policies HC1 (B) and HC2, and Local plan policy LC12.

Policy HC1 (B) of the Core Strategy allows for new residential development where it provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2, which says:

- A. New housing for key workers in agriculture, forestry or other rural enterprises must be justified by functional and financial tests.
- B. Wherever possible it must be provided by re-using traditional buildings that are no longer required for their previous use.
- C. It will be tied to the land holding or rural enterprise for which it is declared to be needed.

These policies are consistent with the National Planning Policy Framework ('the Framework'), which says at Paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The National Planning Practice Guidance does not contain any further information on assessing need, but Local Plan policy LC12 provides further criteria to assess the acceptability of new farm worker's dwellings including financial and functional tests. LC12 says the need for a new agricultural or forestry worker's dwelling will be considered against the needs of the farm or forestry business concerned and not the personal preferences or circumstances of any individuals involved. Development will be permitted provided that:

- i. a detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements; and
- ii. there is no suitable existing accommodation in the locality that could reasonably be made available for occupation by the worker(s) concerned; and

- iii. size and construction costs are commensurate with the established functional requirement and likely sustainable income of the business; and
- iv. it is close to the main group of existing buildings and does not require obtrusive new access tracks or driveways; and
- v. a satisfactory mechanism is put in place to secure long term control by the business of the dwelling in question and of any other dwelling that meets an agricultural need of the business; and
- vi. occupancy of the dwelling in question (and of any other dwelling that meets an agricultural need of the business) is restricted to persons solely or mainly working in the locality in agriculture or in forestry, or to the same occupants when they have stopped such work, or a widow or widower of such a person, and any resident dependants; and
- vii. stated intentions to engage in or further develop farming or forestry are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation; and
- viii. sufficient detail is provided to enable proper consideration of these matters.

In assessing these policies, members of the Authority's Planning Committee agreed with the officer's assessment in the previous report on this application that the new house proposed in this application for a farm worker was properly justified by functional and financial tests, and the applicant would otherwise be unable to buy or rent a suitable property on the open market. It also weighed heavily with members that the new house would be provided by re-using a traditional building that is no longer required and that the new dwelling could not be sited closer to the main farm complex but would not require obtrusive new access tracks or driveways.

However, policies in the Development Plan set out very clearly that a new agricultural worker's dwelling must also be tied to the land holding or rural enterprise for which it is declared to be needed if permission is to be granted for a new house. The applicant has already stated very clearly that he is willing to enter into a legal agreement on these terms and it is clear that this agreement would not be a reason for approving this application; it would be required to make the principle of a new farm worker's dwelling acceptable in planning terms with due regard to the provisions of HC2 and LC12.

In particular, it would be necessary to restrict the occupancy of the new dwelling to avoid the creation of an isolated dwelling in open countryside to meet general demand contrary to the Authority's housing policies in the Development Plan and contrary to national planning policies in the Framework. It would also be necessary to prevent land associated with the holding being sold separately from the new house to ensure that the new house would continue to meet the need for a farm worker's dwelling that otherwise give rise to the exceptional circumstances set out in the Development Plan and the Framework where an isolated new house in open countryside may be accepted.

In terms of size, the proposed dwelling would have an internal floor area of around 94.6m², which is considered to be fairly modest and commensurate with the size of the farm enterprise. The agent has also submitted total construction costs of £69,750 (including electricity supply trenching and water supply from the main farm, which demonstrate that the conversion scheme can be carried out within the scope of the likely sustainable income of the business. Whilst the barn is situated about 313m east of the Vicarage Farm building complex, it is within easy walking distance and as it close to the nearby road, so the new house would be close enough to the complex of farm buildings to allow access even in difficult weather conditions, for example.

Consequently, the new house would be of an appropriate size and scale to be affordable to the business whilst meeting the functional needs of the holding, and it would be sited in a suitable location that would meet the need for accommodation for a person working on the holding. Therefore, the obligations in the legal agreement sought by the Authority would meet all of the three policy tests set out in the Framework at Paragraph 204, because the planning obligations would be: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development.

In these respects, a recommendation of approval subject to prior entry into a legal agreement restricting occupancy of the new house, and preventing the subdivision of a holding is appropriate taking into account members considered the proposed dwelling would be of an appropriate design and would not have an adverse impact on the valued characteristics of the National Park subject to appropriate planning conditions.

Planning Conditions

At the meeting In July 2015, members of the Planning Committee agreed with the officer's assessment in the previous report that the proposed conversion would be sensitive to the character and appearance of the barn, and there were no overriding objections to the proposals on design grounds. In these respects members were satisfied that the proposals met the requirements of policy GSP3 of the Core Strategy, saved Local Plan policies LC4 and LC8 and national planning policies in the Framework.

However, members did not agree with their officers' appraisal of the potential landscape and visual impact of the proposed conversion. Amongst other things, officers considered that the barn would be seen as isolated residential development within a pastoral landscape with open views in particular towards Chrome and Parkhouse Hills, both iconic limestone hills. Therefore, an officer view is that the proposed development of the barn would harm its landscape setting through the domestication of the barn itself and the domestic paraphernalia and activities associated with someone living permanently in the building.

Having visited the site, members were satisfied that the proposed dwelling would respect and reflect the sporadic pattern of residential development within the local area also taking into account the dispersed settlement pattern of Hollinsclough itself. Members were also satisfied that the proposed conversion would not be visually intrusive in the landscape by virtue of the location of the barn, which lies close to the road, by virtue of its relatively modest size and scale, and by virtue of the limited changes to its physical appearance and its existing curtilage.

In these respects, members were satisfied that the proposals would not conflict with landscape conservation objectives for the National Park set out in policies GSP1, GSP2 and L1 of the Core Strategy, saved Local Plan policy LC4, and paragraph 115 of the Framework. However, it was acknowledged that appropriate planning conditions would be required in this case to minimise the visual impact of the proposed development and safeguard the character of the surrounding landscape, which includes the iconic backdrop of Chrome and Parkhouse hills.

Exceptional circumstances exist that warrant removing permitted development rights for extensions and alterations to the barn, and to restrict development within the curtilage taking into account that further domestication of the barn and domestic paraphernalia within its curtilage would be harmful to the character of the surrounding landscape also taking into account the relatively isolated location of the barn adjacent to a footprint. It would also be reasonable and necessary to retain control of extensions to the barn to ensure its size and scale remained commensurate with the needs of a farm worker employed on the holding.

Similarly, it would be reasonable and necessary to seek prior approval of design details, including parking and access, external lighting and foul water drainage alongside

undergrounding of services on land in the applicant's control and controlling the extent of the domestic curtilage, again, to minimise the visual impact of the proposed development and safeguard the character of the surrounding landscape. In these respects, it would also be important to ensure the barn is converted within its existing shell taking into account the ability to convert this building is a key reason for approval of a new farm worker's dwelling in this location.

Finally, a pre-commencement condition relating to mitigation measures for bats and birds using the barn, and any subsequent licensing requirements is justified in this case to ensure the proposed development meets the requirements of Core Strategy policy L2 and Local Plan policy LC17 and national planning policies in the Framework which state, amongst other things, that development must conserve and enhance species of biodiversity importance and their habitat.

Conclusions

In conclusion, subject to appropriate planning conditions, it is considered by the Authority that the proposed barn conversion would not significantly detract from the scenic beauty of the National Park. Therefore any approval for the current application would be in accordance with Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8 and national planning policies in the Framework, which individually and collectively say great weight should be afforded to the conservation and enhancement of the valued characteristics of the National Park and promote high standards of design.

The proposed agricultural worker's dwelling would meet a genuine need for accommodation on the holding at Vicarage Farm, and there are no reasonable prospects that this need could be met elsewhere within the local area. Therefore, there is a clear justification for a new isolated house in open countryside subject to a legal agreement containing planning obligations required by policy HC2 and LC12, which would restrict the future occupancy to a farm worker, and preventing the separate sale of the house and land associated with a holding.

Accordingly, the current application is recommended for conditional approval subject to prior entry into a legal agreement, as described above, in accordance with the relevant policies in the Development Plan and national planning policies in the Framework.

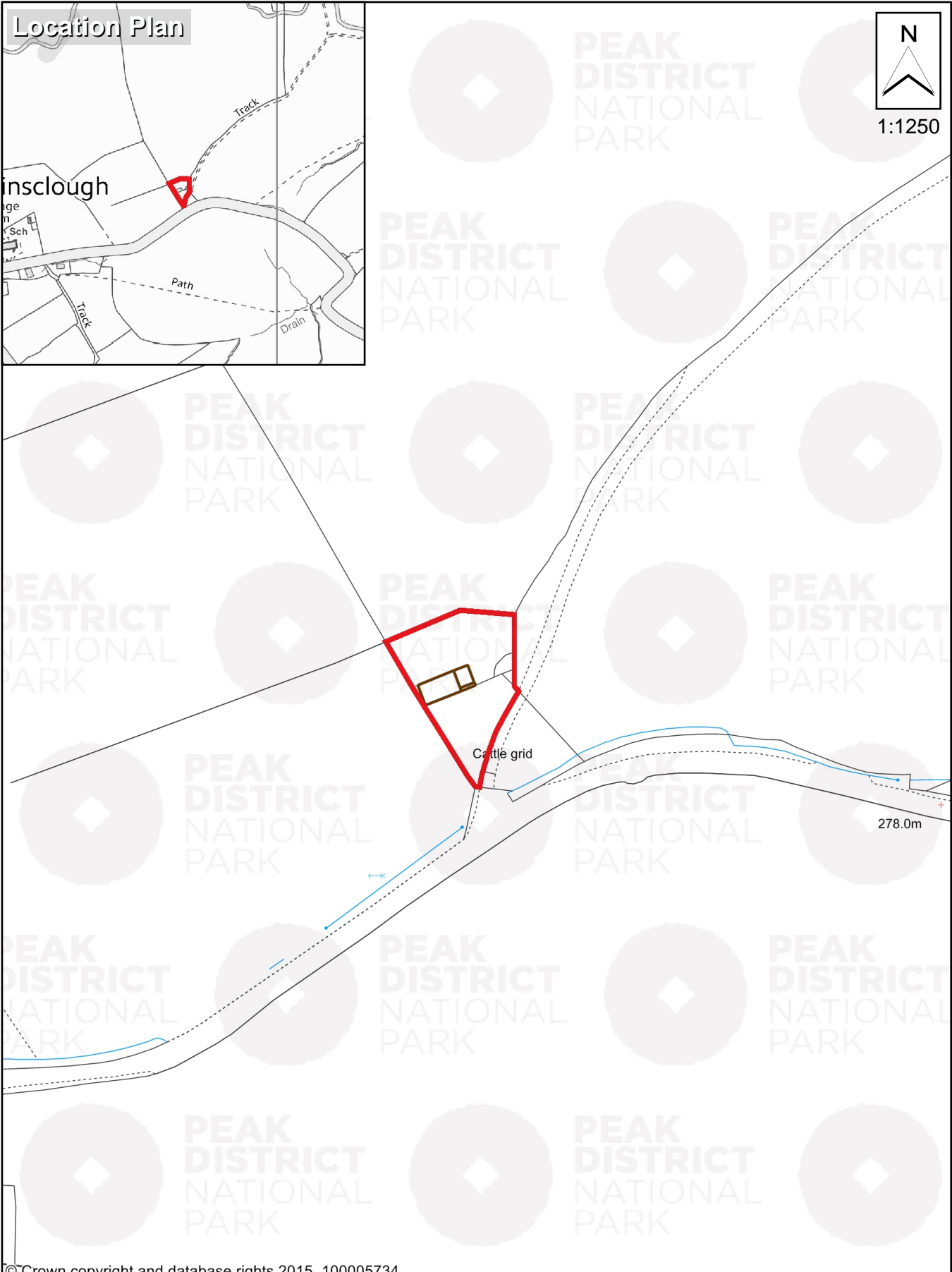
Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734.

| | | | |
|-----------------|-----------------|---|--|
| Committee Date: | 07/08/2015 | Title: Item 7 - New Building, Vicarage Farm, Hollinsclough |  PEAK DISTRICT NATIONAL PARK |
| Item Number: | 7 | | |
| Application No: | NP/SM/0315/0158 | | |
| Grid Reference: | 406551, 366550 | | |

This page is intentionally left blank

8. FULL APPLICATION – TWO NEW HYDRO ELECTRIC STATIONS ON THE RIVER DERWENT AT CHATSWORTH; ONE ON THE UPPER AND ONE ON THE LOWER WEIRS AT CHATSWORTH HOUSE, (NP/DDD/0515/0432, P6181, 426029/370173, 11/05/2015/ALN)

APPLICANT: MR BEN GARSTANG, CHATSWORTH SETTLEMENT TRUST

Site and Surroundings

Chatsworth Estate is situated approximately 4 km north east of Bakewell in the south eastern region of the National Park. The house is a grand stately home that sits in a slightly elevated position on a raised terrace on the eastern side of the park, overlooking the River Derwent to the west. The River Derwent, which runs north-south, forms the centrepiece of the parkland to the front of the house and is a key element in the design of the landscaped park.

The park and gardens are included on the Historic England Register of Park and Gardens of Special Interest at Grade 1, which makes them of international importance. The area within the vicinity of the river contains nine listed buildings. The principal listed structures are Chatsworth House and James Paine's Three Arched Bridge, both listed grade 1. Queen Mary's Bower is grade II* listed as is One arch bridge at the southern end of the Park and 520m to the south of the lower weir. One arch bridge is also a Scheduled Monument. The West Garden Terraces, Paine's Mill, Beeley Lodge and a 19th century water trough are grade II listed. Just beyond the park boundary to the south lies the grade II listed Bridge House.

The application site consist of two areas of land on the eastern bank of the River Derwent adjacent to two weirs known as the 'Upper' and 'Lower' weirs. The upper weir is located approximately 450m to the south of the House and the lower weir, is further south, approximately 180m to the north of the remains of Paine's Mill.

The two weirs were built as part of Lancelot Brown's modifications to the river and were constructed in order to provide still bodies of water behind them; at the upper weir with the intention of giving the water a 'lake-like broad water' appearance below the House; and at the lower weir to provide a reflective surface for Paine's Mill as well as a head of water for the mill race. There are a number of public rights of way on the western bank of the river close to the weirs.

The application site at the lower weir falls within the western reaches of the Chatsworth Old Park SSSI, which is cited for its mature and over-mature oak trees and the invertebrate and lichen populations which they support. Both sites fall within the Environment Agency's Flood Zone 3, which is land assessed, as having a 1% or greater annual probability of fluvial flooding.

Proposals

This application is for the construction of two hydroelectric stations with Archimedes screws and associated sluice gates. One hydroelectric station would be sited at the upper weir, the other at the lower weir.

At the upper weir, the stepped stone weir is 58m wide, with a drop of 1.5m across it. A channel would be excavated to the east of the weir in order to accommodate the turbine and fish pass. An inflow channel would be created approximately 20m upstream of the weir crest and this channel would extend some 15m downstream of the weir toe. A strip of silted land within the river measuring 6m x 25m would be removed to provide a flow path to the hydroelectric station. The scheme would utilise an Archimedes screw which is aligned at 22° to the horizontal with a helix 3.4m long.

At the lower weir, the stepped stone weir is 38m across with a drop of 2.1m across the weir, followed by a rocky section of river which falls a further 1m over the next 60m. The scheme at

the lower weir seeks to take advantage of the maximum 3.1m fall by excavating a channel on the east side of the weir with an inflow approximately 15m upstream of the weir crest and the channel extending to 25m beyond the toe of the weir. An extended tail race would be created for 60m downstream of the weir, which would be a maximum of 6m wide and would be constructed in an area currently occupied by a silt bank. The Archimedes screw would have a 6.75m long helix.

The housing and principal components of both hydroelectric stations would be set into the east bank of the River Derwent with upstanding walls clad in natural stone blocks with dark graphite coloured grills to the sluice gate, fish gates and turbine housing. The housing structures would take the form of elongated, stone structures with a curved 'bullnose' feature at the head of each screw and the upstanding walls would have flat stone copings.

Each new station would have twin fish passes running along the river facing elevations of the new structures. This would provide for upstream passage of resident species of fish from both the turbine outfall and from the toe of the weir. At the off-take point from the river a screen would be installed to prevent large items of debris from entering the turbines. Each screen would be 7.5m long by 2.5m deep and would be mostly submerged below the upstream water level.

The height of the stone housing structures above the adjoining bankside ground level would be a maximum of 2m on the Upper Weir and 2.3m on the Lower Weir. The sluice gates would appear at 3.2m above bankside ground level when in the open position.

A tail race is required on the lower weir to transfer the lower downstream water level back up to the turbine outfall, so that the turbine can 'see' the full available head of 3.1m. The tail race would be 6m wide and would require excavation of the river bed within it to a depth of 1m. As such it would be necessary to install a low wall to provide a barrier between the main watercourse and the tailrace channel. The tail race wall would be approximately 600mm above river bed level and would be constructed with small boulders and local stone of the type found along this stretch of the river.

On the upper weir, the Archimedes screw would consume a flow of 3500 litres/sec which would generate a peak electrical output of 30kw. On the lower weir the screw would consume 5000 litres/sec, generating a peak electrical output of approximately 90kw. At the upper weir, one oak tree, a standing stump and some alder scrub within the application site would need to be removed and at the lower weir three alder trees and scrub would be removed.

As part of the proposals, underground cabling would be required to route the power back to a transformer in the main house. The cable route from the lower weir would be largely alongside the private roadway through the Old Park SSSI to a point where it leaves the roadway to enter the surrounds of Chatsworth House. According to the submitted Design and Access Statement, the cable from the upper weir will follow the route of ground previously disturbed by the installation of sewers.

Finally, it is proposed to locate the transformer remote from the lower weir in order to reduce the size of the enclosure on the riverside structures. The proposals are to mount the transformer on a pole within the trees to the east of the lower weir.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

- 1. Statutory 3 year time limit**
- 2. Adopt submitted and additional plans.**

3. **Programme of archaeological work including a Written Scheme of Investigation to be submitted to and approved by the Authority in writing before development commences.**
4. **No development until a detailed method statement for the management / control of signal crayfish on the site during the development and a plan detailing the protection of white clawed crayfish shall be submitted to and approved in writing.**
5. **Before works commence on the works to the upper weir, details shall be submitted and agreed in writing by the National Park Authority with regard to the timing and method of undertaking destruction of the identified bat roost, and a plan showing sites for and type of new bat boxes.**
6. **Working method statement to be submitted and agreed in writing detailing how harm to water voles and sand martin nest will be avoided during construction, and regarding works to the veteran tree. Statement shall also address construction traffic accessing the site.**
7. **Details to be submitted and agreed for sites for/details of replacement habitat for the removed silt beds.**
8. **No parts of the retaining walls other than those shaded red on plan no. PL-008-Rev A shall be removed unless otherwise agreed in writing by the National Park Authority.**
9. **Sample panel of new walling, including pointing, to be agreed.**
10. **Details of coping stones to be submitted and agreed.**
11. **Plantation to west of upper weir (shown to be retained on Figure 02-SH Proposed Tree Planting Plan) to be retained. Proposed tree planting as shown on Figure 02-SH to be carried out in the first planting season following completion of the development, or the turbine being brought into operation, whichever is sooner.**
12. **Minor Design Details**

Key Issues

1. Whether the proposals would cause harm to the significance of the heritage assets in the vicinity of the sites including listed buildings, Scheduled Monuments and the Registered Park and Garden.
2. Whether the public benefits of the scheme outweigh any harm identified.
3. Ecological Issues
4. Noise and Impact on Amenity

History

There is detailed and extensive planning history for development on the Estate but there is no planning history related to the two specific application sites other than extensive pre-application discussions on these specific proposals.

Consultations

External Consultees

County Council - Highway Authority - No objections subject to applicant submitting a Construction Management Plan to address construction traffic accessing the site.

Parish Meeting – no response

Historic England – Historic England consider the landscape park at Chatsworth comprises a fine Picturesque composition of landscape elements along, and including, the river corridor considered herein; there is a designed relationship between the re-aligned river channel, the weirs, Chatsworth House and gardens and the two bridges - Three Arch Bridge to the north and One Arch Bridge to the south. Lancelot 'Capability' Brown and James Paine, both eminent designers, composed views between each of these elements in a variety of combinations and many of these are set out in the River Management Plan, 2014. When these landscape elements were introduced by Brown and Paine many of the older, working, elements of the estate - including the medieval mill and riverside planting - were removed to de-clutter the centre ground in these Picturesque scenes and they remain largely unaltered today, albeit in need of some further management works to remove extraneous vegetation

Historic England understand that following initial consultations with stakeholders in January 2015, including Historic England, the designs of the proposed Archimedes screws and their housings were revised and that the scale and massing now proposed is consequently the smallest structure that it is possible to engineer for this site whilst making the scheme financially viable. Notwithstanding the efforts that have been made to reduce the impact of the proposed structures, Historic England believe that there would be harm caused by the development to the significance of the Grade I Registered Park and Garden, through the introduction of industrial infrastructure. The new structures will change, and to some extent, unbalance Brown and Paine's careful compositions and the relationship between each heritage asset. Consequently, the development would cause harm to the setting of each of the designated and undesignated assets

Historic England have concerns regarding the scale and mass of the proposed structures in these sensitive locations, which are both key designed elements of the landscape park; these proposals will introduce industrial structures and materials, like the black metal gauze, that are over two metres in height above the riverbank level to a landscape scheme designed to be simple and free of such structures. With the completion of the proposed works in the River Management Plan, which include the removal of extraneous vegetation, the river corridor should play a more significant role within the landscape, as intended by Brown, and so the visual harm would increase; any harm arising from noise might also increase with less planting around the development, detracting from the tranquillity associated with the Picturesque. The intended primary role of the river corridor in a number of designed views from circulation routes, such as the entrance drive from Edensor demonstrates how critical it is to be able to read these compositions in the round rather than from simply fixed locations - making the relationship and spaces between the assets as important as the assets themselves.

The benefits of the development are set out in the Design and Access Statement provided with this application, though there is no assessment of the impact of the development on the significance of the heritage assets. It is understood that the turbines will, using the design proposed, provide 23.6% of the house and visitor attraction's combined current energy consumption, however, it is not clear to Historic England whether other sustainable energy solutions have been considered and discounted in an informed way before exploring hydropower in this location, as part of an estate wide review of energy needs. Historic England remain unconvinced that adequate justification has been made for the proposed development, in terms of public benefit, given the degree of harm involved where there are potentially alternative sites and energy sources available. Subsequently, Historic England consider this Authority will want to be satisfied that all other options have been explored before being confident that there is

adequate information to make a proper assessment of the justification currently provided for the development.

The proposed development will also result in harm to the evidential significance of the existing weir structures. The applications clearly set out that considerable fabric would need to be removed to build the two screws and that this would be reused as part of the tail chase south of each screw. As previously set out, the existing revetments and by-pass culverts are clearly both practical and ornamental in design and so part removal will have a detrimental impact on the character and significance of the structures themselves, which are undesignated heritage assets, and the wider registered parkland. This fabric forms an element of the Picturesque long views designed by Brown and should be considered holistically as part of the landscape rather than isolated unlisted structures.

Historic England go on to say the National Planning Policy Framework states that the significance of heritage assets can be harmed or lost through development within its setting and that any harm should require clear and convincing justification (para 132). It is not the case that less than substantial harm equates to acceptable harm, and this has been clearly established through a number of recent appeal decisions. Paragraph 134 of the NPPF goes on to state that where a development would lead to less than substantial harm to the significance the harm should be weighed against the public benefits of the proposal. Paragraph 007 of the Planning Guidance on Renewable and Low Carbon Energy states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. In this case, the harm is to the Grade I designated Registered Park and Garden and its structures, both listed and unlisted. Grade I Registered Parks and Gardens make up less than 9% of the designated landscapes on the register and Chatsworth is one of the great treasure houses of England so its significance should be given the greatest possible weight when assessing planning applications - as advised by para 132 of the NPPF.

Therefore, Historic England recommend that the Authority weighs the harm to the heritage assets caused by the current proposal against the proposed public benefits for the scheme. The Authority must be satisfied that there is clear and convincing justification for the harm to the significance of the Grade I Registered Park and Garden and both the listed and unlisted structures within it. Where that justification is not clear Historic England recommend that the Authority request further evidence of the benefits set out by the applicants so an informed decision can be made. Critically, the Authority should be satisfied that all alternative energy generation methods and locations across the estate have been fully assessed, including sites outside of the Registered Parks and Garden, where there would potentially be far less harm whilst delivering equal to or greater public benefit.

Natural England - Given the nature and scale of this proposal, a direct impact on the notified features of this Chatsworth Old Park SSSI is not likely, and Natural England is therefore satisfied that there is not likely to be any direct adverse effect on this particular site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Natural England consider that there should be a more thorough analytical assessment of the impact that the proposals will have on views within, into and out of the Park using the PMP as a baseline. In addition, given the location of the proposal within the National Park boundary, Natural England advise this Authority to seek the views of landscape specialists within the National Park Authority. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the National Park designation. They will also be able to advise whether the development accords with the aims and policies set out in the National Park management plan.

With regard to protected species, Natural England refer to standing advice but also say this application may provide opportunities to incorporate features into the design which are beneficial

to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Natural England, consider The Authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application

Environment Agency – No objections subject to conditions with regard to the submission and agreement of a method statement for the management and control of signal crayfish and a condition regarding the submission of a plan detailing the protection of white clawed crayfish and water voles and their associated habitats during construction works and in the operational phase. Also encourage the biodiversity enhancements as set out in the Chatsworth Park River Management Plan to be undertaken.

County Council - Flood Risk Management Team – No objections

District Council - Environmental Health – No objections in principle. Notes however, that there is no information provided on predicted noise levels. Given the distances involved suspects that there may be no issues, however, it would still be prudent to ensure this and therefore asks that the applicant provides details on likely noise levels from the generators.

Internal Consultees

Authority's Landscape Architect - Chatsworth Parkland is a designed landscape that has been altered over the years by various owners, although there will be some visual impact, considers that the two turbine housings are just a stage in the history of the Parkland. They are just a modern interpretation of the old mill leat and waterwheel in the old water mill and therefore no landscape objections to the proposals.

Authority's Built Environment Team – The design is as good as we can get in terms of materials and reducing the over-ground bulk of the new enclosures. Much will depend however on the detailing (relating it to such things as the copings and block/coursing size etc on the existing walls) and how well built they are. Recommend conditions with regard to the submission of details of the copings; a sample panel to show the block/coursing size to the stone walls, finish to the stonework and pointing; details of any of the riverside walls/features that will need to be adjusted or dismantled and rebuilt on a like-for-like basis, before any works take place.

Authority's Ecologist – A small bat roost was found in a standing tree stump adjacent to the upper weir, which is to be removed as part of the proposals. Further information is needed on timing, and method of undertaking the destruction of the bat roost. A suitable tree was identified for installation of bat boxes, a plan should be provided showing the location of the tree. Recommends a condition requiring the submission of a method statement covering: the felled material from the oak tree to be removed, to be taken down in as large a sections as possible and retained as deadwood habitat adjacent to the existing large hulk; with regard to sand martins to prevent works within the bird breeding season and with regard to the loss of silt island habitats, details of how alternative habitat will be provided at the site/along the Derwent. It is recommended that this is based on providing dead wood habitat at intervals along the watercourse.

Authority's Archaeologist – Expresses deep concerns about these schemes, based on the loss of historic fabric of water management features, the 'industrial' appearance of the proposed turbines, and the possible physical impact on the weirs during the construction of the turbines.

Amongst other things, the Authority's archaeologist is concerned about the significant loss of, and disturbance to, historic fabric which is related to both upper and lower weirs. The engineering works, and significant excavations, involved in the construction of these structures will have a high impact on the surviving river bank revetment walling, associated culvert features and any other below ground archaeological features which might survive in these areas of the

park.

The Authority's archaeologist notes that the footprint of the excavations for both schemes will be extensive and the depth of excavations between 2.5 – 3 m, thus the archaeological impact of the developments will be substantial. The Jessop Consultancy Heritage Assessment recognises that, in addition to loss of the fabric of the retaining walls, *the impact of works will largely relate to the excavation of foundations and the removal of sections of the existing sub-surface by-pass culverts. The condition and extent of these is currently unknown (page 1)*. Subsequently, however, there has been no archaeological field evaluation, i.e. trial trenching or geophysical survey, to attempt to assess the survival of below ground remains in these areas.

In the absence of an understanding of the nature and survival of these below ground remains, the Authority's archaeologist considers it is not appropriate to assess at this stage that simply monitoring the excavations for the development is an appropriate level of archaeological input as mitigation. The Authority's archaeologist also argues that, in the absence of field evaluation, an assessment that 'preservation by record' of below ground features and historic fabric is not an appropriate approach in this context. The Historic England landscape adviser echoes these concerns regarding harm to the evidential significance of the existing weir structures.

The Authority's archaeologist also advises that the river bank excavations involved with these proposals are substantial and no structural engineer's assessment of the physical impact of the works on the weirs has been submitted. Not only do these structures have intrinsic historic significance, but they are also crucial to the maintenance of the reflective sheets of water which were created to enhance views of Chatsworth House and Paine's Mill. Their failure would impact on the delivery of the restoration of the Brownian parkland design features which are intended outcomes of the, Natural England lead, Parkland Management Plan, process.

The Authority's archaeologist also remains concerned that the amended plan, which depicts the historic fabric in the retaining walls which is to be left untouched, has the caveat 'Existing riverbank wall to be retained - some elements will need to be adjusted to allow inlet gate to be installed and Hydro Plant to be constructed'. The Authority's archaeologist suggests that this approach is unacceptably open-ended, and that all the historic fabric which is likely to be affected by these developments should be depicted here.

The Authority's archaeologist also notes that the HLM Ltd Heritage statement makes much of the fact that the two turbines use local materials in their construction, and suggests that this is a mitigating factor in reducing landscape impact. However, on the basis of the most recent visualisations, both the new structures are still strongly physically at odds with existing landscape components in the immediate area – e.g. the running water, and the 'soft' edges and weathered stone of the old weirs and their revetments.

In the Heritage statement, most of the suggested mitigation for the visual impact of the new developments relates to protecting longer views to the turbine locations. This is by means of tree planting and management, however it is recognised that the views that will be most affected are those enjoyed close to the river. One of the most popular paths at Chatsworth is that along the river from the garden centre car park to the House. The Authority's archaeologist suggests that the new developments would have a negative impact on the current amenity value of this part of the parkland.

The Authority's archaeologist goes on to say in section 3.3.2 of the Heritage statement is stated that 'The River Derwent, as changed and modified by Lancelot Brown for the 4th Duke, forms the centrepiece of the valley and is a key element in the design of the landscape park', yet the Heritage Statement generally concludes that introduction of these two modern structures to this key element will largely have a 'less than substantial impact'. The Authority's archaeologist argues that the Heritage Statement does not convincingly justify the developments in the light of the observation made by the Historic England Landscape Architect that *'The new structures will*

change, and to some extent, unbalance Brown and Paine's careful compositions and the relationship between each heritage asset'.

In conclusion, the Authority's archaeologist says the upper and lower weirs on the Derwent, whilst being non-designated heritage assets, are a key component of the historic landscape of Chatsworth Park, having been built to maintain reflective sheets of water which were created to enhance views of Chatsworth House and Paine's Mill. The physical impact of the current proposals on these historic water management features will be substantial. In comparison to the scale of ground disturbance which will be involved in these schemes there has not been adequate pre-application archaeological assessment, or any assessment of the structural impact of the development of adjacent land on the surviving weirs. Significant concerns about the impact on the historic landscape of these proposals have been raised by the regional Historic England Landscape adviser (19 June 2015), Natural England (10 June 2015) and in-house PDNPA specialists.

Taking the above into account, the Authority's archaeologist would recommend refusal of this application as the proposals are not in line with Peak District National Park Local Development Core strategy policy L3 (Cultural Heritage).

Representations

One letter of support has been received and stating that it is important the proposals maintain Chatsworth Park's appearance and that local, sympathetic materials are used.

Main Policies

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC2 & RT3.

Relevant Local Plan policies include: LC4, LC6, LC16, LC17, LC20 & LU4.

In the National Park, the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. It is considered that in this case, the above policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is also considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the Framework with regard to the key issues in the determination of the current application.

In terms of the principle of the proposed development because, policy CC2 of the Core Strategy and saved Local Plan policy LU4 encourage low carbon and renewable energy development provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area. Paragraph 98 of the Framework states that Local Authorities should approve applications for renewable energy schemes if the impacts are (or can be made) acceptable but the associated Planning Practice Guidance makes it clear that the desirability of promoting and encouraging renewable energy development does not in itself outweigh or offset the overriding principles of sustainable development as set out in policy GSP1 of the Core Strategy and throughout the Framework when taken as a whole.

In these respects, the key issues in the determination of the current application include the impacts of the proposed turbines on the fabric and setting of a range of designated and non-designated heritage assets. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1, GSP2, L1 and L3 of the Core Strategy.

Paragraphs 132 and 134 of the Framework are also highly relevant and state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This approach is consistent with the aims and objectives of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and LC6, LC16 and LC17 of the Local Plan.

Planning Policies and Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' in the exercise of the Council's planning functions and in considering whether or not to grant planning permission for development that affects a listed building or its setting. It is important to note that section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had and considerable importance and weight should be given to the desirability of preserving a listed building or its setting when balancing a proposal against other material considerations.

Assessment

Principle

In principle, the proposals for two new hydroelectric stations at Chatsworth are supported by the Authority's policies and national planning policies in the Framework which seek to reduce carbon emissions by encouraging low carbon and renewable energy development. However, policy CC2 of the Core Strategy and policies in the Framework and associated Planning Practice Guidance make it clear that such development should not compromise National Park purposes or cause unacceptable harm to landscape character, cultural heritage assets, or any other valued characteristic of the National Park.

The application sites are located within the Chatsworth Parkland which is a highly sensitive landscape in that it is a grade 1 Registered Park and Garden and there are nine listed buildings and a Scheduled Monument within the vicinity of the sites. In addition, Chatsworth is an extremely popular tourist destination with the park and gardens holding a central place in the history of English landscape design. Therefore considerations with regard to the impact of the proposals on the significance of the identified cultural heritage assets is crucial in the determination of this application, particularly in the light of Core Strategy policies GSP1, GSP2, L1 and L3 and Local Plan policies LC6, LC16 and LC17, which seek to conserve and enhance landscape character and heritage assets.

Issue 1: Whether the proposals would cause harm to the significance of the heritage assets in the vicinity of the sites including listed buildings, Scheduled Monuments and the Registered Park and Garden.

As described above there are nine listed buildings along the river corridor within the vicinity of the application sites, including grade 1, grade II* and grade II listed buildings. There is also a Scheduled Monument at One Arch Bridge. The park and gardens in which the application sites sit are included on the Historic England Register of Parks and Gardens at Grade 1. The upper

weir as a 'non designated heritage asset' and the lower weir is curtilage listed in association with Paine's Mill.

The weirs make a positive contribution to the character and appearance of the parkland setting and surrounding heritage assets, and will be physically altered by these development proposals. Therefore, in the determination of this application, the highest regard must be paid to the potential impacts of the proposals on a range of designated and non-designated heritage assets with reference with to both the impacts on their setting and impacts on their fabric.

Impact on Setting

Given the nature of the proposals and the proposed siting of the new hydro stations within the Historic Parkland and in vicinity of listed buildings, the impact on setting is a consideration that will carry significant weight. Historic England's 'Good Practice Advice in Planning – The Setting of Heritage Assets' states that decisions should be based on the nature, extent and level of a heritage asset's significance and recommends a broad approach to assessment in the form a series of five steps. This report aims to broadly follow this approach for each of the heritage assets.

In the original submission, a Heritage Appraisal of the upper and lower weirs was submitted with the application but following comments from Historic England, a more comprehensive Heritage Statement has been submitted by a firm of Historic Landscape Consultants, which takes into account Historic England's Guidance and looks across all of the heritage assets that could be affected by the proposals. A detailed landscape analysis carried out in support of the River Management Plan (by the same consultants) has also been submitted.

The Historic England guidance explains that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, including a variety of views of, across, or including that asset and views of the surroundings from or through the asset, and may intersect with, and incorporate the setting of numerous heritage assets. Extensive heritage assets, such as a parkland, can include many heritage assets and their nested and overlapping settings as well as having a setting of their own.

Steps 1 and 2 - decision makers should identify which heritage assets are affected and assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset:

Of the nine listed buildings in the vicinity, it is clear from the Heritage Statement that the setting of 5 would be unaffected by the proposals, namely One Arch Bridge and Queen Mary's Bower and Bridge House, Beeley Lodge and the Water Trough primarily because of the intervening distance between these assets and the application sites. The settings of the other four listed buildings do have potential to be affected and so these as discussed in more detail, along with the two weirs themselves.

Chatsworth House – (Grade 1) - Chatsworth House, by its very nature is closely associated with all the other heritage assets identified, to a greater or lesser extent. The lower weir hydro would not be visible from the house and the upper weir hydro would only be glimpsed at considerable distance against the backdrop of trees on the west bank.

West Garden Terrace – (Grade II) – The west terraces are the private garden areas as Chatsworth. The setting of the West Terrace contributes to its significance in that it forms a link between the House and the open parkland, there are strong visual links between the west terrace and Three Arch Bridge and the key views from the House are intended to also be enjoyed from the upper west terrace. The weirs are not seen from this point but the intention was to enjoy the still water of the widened river created by the upper weir.

One Arch Bridge – (Grade II* and Scheduled Monument) – This is a road bridge at the southern end of the Park 520m to the south of the lower weir. It is of exceptional significance being part of Paine’s architectural work and being a major focal point in this part of the parkland. The setting of the bridge comprises the historic parkland to the north and open pastureland to the south, linked by the river which flows from one to the other beneath the bridge. The setting contributes to its significance in that, amongst other things, the original design intention survives, offering views from the bridge towards Pain’s Mill. There is also similarity of style and material between Paine’s Mill and the bridge giving the two structures a strong relationship. The bridge itself can be seen from parts of the south park and from Paine’s Mill.

Paine’s Mill – (Grade II listed) – this building is situated on the west bank of the river, 188m from the lower weir. Designed by James Paine as a flour mill, it now survives as a ruin. The Mill was positioned to be visible from the gardens to Chatsworth House and is associated with and connected visually to One Arch Bridge. The setting of the bridge contributes to its character in that, amongst other things, the location of the mill, close to the river provides a link to its historic use and the physical connections between the mill and the river are part of its historic integrity, creating links with the weirs as originally intended.

Upper Weir – (undesigned heritage asset) – The setting of the upper weir comprises open parkland with a number of riverside trees on to the east and a larger plantation on the steeply rising ground on the west bank. The setting contributes to the weir’s character in that the weir forms an ornamental element in the designed landscape in which it sits. The weir creates contrasting sounds and movement both on the weir and below it, making a focal point in the landscape.

Lower Weir – (curtilage listed to Paine’s Mill) – The setting of the lower weir comprises open parkland with a small number of trees on the west and east bank. It sits within views of Paine’s Mill, to which it is also physically linked. The setting contributes to its significance in that the weir was intended to form a head of water to power Paine’s Mill and the physical relationship between the upstream water; the culverts and the mill are all part of the setting. As with the upper weir, the lower weir forms an ornamental element in the landscape and creates contrasting sound and movement in the water.

Registered Park and Garden. – (Grade 1) - The essential importance of this lies in the continuity of the landscape and its continuous evolution over time. Historic England, in their response, emphasise the importance of the composition of landscape elements along, and including the river corridor; there is a designed relationship between the re-aligned river channel, the weirs, the House, and gardens and the two bridges. The submitted Heritage Statement highlights that views across the parkland are a significant part of the landscape design.

Step 3 - the decision maker should assess the effects of the proposed development, whether beneficial or harmful on that significance:

GSP1 and GSP2 of the Core Strategy, policy L3 and Local Plan policy LC6 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings and say development will not be permitted where it is likely to cause harm to the significance of a listed building

With regard to Chatsworth House, whilst one of the key views from the House is a panoramic one, taking in the Three Arch Bridge, the parklands and the river, it is not considered that at the proposals would detract from the main focus of these views. The appraisal therefore concludes, and officers concur, that the proposals would have a negligible impact on the setting of the house. With regard to the West Terraces, the development may be glimpsed at considerable distance within the panorama from the terrace but the overall impact is judged to be low.

The main impacts are therefore considered to be with regard to One Arch Bridge, Paine's Mill, the weirs and the Registered Park and Garden as a whole. Taking One Arch Bridge first, currently bankside trees between the bridge and lower weir would serve to largely screen the hydro in views from the bridge towards the weir and Paine's Mill. However in the winter months the proposed hydro would be visible in these views, at some considerable distance. The Heritage Statement concludes that this would result in a 'slight impact' as long as tree management is carefully controlled.

With regard to Paine's Mill, at 188m away, the lower weir turbine would be closer to this asset than any of the other heritage assets and is considered to be within the curtilage of Paine's Mill. The proposed development would be a permanent structure and it would be clearly visible from the public right of way that runs close to Paine's Mill and the weir. The proposed turbine would therefore have an impact on the setting of the mill due to its form and appearance and on the association between the mill and the lower weir. Whilst the function of the two weirs would be unaffected there would be an impact in that the turbines would alter the relationship between the weirs and their surroundings and thus the character and experience created by the setting would be affected.

Finally, with regard to the Historic Park and Garden, there would be some impact upon certain views across the parkland. In particular the turbines would be visible from the private South Drive on the east bank of the river, in glimpse between trees. The turbines would also be visible from parts of the footpath on the west bank, most notably in close proximity to the turbine stations.

Step 4 - exploring ways to maximise enhancement and avoid or minimise harm

The main way in the which the applicant is seeking to mitigate the harm identified above is by means of the retention of existing tree planting in certain areas and, as informed by the Heritage Statement, providing some new tree cover in discreet locations.

With regard to the upper weir, the details submitted show that an existing early 20th century plantation on the west bank adjacent to the upper weir would be retained. The trees were originally planted to screen a circular sewage tank that is still in place within the trees. Officers identified that the retention of this area of woodland would be at odds with proposals in the River Management Plan, which sought the removal of the plantation in order to open up historic views of the house.

The applicant has now submitted further information to explain that they have decided to retain the woodland and although they realise this is not the optimal approach for the historic landscape, the plantation is an existing feature of some age and its retention will retain shading of the river which is of ecological benefit, as well as screening the hydro power stations. Additional planting is also proposed on the west bank to the north of the weir and this is in line with the recommendations of the River Management Plan. Finally five new oaks would be planted in a group adjacent to the turbine on the east bank. This pattern of planting would reflect the historical positioning of a clump of trees in this area.

With regard to the lower weir, new parkland planting would be carried out on the west bank, within the existing parkland trees and already forms part of the Parkland Management Plan. A group of three oaks would be planted on the east bank, based on historic tree positions.

Officers had some concerns in that the Parkland Management Plan indicates that self-set alders along the river banks between the lower weir and One Arch Bridge would be removed to open up views between Paine's Mill and the bridge. This would result in the hydro stations becoming more prominent in views from the bridge. Further information has been received to confirm that the number of trees to be removed in this area has reduced significantly, mainly for ecological reasons outside of this application and in consultation with the Authority's ecologists.

Step 5: Making and documenting the decision and monitoring outcomes:

From this assessment, it is considered that the proposed development would have a significant visual impact on the two weirs and their parkland setting; this impact would result in some harm but not cause substantial harm to the setting of both the weirs and the range of designated heritage assets. These preliminary conclusions are partly based on the proposed mitigation, which would serve to minimise the visual impact of the proposals on the wider Estate and surrounding landscape. It is also considered that the turbines would reflect the historic use of the River Derwent to power the nearby Paine's Mill and would be a contemporary addition to the Estate that would represent a sensitive and well-designed evolution in the way in which the Derwent has been used to provide power for the Estate.

Notwithstanding these conclusions, it is acknowledged that the proposals will have a relatively substantial form and massing and change the character and appearance of the parkland within a visually prominent location that is appreciated by a large number of visitors for its scenic beauty and its historic interest. Equally, strong concerns have been raised about the direct impacts of the proposals on the two weirs as well as the impacts of the development proposals on their setting.

Impact on Fabric

With regard to the direct impacts of the proposals on the fabric of heritage assets, this relates purely to the upper and lower weirs. Officers consider that the lower weir is 'curtilage listed' in association with Paine's Mill in that it is clearly functionally associated with it. Although the upper weir is not individually listed it is considered to be a 'non designated heritage asset'.

Core Strategy policy L3 (and Local Plan policy LC6, LC16 and LC17) require that development must conserve and where appropriate enhance or reveal the significance or heritage assets. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to such assets. These policies are consistent with core principles in the Framework, which require heritage assets to be conserved and enhanced for future generation.

A heritage appraisal, which examines the impact of the proposals on the structure and archaeology of the weirs, has been submitted from a firm of archaeologists. This appraisal clarifies that the principal elements of the weirs, i.e. the stepped structures, would not be affected by the proposals, as would the walling and culverts along the west bank of the river. However the proposals do involve, at each weir, the removal of parts of the retaining walls along their east sides. On both weirs, a 5m wide section of wall would be removed to make way for the inlet channels. The wall would be replaced by an inlet gate with a small section of wall rebuilt above the head of the gate.

On the upper weir an 11m stretch of wall would be removed below the weir, although this would be re-built further back to form the new bank wall to the hydro station. On the lower weir, a larger 20m stretch of wall would be removed, but again this would be re-built as a new wall to the development. The submitted report states that this can be considered as having a high impact upon the extant historic fabric of the weirs, although careful dismantling would allow the stone to be re-instated on the new walls.

The report also states that with regard to impact on subsurface remains, the construction of the turbines would require the excavation of a large hole on each of the adjacent sections of riverbank to a depth of approximately 3m below existing ground level, to allow for foundations. This excavation would remove any subsurface features within the footprint of the new structures, the impact of which can be regarded as high. However the report states that no known pre-18th century features would be affected by the works.

The report recommends that an archaeological watching brief is undertaken during excavations to record the construction of the weirs and associated culverts. A key consideration however is that the response from the Authority's Archaeologist disagrees with these recommendations. This response expresses deep concerns about the impact of the proposals on the revetment walling, associated culvert features and any other archaeological features that might survive and instead recommends field evaluation prior to determination, rather than 'preservation by record'.

On balance, given that the main bodies of the two weirs will be unaffected, and the majority of the retaining walls to be demolished would be re-built in a different position, planning officers consider that there would not be significant harm to the above ground fabric of the weirs. With regard to subsurface remains, a condition requiring a Written Scheme of Investigation is considered, on balance, to be a reasonable approach in this case. Subject to such a condition it is considered that the scheme can be seen to be compliant with policies in the Development Plan and the Framework, which seek to conserve and enhance the two weirs.

The Authority's Archaeologist has also commented that no engineer's assessment of the physical impact of the works on the weirs has been submitted and expresses concerns that the failure of the weirs would impact on the delivery of the restoration of the historic parkland design. The applicant has responded by stating that all site works would be overseen by a qualified engineer.

Heritage Impact Assessment

In conclusion, the submitted Heritage Statement acknowledges that there would be harm to the existing settings of Paine's Mill and the weirs themselves in particular, some adverse impacts on views within the Park and Garden and to a lesser extent to the setting of One Arch Bridge. This harm arises primarily from the massing and design of the proposed hydro-stations and the physical changes to the weirs. The proposed planting would mitigate that harm to some extent but would not eliminate it.

Following detailed pre-application discussion with officers and the Authority's Historic Buildings Architect, the design of the turbine structures has been pared down to the minimum size required operationally, but the structures would remain as sizeable features in the landscape and they would have a significant visual presence especially when viewed from closer quarters. With regard to impact on fabric, subject to conditions it is considered that the harm would not be substantial. Moreover, the proposed development can also be seen as a well-designed contemporary feature in the landscape that represents the evolving way in which the Estate harnesses power from the River Derwent.

Therefore, whilst harm has been identified, officers are satisfied that on the basis of the information submitted and with reference to the Framework, it would not be 'substantial'. It should be noted that Historic England's response also did not identify the harm as being substantial but notes that "less than substantial harm" does not equate to acceptable harm and recommends that the Authority must be satisfied that the public benefits of the scheme outweigh identified harm before granting planning permission for the current application.

Issue 2 - Whether the public benefits of the scheme outweigh any harm identified.

The Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Historic England response also urges the Authority to adopt this approach in this particular case. In these respects Historic England requested evidence of the benefits of the scheme be submitted and recommends that the Authority needs to be satisfied that alternative energy generation methods and locations across the estate have been fully assessed.

Following these comments the applicant has submitted a statement with regard to the benefits of the scheme. It explains that Chatsworth has a history of utilising power from the moors that lie directly to the east above it and which power an existing head turbine and provide the natural head to play the water features in the gardens. However, despite the existing turbine, the House and its tourist attractions have, at peak times, an additional load of 550kw, all of which comes from fossil fuelled power stations.

The proposed hydro-electric stations would produce 445,000 kwh of renewable electricity saving the equivalent of 350T of carbon emissions and in doing so would offset 23.6% of the House's electrical consumption. The document explains that the savings generated would allow the Trust to re-invest in sustaining the House, Gardens and Park. The generation of jobs from plant construction and ongoing maintenance are also highlighted. With regard to social benefits, the report states that the hydro-electric scheme would promote public awareness of the benefits of renewable energy supply and would demonstrate that renewable energy generation is possible in even the most challenging environment, encouraging others with less challenging environments to consider how they could implement such projects.

A full investigation of other sites and other energy generation methods has not been provided. However the applicants have emphasised that the proposed sites are the only feasible and viable sites for a hydro scheme as the head of water provided by the weirs is required to power the turbines effectively. Also the stations must be in relatively close proximity to the House to avoid losses in transmission. The submitted information also highlights that to produce an equivalent amount of power by wind energy, would require two 24-37m high turbines with 24m blade diameters and the equivalent solar pv scheme would cover an area of approximately one hectare of the parkland.

In conclusion, the considerations with regard to conservation of the historic environment are finely balanced in the absence of viable alternatives to the current proposals and the desirability of promoting and encouraging sustainable developments that would help to maintain the viability and vitality of the Chatsworth Estate. In this case, harm to significance has been identified, which could bring the proposals into conflict with Core Strategy policies CC2 and L3 and Local Plan policies LC6 and LC9, but the harm is less than substantial and would be mitigated by the proposed tree planting to some extent.

As noted above, officers also consider that the proposed hydro stations are generally well designed. Their elongated, curved shape would give a distinctive appearance which would not be entirely at odds with their surroundings and despite their size, the use of local, natural materials would help to anchor them into the surrounding landscape. Equally, as also noted above, officers consider that the development of these schemes would mark another stage in the production of energy from the weirs, which, in the case of the lower weir has been used historically in relation to the working of Paine's Mill. This conclusion is reached also in the light of the fact that the Authority's Landscape Architect has raised no objections to the proposals (in that the scheme is a modern interpretation of the old mill leat and waterwheel at Paine's Mill) and the Authority's Historic Buildings Architect, also raised no concerns in principle.

If Members are minded to approve the current applications, they should do so only on the basis of the advice in paragraphs 134 and 140 of the National Planning Policy Framework, which state that *"Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*. Significant weight must be given to the Authority's statutory duties under sections 16 and 66 of Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the listed building. Recent case law makes it clear that the statutory duty cannot be outweighed by other matters, such as the need for renewable energy.

The fact that there are no other suitable sites, that other renewable technologies are likely to be

harmful and the public benefits achieved in that the electricity produced would provide a significant amount of renewable energy for the Estate, is a factor to take into account but it cannot outweigh any harm to the heritage asset. As set out above, officers consider that the scheme is acceptable in its own right, although it would clearly have an impact on and would change the historic landscape setting

Therefore, it would be appropriate to recommend the development proposals for approval subject to there being no other material considerations that indicate otherwise. In this case, the remaining issues to be addressed in the determination of this application include the impact of the development proposals on ecology and noise impacts.

Issue 3 – Ecology

Core Strategy policy L2 and Local Plan policy LC17 require that development must conserve and enhance sites, features of species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites, features or species. These policies are consistent with national planning policies in the Framework that seek to safeguard nature conservation interests and promote and encourage biodiversity.

In the first instance, it is highly relevant that the Environment Agency has already granted licences to extract water at both sites and these licences are extant. As part of the licensing process the Environment Agency has considered issues such as the effect on river flow rates; sediment movement or deposition; impact on protected species; passage of fish; and any changes to invertebrate habitats, in deciding whether to grant a licence.

It is also highly relevant that part of the application site at the lower weir falls within the Chatsworth Old Park SSSI but Natural England are satisfied that as the SSSI is cited for its mature and over mature oak trees and these are located well away from the application site, that there is not likely to any direct adverse effect.

An impact assessment on the potential environment impacts of the scheme was submitted with the application. The report recommended the incorporation of fish passes and this was also an Environment Agency requirement. These are shown on the submitted plans at both sites.

Further surveys of water voles and otters, birds (specifically sand martin king fisher and dipper), terrestrial invertebrates (specifically mining bee) and bats were carried out during the course application at the request of the Authority's ecologist. The initial impact assessment and later surveys found no signs of water vole or otter and therefore it can be concluded that the proposed scheme would be unlikely to affect these species.

With regards to birds the surveys conclude that there is negligible potential for the proposed scheme to affect any of the cited species within the application sites. However, at the upper weir the survey founds a nesting colony of sand martin adjacent to the survey area. Nest sites were discovered approx. 35m south of the site of the proposed works. In order to ensure the protection of these nest sites that Authority's ecologist has recommended a condition to ensure that the construction works take place outside the bird breeding season and to ensure that the habitat is not affected by the works.

The submitted surveys confirm that there is negligible potential for the proposed scheme to affect any BAP, LBAP or other designated terrestrial invertebrate species, including any mining bee species and therefore it can be concluded that the proposed scheme would be unlikely to affect these species.

The surveys did find a bat roost within a dead tree stump adjacent to the upper weir, which is located within the footprint of the proposed hydro station and which would be removed as part of

the scheme. The Authority's ecologist has since visited the site and has recommended a condition regarding the timing of the destruction of the roost and the provision of bat boxes on a nearby alternative tree. A condition to requests details is considered to be reasonable and necessary. A Natural England European Protected Species Licence will be necessary before removal of the tree.

The Authority's Tree Conservation Officer has visited the site with regard to the loss of the mature oak tree next to upper weir. He has confirmed that the tree is diseased (Sulphur Polypore or Chicken of the Woods) and therefore has a maximum life expectancy of 15 years. As such he has no objections to its removal. Natural England, in its response, encourages the Authority to secure measures to enhance the biodiversity of the site. As such the Authority's Ecologist has recommended that the deadwood from the felled standing stump be retained as deadwood habitat adjacent to the site and recommends that a method statement to address this is sought by condition. This condition is considered to be reasonable and necessary in accordance with policies L2 and LC17.

The Environment Agency and the Authority's ecologist have also requested a condition requiring the submission of a method statement to ensure that management and control of the invasive species signal crayfish and a condition regarding the submission of a plan detailing the protection of white clawed crayfish and their associated habitats during construction works and in the operational phase. A white clawed crayfish protection plan is also required. These measures are considered to be necessary because the River Derwent in this location is known to contain large populations of Signal Crayfish and the Estate is known to hold populations of white clawed crayfish. The submitted information will help to prevent invasion of signal crayfish/ crayfish plague into the habitat of white clawed crayfish.

Finally, the Authority's ecologist has requested that the habitat that is currently provided by the silt beds (and which would be removed as part of the proposals) is mitigated by the provision of alternative habitat in the form of new dead wood habitat provided at intervals along the watercourse. The applicant feels strongly that such a requirement is unnecessary given that no species of interest were found within the silt beds and considers that character of the designed open river would be compromised if interrupted by piles of deadwood. Whilst officers take this view on board, they see no reason why, in the interest of enhancement as advocated both by adopted policies and by Natural England, that a compromise could not be reached in finding a suitable site for such replacement habitat. As such a condition requiring the submission and agreement of a plan detailing such provision is considered to be reasonable and necessary in accordance with policies GSP2 (Enhancing the National Park) and L2.

In conclusion, subject to the conditions outlined above, the proposals would conserve and in some areas enhance site, features and species of biodiversity importance in accordance with adopted policies in the Development Plan and national planning policies in the Framework. In these respects, it is considered by officers that the proposals would not cause unacceptable harm to the surrounding landscape, the cultural heritage of the local area, or harm wildlife interests. Therefore, the proposed development would be consistent with the conservation purpose of the National Park's statutory designation.

Issue 4 – Noise and Impact on Amenity.

In terms of the recreation purpose of the National Park's statutory designation, Policy RT3 of the Core Strategy states that development must not prejudice, or disadvantage people's enjoyment of other existing and appropriate recreation activities, including the informal quiet enjoyment of the National park. Consideration of the impact of noise is important in that the footpaths and picnic areas along the banks of the river are used heavily by members of the public and thus it is relevant to consider whether the peaceful enjoyment that they currently experience would be harmed by the proposals. The Environmental Health Officer raised no objections taking into account that the nearest residential property is over 500m away from the lower weir, but did ask

for noise levels from the generator.

As a result, a noise impact statement (completed by the company responsible for the design and installation of the hydro equipment) has now been submitted. This explains that as with a waterwheel, an Archimedes Screw is a slow-rotating hydraulic machine and therefore is not noiseless. However the statement suggests that the turbine arrangements would not have a significant potential to cause noise disturbance because a) both schemes are located adjacent to stepped weirs which emit a substantial, constant background hydraulic noise, and would continue to do so when the turbines operate, b) the gearbox and generator at the top of the screw are completely enclosed by the surrounding stone structures, so the noise from these items (a maximum of 85dB at 1m, which equates to a telephone dial tone) is fully contained and would not be heard beyond a few metres away and c) the screws will be installed between high concrete wing-walls, so containing the majority of any rotating noise and preventing any lateral projection.

The primary hydraulic noise remaining will be the rhythmic splashing at the outlet of the screw. This noise would be projected downstream from the exit of the turbine. The report states that because both screws would be aligned almost parallel to the riverbank, this noise would not be projected across the river but down the length of the watercourse and that the splashing sound would have to travel over 100m before reaching any publicly accessible parts of the far riverbank i.e. footpath or picnic area.

Officers have no reason to contest these statements and therefore it is considered highly unlikely that the proposals would have any detrimental impact on residential amenity and it is unlikely that the quiet enjoyment of those using the river bank would be prejudiced. Therefore, officers consider the proposals would not conflict with Core Strategy policy RT3, or conflict with the recreation purpose of the National Park's statutory designation.

Safeguarding amenity is otherwise a core planning principle in the Framework and Core Strategy policy GSP3 and Local Plan policy LC4 require that the impact on living conditions and the amenity of neighbouring properties are considered. In this case, officers are satisfied by virtue of its location, the proposed development would not detract from the residential amenities of the nearest neighbouring residential properties including Chatsworth House itself.

Other Planning Considerations

Flood Risk

Core Strategy policy CC5 states that development proposals that would unacceptably increase flood risk will not normally be permitted. In this case both applications site falls within the Environment Agency's Flood Risk Zone 3, which is land assessed, as having a 1% or greater annual probability of fluvial flooding. There is further guidance on managing development in Flood Risk Zones in the Framework and associated Planning Practice Guidance

A flood risk assessment has not been submitted in this case. However, neither the Environment Agency nor the lead local flood authority (Derbyshire County Council) have raised objections to the current application, noting flood risk issues have been considered thoroughly as part of the Abstraction License procedure. As such it is considered unlikely that the proposals would increase flood risk and the proposals are therefore compliant with CC5 and relevant national planning policies.

Traffic Impacts

No details have been submitted with regard to the levels of construction traffic expected and the routes such vehicles might take. The Highway Authority (Derbyshire County Council) have recommended a condition requiring the submission of a Construction Management Plan.

Officers consider that such a condition is necessary in the interests of highway safety and to prevent any damage to habitats or heritage assets taking into account the sensitive location of the proposed development.

Proposed Transformer

It is proposed to locate the transformer remote from the hydro stations in order to reduce the bulk of the hydro stations. The transformer would be positioned on a 4m high pole and would be located within the trees on the east bank, near the lower weir. Whilst this would be an unattractive piece of equipment, its relatively discreet location amongst the trees means that it would not be particularly prominent from either One Arch Bridge or the public footpaths on the west bank of the river and subject to both the pole and the transformer having a dark finish, it is considered that its appearance would not be harmful to the landscape character of the area.

Conclusion

It is therefore concluded that the proposed development is compatible with the relevant Development Plan policies and policies in the National Planning Policy Framework taken as a whole, and there are no other material considerations that weigh heavily against granting planning permission for the application subject to the conditions set out above. Significant weight must be given to the Authority's statutory duties under sections 16 and 66 of Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the listed building, referred to above.

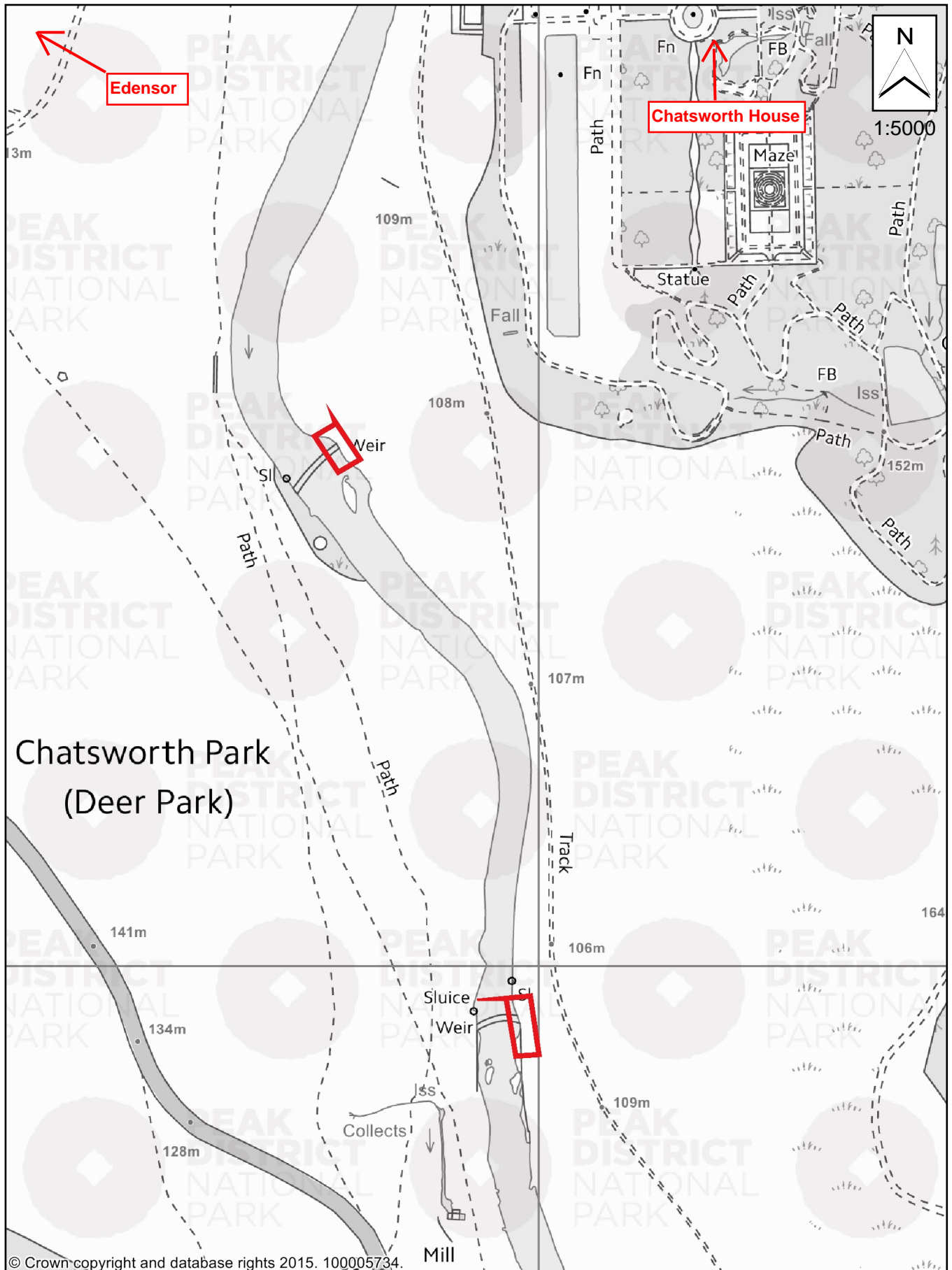
Although the issues are finely balanced in this case, a recommendation of conditional approval rests primarily on a conclusion that the identified harm to heritage assets would be less than substantial and would be outweighed by the benefits of the scheme, which would produce a source of renewable energy that would significantly reduce Chatsworth House's reliance on fossil fuels. Furthermore, the applicant has adequately demonstrated that there are no other suitable sites and that other equivalent renewable energy technologies are unlikely to be less harmful. The scheme would also conserve and in some areas enhance sites, features and species of biodiversity importance and there would be no detrimental impact on amenity or quiet enjoyment.


Accordingly, the current application is recommended for conditional approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

This page is intentionally left blank



| | | | |
|-----------------|------------------|--|--|
| Committee Date: | 7/08/2015 | Title: Chatsworth Hydro, Chatworth House |  PEAK DISTRICT NATIONAL PARK |
| Item Number: | 8 | | |
| Application No: | NP/DDD/0515/0432 | | |
| Grid Reference: | 426029, 370173 | | |

This page is intentionally left blank

9. LISTED BUILDING APPLICATION – TWO NEW HYDRO ELECTRIC STATIONS ON THE RIVER DERWENT AT CHATSWORTH; ONE ON THE UPPER AND ONE ON THE LOWER WEIRS AT CHATSWORTH HOUSE, (NP/DDD/0515/0433, P6181, 426029/370173, 11/05/2015/ALN)

APPLICANT: MR BEN GARSTANG, CHATSWORTH SETTLEMENT TRUST

Site and Surroundings

Chatsworth Estate is situated approximately 4 km north east of Bakewell in the south eastern region of the National Park. The house is a grand stately home that sits in a slightly elevated position on a raised terrace on the eastern side of the park, overlooking the River Derwent to the west. The River Derwent, which runs north-south, forms the centrepiece of the parkland to the front of the house and is a key element in the design of the landscaped park.

The park and gardens are included on the Historic England Register of Park and Gardens of Special Interest at Grade 1, which makes them of international importance. The area within the vicinity of the river contains nine listed buildings. The principal listed structures are Chatsworth House and James Paine's Three Arched Bridge, both listed grade 1. Queen Mary's Bower is grade II* listed as is One arch bridge at the southern end of the Park and 520m to the south of the lower weir. One arch bridge is also a Scheduled Monument. The West Garden Terraces, Paine's Mill, Beeley Lodge and a 19th century water trough are grade II listed. Just beyond the park boundary to the south lies the grade II listed Bridge House.

The application site consist of two areas of land on the eastern bank of the River Derwent adjacent to two weirs known as the 'Upper' and 'Lower' weirs. The upper weir is located approximately 450m to the south of the House and the lower weir, is further south, approximately 180m to the north of the remains of Paine's Mill. The lower weir is curtilage listed grade II in association with Paine's Mill. The upper weir is a non-designated heritage asset.

The two weirs were built as part of Lancelot Brown's modifications to the river, and were constructed in order to provide still bodies of water behind them; at the upper weir with the intention of giving the water a 'lake-like broad water' appearance below the House; and at the lower weir to provide a reflective surface for Paine's Mill as well as a head of water for the mill race. There are a number of public rights of way on the western bank of the river close to the weirs.

Proposals

Listed building consent is sought for works in association with the construction of a hydroelectric station on the lower weir, with Archimedes screws and associated sluice gates. As the upper weir is not listed, listed building consent is not required for the proposed works to this weir, which is covered in more detail in the parallel application for planning permission for the hydro scheme as a whole. In this respect, the focus of this application is solely the physical impact of the proposals on the lower weir, and the impact of the proposals on the significance of the lower weir and its setting.

At the lower weir, the stepped stone weir is 38m across with a drop of 2.1m across the weir, followed by a rocky section of river which falls a further 1m over the next 60m. The scheme at the lower weir seeks to take advantage of the maximum 3.1m fall by excavating a channel on the east side of the weir with an inflow approximately 15m upstream of the weir crest and the channel extending to 25m beyond the toe of the weir. An extended tail race would be created for 60m downstream of the weir, which would be a maximum of 6m wide and would be constructed in an area currently occupied by a silt bank. The Archimedes screw would have a 6.75m long helix.

The housing and principle components of both hydroelectric stations would be set into the east bank of the River Derwent with upstanding walls clad in natural stone blocks with dark graphite coloured grills to the sluice gate, fish gates and turbine housing. The housing structure would take the form of an elongated, stone structure with a curved 'bullnose' feature at the head of the screw and the upstanding walls would have flat stone copings.

The new station would have twin fish passes running along the river facing elevations of the new structure. This would provide for upstream passage of resident species of fish from both the turbine outfall and from the toe of the weir. At the off-take point from the river a screen would be installed to prevent large items of debris from entering the turbines. The screen would be 7.5m long by 2.5m deep and would be mostly submerged below the upstream water level.

The height of the stone housing structure above the adjoining bankside ground level would be a maximum of 2.3m on the lower weir. The sluice gate would appear at 3.2m above bankside ground level when in the open position.

A tail race is required on the lower weir to transfer the lower downstream water level back up to the turbine outfall, so that the turbine can 'see' the full available head of 3.1m. The tail race would be 6m wide and would require excavation of the river bed within it to a depth of 1m. As such it would be necessary to install a low wall to provide a barrier between the main watercourse and the tailrace channel. The tail race wall would be approximately 600mm above river bed level and would be constructed with small boulders and local stone of the type found along this stretch of the river.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

- 1. Statutory 3 year time limit**
- 2. Adopt submitted and additional plans.**
- 3. Programme of archaeological work including a Written Scheme of Investigation to be submitted to and approved by the Authority in writing before development commences.**
- 4. No parts of the retaining walls other than those shaded red on plan no. PL-008-Rev A shall be removed unless otherwise agreed in writing by the National Park Authority.**
- 5. Sample panel of new walling, including pointing to be agreed.**
- 6. Details of coping stones to be submitted and agreed.**
- 7. Minor Design Details**

Key Issues

1. Whether the proposals would cause harm to the special historic or architectural qualities of the listed weir structure and its setting.
2. Whether the public benefits of the scheme outweigh any harm identified.

History

There is detailed and extensive planning history for development on the Estate but there is no planning history related to the two specific application sites other than extensive pre-application discussions on these proposals took place prior to the submission of this application.

Consultations

External Consultees

Parish Meeting – no response

Historic England – Historic England consider the landscape park at Chatsworth comprises a fine Picturesque composition of landscape elements along, and including, the river corridor considered herein; there is a designed relationship between the re-aligned river channel, the weirs, Chatsworth House and gardens and the two bridges - Three Arch Bridge to the north and One Arch Bridge to the south. Lancelot '*Capability*' Brown and James Paine, both eminent designers, composed views between each of these elements in a variety of combinations and many of these are set out in the River Management Plan, 2014. When these landscape elements were introduced by Brown and Paine many of the older, working, elements of the estate - including the medieval mill and riverside planting - were removed to de-clutter the centre ground in these Picturesque scenes and they remain largely unaltered today, albeit in need of some further management works to remove extraneous vegetation

Historic England understand that following initial consultations with stakeholders in January 2015, including Historic England, the designs of the proposed Archimedes screws and their housings were revised and that the scale and massing now proposed is consequently the smallest structure that it is possible to engineer for this site whilst making the scheme financially viable. Notwithstanding the efforts that have been made to reduce the impact of the proposed structures Historic England believe that there would be harm caused by the development to the significance of the Grade I Registered Park and Garden, through the introduction of industrial infrastructure. The new structures will change, and to some extent, unbalance Brown and Paine's careful compositions and the relationship between each heritage asset. Consequently, the development would cause harm to the setting of each of the designated and undesignated assets

Historic England have concerns regarding the scale and mass of the proposed structures in these sensitive locations, which are both key designed elements of the landscape park; these proposals will introduce industrial structures and materials, like the black metal gauze, that are over two metres in height above the riverbank level to a landscape scheme designed to be simple and free of such structures. With the completion of the proposed works in the River Management Plan, which include the removal of extraneous vegetation, the river corridor should play a more significant role within the landscape, as intended by Brown, and so the visual harm would increase; any harm arising from noise might also increase with less planting around the development, detracting from the tranquillity associated with the Picturesque. The intended primary role of the river corridor in a number of designed views from circulation routes, such as the entrance drive from Edensor demonstrates how critical it is to be able to read these compositions in the round rather than from simply fixed locations - making the relationship and spaces between the assets as important as the assets themselves.

The benefits of the development are set out in the Design and Access Statement provided with this application, though there is no assessment of the impact of the development on the significance of the heritage assets. It is understood that the turbines will, using the design proposed, provide 23.6% of the house and visitor attraction's combined current energy consumption, however, it is not clear to Historic England whether other sustainable energy solutions have been considered and discounted in an informed way before exploring hydropower in this location, as part of an estate wide review of energy needs. Historic England remain unconvinced that adequate justification has been made for the proposed development, in terms

of public benefit, given the degree of harm involved where there are potentially alternative sites and energy sources available. Subsequently, Historic England consider this Authority will want to be satisfied that all other options have been explored before being confident that there is adequate information to make a proper assessment of the justification currently provided for the development.

The proposed development will also result in harm to the evidential significance of the existing weir structures. The applications clearly set out that considerable fabric would need to be removed to build the two screws and that this would be reused as part of the tail chase south of each screw. As previously set out, the existing revetments and by-pass culverts are clearly both practical and ornamental in design and so part removal will have a detrimental impact on the character and significance of the structures themselves, which are undesignated heritage assets, and the wider registered parkland. This fabric forms an element of the Picturesque long views designed by Brown and should be considered holistically as part of the landscape rather than isolated unlisted structures.

Historic England go on to say the National Planning Policy Framework states that the significance of heritage assets can be harmed or lost through development within its setting and that any harm should require clear and convincing justification (para 132). It is not the case that less than substantial harm equates to acceptable harm, and this has been clearly established through a number of recent appeal decisions. Paragraph 134 of the NPPF goes on to state that where a development would lead to less than substantial harm to the significance the harm should be weighed against the public benefits of the proposal. Paragraph 007 of the Planning Guidance on Renewable and Low Carbon Energy states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. In this case, the harm is to the Grade I designated Registered Park and Garden and its structures, both listed and unlisted. Grade I Registered Parks and Gardens make up less than 9% of the designed landscapes on the register and Chatsworth is one of the great treasure houses of England so its significance should be given the greatest possible weight when assessing planning applications - as advised by para 132 of the NPPF.

Therefore, Historic England recommend that the Authority weighs the harm to the heritage assets caused by the current proposal against the proposed public benefits for the scheme. The Authority must be satisfied that there is clear and convincing justification for the harm to the significance of the Grade I Registered Park and Garden and both the listed and unlisted structures within it. Where that justification is not clear Historic England recommend that the Authority request further evidence of the benefits set out by the applicants so an informed decision can be made. Critically, this Authority should be satisfied that all alternative energy generation methods and locations across the estate have been fully assessed, including sites outside of the Registered Parks and Garden, where there would potentially be far less harm whilst delivering equal to or greater public benefit.

Garden History Society – no response

Internal Consultees

Authority's Landscape Architect - Chatsworth Parkland is a designed landscape that has been altered over the years by various owners, although there will be some visual impact feels that the two turbine housings are just a stage in the history of the Parkland. They are just a modern interpretation of the old mill leat and waterwheel in the old water mill and therefore no landscape objections to the proposals.

Authority's Built Environment Team – The design is as good as we can get in terms of materials and reducing the over-ground bulk of the new enclosures. Much will depend however on the detailing (relating it to such things as the copings and block/coursing size etc on the

existing walls) and how well built they are. Recommend conditions with regard to the submission of details of the copings; a sample panel to show the block/coursing size to the stone walls, finish to the stonework and pointing; details of any of the riverside walls/features that will need to be adjusted or dismantled and rebuilt on a like-for-like basis, before any works take place.

Authority's Archaeologist – expresses deep concerns about these schemes, based on the loss of historic fabric of water management features, the 'industrial' appearance of the proposed turbines, and the possible physical impact on the weirs during the construction of the turbines.

Amongst other things, the Authority's archaeologist is concerned about the significant loss of, and disturbance to, historic fabric which is related to both upper and lower weirs. The engineering works, and significant excavations, involved in the construction of these structures will have a high impact on the surviving river bank revetment walling, associated culvert features and any other below ground archaeological features which might survive in these areas of the park.

The Authority's archaeologist notes that the footprint of the excavations for both schemes will be extensive and the depth of excavations between 2.5 – 3 m, thus the archaeological impact of the developments will be substantial. The Jessop Consultancy Heritage Assessment recognises that, in addition to loss of the fabric of the retaining walls, *the impact of works will largely relate to the excavation of foundations and the removal of sections of the existing sub-surface by-pass culverts. The condition and extent of these is currently unknown (page 1)*. Subsequently, however, there has been no archaeological field evaluation, i.e. trial trenching or geophysical survey, to attempt to assess the survival of below ground remains in these areas.

In the absence of an understanding of the nature and survival of these below ground remains, the Authority's archaeologist considers it is not appropriate to assess at this stage that simply monitoring the excavations for the development is an appropriate level of archaeological input as mitigation. The Authority's archaeologist would also argue that, in the absence of field evaluation, an assessment that 'preservation by record' of below ground features and historic fabric is not an appropriate approach in this context. The Historic England landscape adviser, Stuart Taylor, echoes these concerns regarding harm to the evidential significance of the existing weir structures.

The Authority's archaeologist also advises that the river bank excavations involved with these proposals are substantial and no structural engineer's assessment of the physical impact of the works on the weirs has been submitted. Not only do these structures have intrinsic historic significance, but they are also crucial to the maintenance of the reflective sheets of water which were created to enhance views of Chatsworth House and Paine's Mill. Their failure would impact on the delivery of the restoration of the Brownian parkland design features which are intended outcomes of the, Natural England lead, Parkland Management Plan, process.

The Authority's archaeologist also remains concerned that the amended plan, which depicts the historic fabric in the retaining walls which is to be left untouched, has the caveat 'Existing riverbank wall to be retained - some elements will need to be adjusted to allow inlet gate to be installed and Hydro Plant to be constructed'. The Authority's archaeologist would suggest that that approach is unacceptably open ended, and that all the historic fabric which is likely to be affected by these developments should be depicted here.

The Authority's archaeologist otherwise notes that the HLM Ltd Heritage statement makes much of the fact that the two turbines use local materials in their construction, and suggests that this is a mitigating factor in reducing landscape impact. However, on the basis of the most recent visualisations, both the new structures are still strongly physically at odds with existing landscape components in the immediate area – e.g. the running water, and the 'soft' edges and weathered stone of the old weirs and their revetments.

In the HLM Ltd Heritage statement, most of the suggested mitigation for the visual impact that the new developments will have, relates to protecting longer views to the turbine locations. This is by means of tree planting and management, however it is recognised that the views that will be most affected are those enjoyed close to the river. One of the most popular paths at Chatsworth is that along the river from the garden centre car park to the House. The Authority's archaeologist suggests that the new developments would have a negative impact on the current amenity value of this part of the parkland.

The Authority's archaeologist goes on to say in section 3.3.2 of the Heritage statement is stated that 'The River Derwent, as changed and modified by Lancelot Brown for the 4th Duke, forms the centrepiece of the valley and is a key element in the design of the landscape park', yet the HIA document generally concludes that introduction of these two modern structures to this key element will largely have a 'less than substantial impact'. The Authority's archaeologist would argue that the Heritage statement does not convincingly justify the developments in the light of the observation made by the Historic England Landscape Architect that 'The new structures will change, and to some extent, unbalance Brown and Paine's careful compositions and the relationship between each heritage asset'.

In conclusion, the Authority's archaeologist says the upper and lower weirs on the Derwent, whilst being non-designated heritage assets, are a key component of the historic landscape of Chatsworth Park, having been built to maintain reflective sheets of water which were created to enhance views of Chatsworth House and Paine's Mill. The physical impact of the current proposals on these historic water management features will be substantial. In comparison to the scale of ground disturbance which will be involved in these schemes there has not been adequate pre- application archaeological assessment, or any assessment of the structural impact of the development of adjacent land on the surviving weirs. Significant concerns about the impact on the historic landscape of these proposals have been raised by the regional Historic England Landscape adviser (June 19th 2015), Natural England (10th June 2015) and in- house PDNPA specialists.

Taking the above into account, the Authority's archaeologist would recommend refusal of this application as the proposals are not in line with Peak District National Park Local Development Core strategy policy L3 (Cultural Heritage).

Representations

One letter of support has been received and stating that it is important the proposals maintain Chatsworth Park's appearance and that local, sympathetic materials are used.

Main Policies

Relevant Core Strategy policies include: GSP1, GSP2, GSP3, DS1 & L3.

Relevant Local Plan policies include: LC4 and LC6.

In the National Park, the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. It is considered that in this case, the above policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is also considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the Framework with regard to the key issues in the determination of the current application.

The key issues in the determination of the current application include the impacts of the proposed turbines on the fabric and setting of the listed weir. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National

Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1, GSP2, L1 and L3 of the Core Strategy.

Paragraphs 132 and 134 of the Framework are also highly relevant and state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This approach is consistent with the aims and objectives of policies GSP1, GSP2, GSP3 and L3 of the Core Strategy and LC6 of the Local Plan. It should be noted that all of the policies in the Framework apply to applications for listed building consent as well as for planning permission.

Planning Policies and Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 states the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' in the exercise of the Council's planning functions and in considering whether or not to grant planning permission for development that affects a listed building or its setting. It is important to note that section 66 does not allow a local planning authority to treat this duty as a mere material consideration; it is a statutory duty to which special regard must be had and considerable importance and weight should be given to the desirability of preserving a listed building or its setting when balancing a proposal against other material considerations.

Assessment

Issue 1: Whether the proposals would cause harm to the special historic or architectural qualities of the listed weir structure and its setting

The lower weir makes a positive contribution to the character and appearance of the parkland setting and surrounding heritage assets and it would be physically altered by the proposed works. Therefore, in the determination of this application, the highest regard must be paid to the potential impacts of the proposals on the special historic and architectural qualities of the weir and its setting.

Impact on Setting

Historic England's 'Good Practice Advice in Planning – The Setting of Heritage Assets' states that decisions should be based on the nature, extent and level of a heritage asset's significance and recommends a broad approach to assessment in the form a series of 5 steps. This report aims to broadly follow this approach for each of the heritage assets.

In the original submission, a Heritage Appraisal of the upper and lower weirs was submitted with the application but following comments from Historic England, a more comprehensive Heritage Statement has been submitted by a firm of Historic Landscape Consultants, which takes into account Historic England's Guidance and looks across all of the heritage assets that could be affected by the proposals. A detailed landscape analysis carried out in support of the River Management Plan (by the same consultants) has also been submitted.

The Historic England guidance explains that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, including a variety of views of, across, or including that asset and views of the surroundings from or through the asset, and may intersect with, and incorporate the setting of numerous heritage assets. Extensive heritage assets, such as a parkland, can include many heritage assets and their nested and overlapping settings as well as having a setting of their own.

Steps 1 and 2 - decision makers should identify which heritage assets are affected and assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset:

This listed building application relates only to the impact of the current proposals on the lower weir and its setting.

The setting of the lower weir comprises open parkland with a small number of trees on the west and east bank. It sits within views of Paine's Mill, to which it is also physically linked. The setting contributes to its significance in that the weir was intended to form a head of water to power Paine's Mill and the physical relationship between the upstream water; the culverts and the mill are all part of the setting. The lower weir forms an ornamental element in the landscape and creates contrasting sound and movement in the water.

Step 3 - the decision maker should assess the effects of the proposed development, whether beneficial or harmful on that significance:

GSP1 and GSP2 of the Core Strategy, policy L3 and Local Plan policy LC6 requires that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings and say development will not be permitted where it is likely to cause harm to the significance of a listed building

With regard to Paine's Mill, at 188m away, the lower weir turbine would be closer to this asset than any of the other heritage assets and is considered to be within the curtilage of Paine's Mill. The proposed development would be a permanent structure and it would be clearly visible from the public right of way that runs close to Paine's Mill and the weir. The proposed turbine would therefore have an impact on the setting of the weir due to its form and appearance and on the association between the mill and the lower weir. Whilst the function of the weir would be unaffected there would be an impact in that the turbine would alter the relationship between the weir and its surroundings and thus the character and experience created by the setting would be affected.

Step 4 - exploring ways to maximise enhancement and avoid or minimise harm

The main way in the which the applicant is seeking to mitigate the harm identified above is by means of the retention of existing tree planting in certain areas and, as informed by the Heritage Statement, providing some new tree cover in discreet locations.

With regard to the lower weir, new parkland planting would be carried out on the west bank, within the existing parkland trees and already forms part of the Parkland Management Plan. A group of 3 oaks would be planted on the east bank, based on historic tree positions.

Officers had some concerns in that the Parkland Management Plan indicates that self set Alders along the river banks between the lower weir and One Arch Bridge would be removed to open up views between Paine's Mill and the bridge. This would result in the hydro stations becoming more prominent in views from the bridge. Further information has again been received to confirm that the number of trees to be removed in this area has reduced significantly, mainly for ecological reasons outside of this application and in consultation with the Authority's ecologists.

Step 5: Making and documenting the decision and monitoring outcomes:

From this assessment, it is considered that the proposed development would have a significant visual impact on the lower weir and its parkland setting but this impact would result in some harm but not substantial harm its setting. These preliminary conclusions are partly based on the proposed mitigation, which would serve to minimise the visual impact of the proposals on the wider Estate and surrounding landscape. It is also considered that the turbines would reflect the historic use of the River Derwent to power the nearby Paine's Mill and would be a contemporary addition to the Estate that would represent a sensitive and well-designed evolution in the way in which the Derwent has been used to provide power for the Estate.

Notwithstanding these conclusions, it is acknowledged that the proposals will have a relatively substantial form and massing and change the character and appearance of the parkland within a visually prominent location that is appreciated by a large number of visitors for its scenic beauty and its historic interest. Equally, strong concerns have been raised about the direct impacts of the proposals on the weir as well as the impacts of the development proposals on its setting.

Impact on Fabric

A heritage appraisal, which examines the impact of the proposals on the structure and archaeology of the weirs, has been submitted from a firm of archaeologists. This appraisal clarifies that the principle elements of the weirs, i.e. the stepped structures would not be affected by the proposals, as would the walling and culverts along the west bank of the river. However the proposals do involve the removal of parts of the retaining walls along the east sides. A 5m wide section of wall would be removed to make way for the inlet channel. The wall would be replaced by an inlet gate with a small section of wall rebuilt above the head of the gate.

A 20m stretch of wall would be removed below the weir, although this would be re-built further back to form the new bank wall to the hydro station. The submitted report states that this can be considered as having a high impact upon the extant historic fabric of the weir, although careful dismantling would allow the stone to be re-instated on the new walls.

The report also states that with regard to impact on subsurface remains, the construction of the turbine would require the excavation of a large hole on the adjacent section of riverbank to a depth of approx. 3m below existing ground level, to allow for foundations. This excavation would remove any subsurface features within the footprint of the new structures, the impact of which can be regarded as high. However the report states that no known pre-18th century features would be affected by the works.

The report recommends that an archaeological watching brief is undertaken during excavations to record the construction of the weir and associated culverts. A key consideration however is that the response from the Authority's Archaeologist disagrees with these recommendations. This response expresses deep concerns about the impact of the proposals on the revetment walling, associated culvert features and any other archaeological features that might survive and instead recommends field evaluation prior to determination, rather than 'preservation by record'.

On balance, given that the main bodies of the weir will be unaffected, and the majority of the retaining walls to be demolished would be re-built in a different position, planning officers consider that there would not be significant harm to the above ground fabric of the weir. With regard to subsurface remains, a condition requiring a Written Scheme of Investigation is considered, on balance, to be a reasonable approach in this case. Subject to such a condition it is considered that the scheme can be seen to be compliant with policies in the Development Plan and the Framework, which seek to conserve and enhance weir.

The Authority's Archaeologist has also commented that no engineer's assessment of the physical impact of the works on the weirs has been submitted and expresses concerns that the

failure of the weirs would impact on the delivery of the restoration of the historic parkland design. The applicant has responded by stating that all site works would be overseen by a qualified engineer.

Heritage Impact Assessment

In conclusion, the submitted Heritage Statement and officers have determined that there would be harm to the existing settings of the weir, primarily by virtue of the massing and design of the proposed hydro-stations. The proposed planting would mitigate that harm to some extent but would not eliminate it.

Following detailed pre-application discussion with officers and the Authority's Historic Buildings Architect the design of the turbine structures has been paired down to the minimum size required operationally, however the structures would remain as sizeable features in the landscape and they would have a significant visual presence especially when viewed from closer quarters. With regard to impact on fabric, subject to conditions it is considered that the harm would not be substantial. Moreover, the proposed development can also be seen as a well-design contemporary feature in the landscape that represents the evolving way in which the Estate harnesses power from the River Derwent.

Therefore, whilst harm has been identified, officers are satisfied that on the basis of the information submitted and with reference to the Framework, it would not be 'substantial'. It should be noted that Historic England's response also did not identify the harm as being substantial but does recommend that the Authority be satisfied that the public benefits of the scheme outweigh identified harm before granting planning permission for the current application.

Issue 2 - Whether the public benefits of the scheme outweigh any harm identified.

The Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Historic England response also urges the Authority to adopt this approach in this particular case. In these respects Historic England requested evidence of the benefits of the scheme be submitted and recommends that the Authority needs to be satisfied that alternative energy generation methods and locations across the estate have been fully assessed.

Following these comments the applicant has submitted a statement with regard to the benefits of the scheme. It explains that Chatsworth has a history of utilising power from the moors that lie directly to the east above it and which power an existing head turbine and provide the natural head to play the water features in the gardens. However, despite the existing turbine, the House and its tourist attractions have, at peak times, an additional load of 550kw, all of which comes from fossil fuelled power stations.

The proposed hydro-electric stations would produce 445,000 kwh of renewable electricity saving the equivalent of 350T of carbon emissions and in doing so would offset 23.6% of the House's electrical consumption. The document explains that the savings generated would allow the Trust to re-invest in sustaining the House, Gardens and Park. The generation of jobs from plant construction and ongoing maintenance are also highlighted. With regard to social benefits the report states that the hydro-electric scheme would promote public awareness of the benefits of renewable energy supply and would demonstrate that renewable energy generation is possible in even the most challenging environment, encouraging others with less challenging environments to consider how they could implement such projects.

A full investigation of other sites and other energy generation methods has not been provided. However the applicants have emphasised that the proposed sites are the only feasible and viable sites for a hydro scheme as the head of water provided by the weirs is required to power the

turbines effectively. Also the stations must be in relatively close proximity to the House to avoid losses in transmission. The submitted information also highlights that to produce an equivalent amount of power by wind energy, would require two 24-37m high turbines with 24m blade diameters and the equivalent solar pv scheme would cover an area of approximately one hectare of the parkland.

In conclusion, the considerations with regard to conservation of the historic environment are finely balanced in the absence of viable alternatives to the current proposals and the desirability of promoting and encouraging sustainable developments that would help to maintain the viability and vitality of the Chatsworth Estate. In this case, harm to significance has been identified, which could bring the proposals into conflict with Core Strategy policies CC2 and L3 and Local Plan policy LC6 but the harm is less than substantial and would be mitigated by the proposed tree planting to some extent.

As noted above, officers also consider that the proposed hydro stations are generally well designed. Their elongated, curved shape would give a distinctive appearance which would not be entirely at odds with their surroundings and despite their size, the use of local, natural materials would help to anchor them into the surrounding landscape. Equally, as also noted above, officers consider that the development of these schemes would mark another stage in the production of energy from the weirs, which, in the case of the lower weir has been used historically in relation to the working of Paine's Mill. This conclusion is reached also in the light of the fact that the Authority's Landscape Architect has raised no objections to the proposals (in that the scheme is a modern interpretation of the old mill leat and waterwheel at Paine's Mill) and the Authority's Historic Buildings Architect, also raised no concerns in principle.

If Members are minded to approve the current applications, they should do so only on the basis of the advice in paragraphs 134 and 140 of the National Planning Policy Framework, which state that *"Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*. Significant weight must be given to the Authority's statutory duties under sections 16 and 66 of Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the listed building. Recent case law makes it clear that the statutory duty cannot be outweighed by other matters, such as the need for renewable energy.

The fact that there are no other suitable sites, that other renewable technologies are likely to be harmful and the public benefits achieved in that the electricity produced would provide a significant amount of renewable energy for the Estate, is a factor to take into account but it cannot outweigh any harm to the heritage asset. As set out above, officers consider that the scheme is acceptable in its own right, although it would clearly have an impact on and would change the historic landscape setting

Conclusion

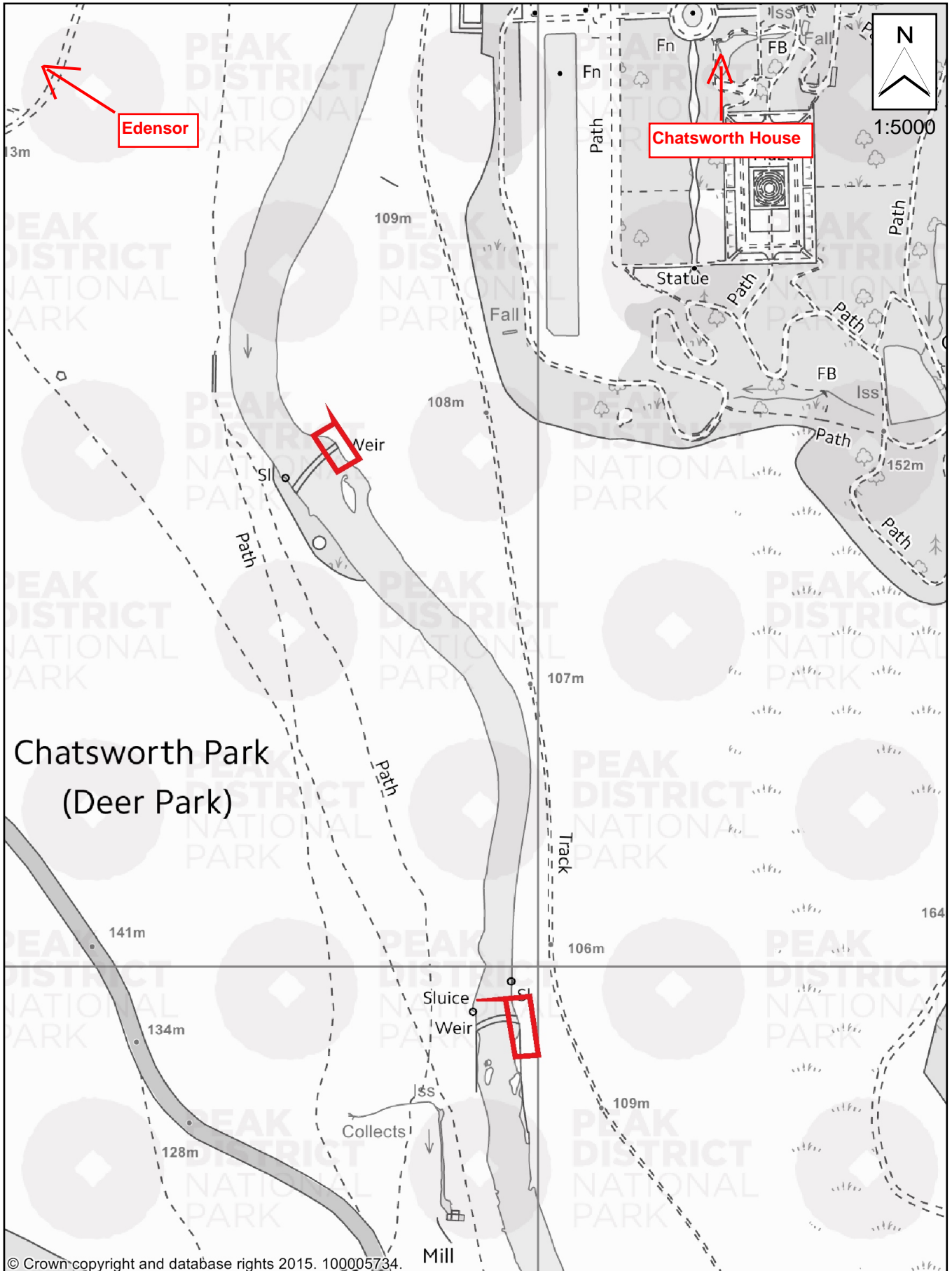
It is therefore concluded that the proposed development is compatible with the relevant Development Plan policies and policies in the National Planning Policy Framework taken as a whole.


Although the issues are finely balanced in this case, a recommendation of conditional approval rests primarily on a conclusion that the identified harm to heritage assets would be less than substantial and would be outweighed by the benefits of the scheme, which would produce a source of renewable energy that would significantly reduce Chatsworth House's reliance on fossil fuels. Furthermore, the applicant has adequately demonstrated that there are no other suitable sites and that other equivalent renewable energy technologies are unlikely to be less harmful. .

Accordingly, the current application is recommended for conditional approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.



| | | | |
|-----------------|------------------|---|--|
| Committee Date: | 07/08/2015 | Title: Chatsworth Hydro, Chatsworth House |  PEAK DISTRICT NATIONAL PARK |
| Item Number: | 9 | | |
| Application No: | NP/DDD/0515/0433 | | |
| Grid Reference: | 426029, 370173 | | |

This page is intentionally left blank

10. FULL APPLICATION – CONTINUED USE OF LAND FOR CLAY TARGET SHOOTING AT LAND FACING THE GROUSE INN, CHUNAL (NP/HPK/0315/0169, P.4043, 403354 / 390501, 23/07/2015/AM)

This application was deferred by Planning Committee in June to allow a discussion with the applicant over hours of operation outside of the bird breeding season.

APPLICANT: MR DAVID BATTY

Site and Surroundings

The application site is located to the west of A624 (Hayfield to Glossop Road) and opposite the Grouse Inn, Chunal. The application site is clearly located in open countryside, and is some 2.5km south of Glossop and 2.8km north of Hayfield.

The land in question is an area of rough pasture, extending to about 8 hectares (20 acres) in area. A significant part of the application site is designated as Natural Zone in the Local Plan (saved Local Plan policy LC1). The site is crossed by a public footpath. The nearest neighbouring properties are the Grouse Inn to the east and Hollingworth Head Farm to the south west. Access to the application site is via a field gate which opens onto the A624.

To the east of the A624 is an extensive area of open moorland which is designated under the Countryside and Rights of Way Act 2000 as open access land. There are also areas of land to the west and north west of the site designated as open access land. Open access land gives the public the right to access open country, much of which is unenclosed, without keeping to public paths.

The open moorland to the east of the A624 is also designated as a Site of Special Scientific Interest (SSSI) and is part of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC).

The application site forms part of the ‘enclosed gritstone uplands’ of the Dark Peak Western Fringe in the Authority’s Landscape Character Strategy and Action Plan (2009). This area is characterised by high rolling hill summits, isolated farmsteads, straight roads and regular fields of variable sizes enclosed by drystone walls. There is little in the way of natural tree cover and that which does exist is limited to small groups to shelter farmsteads, isolated trees or small blocks of woodland.

Proposal

This application seeks planning permission for the use of application site for clay target shooting.

Specifically the application seeks planning permission for the use of the application site for clay target shooting at any time of the year. The applicant has advised that typically there would be 10 – 12 hours of shooting per week between 10am to 4pm. The applicant has also advised that there would typically be 40 – 50 members of the public visiting the site to shoot per week.

To facilitate the shoot, 8 shooting stations (known as safety cages) are placed on the land along with equipment to launch the clay targets. The shooting stations would be sited adjacent to the public footpath but facing away to ensure that guns can only be pointed down range and not across the footpath.

The applicant has advised that the intention is that shooters would park within the existing car park at the Grouse Inn on the north side of the A624. The applicant has also advised that he is in communication with the owner of the Grouse Inn to obtain formal permission for parking.

RECOMMENDATION:

That the application be **REFUSED** for the following reasons:-

1. The use of the application site for clay target shooting is not essential either in the national interest, for the management of the Natural Zone or for the conservation or enhancement of the National Park's valued characteristics. The proposed development would have a significant adverse impact upon the valued characteristics of this part of the National Park, which in this case include the natural beauty and character of the landscape and the sense of wildness and remoteness of the locality. Therefore it is considered that the proposed development is contrary to Core Strategy Policies GSP1, GSP2, GSP3, L1 and RT1 (A and B) and Saved Local Plan Policies LC1 and LC4.
2. The activity and noise generated by the proposed development would be likely to have an adverse impact upon opportunities to experience tranquillity and quiet enjoyment of the National Park by members of the public while crossing the application site and within the local area and open moorland around the application site contrary to Core Strategy Policy RT1 (D) and saved Local Plan policy LC21.
3. Parking for visitors and staff is proposed to take place on the car park at the Grouse Inn, however this car park falls outside of the application site and is not within the ownership or control of the applicant. Therefore in the absence of any mechanism to ensure that parking is secured to serve the development in perpetuity it is considered that the proposed development would be likely to result in an intensification of use of the field access to the application site, parking of vehicles on the highway and pedestrians walking from the lay-by to the north of the site all of which would be prejudicial to highway safety contrary to Core Strategy policy GSP3 and Saved Local Plan policy LT18.

Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the valued characteristics of the National Park including its landscape, tranquillity and biodiversity.
- The impact of the proposed development upon the amenity of the local area and neighbouring properties and the potential impact upon the quiet enjoyment of the National Park by members of the public.
- Parking and potential impact upon highway safety.

Relevant Planning History

Prior to 1989 – clay pigeon shooting took place on the land for several years under permitted development rights which allowed use for up to 28 days per year without the need to seek planning permission.

1989 – A three-year temporary planning permission was granted for the use of the land for clay pigeon shooting. Conditions limited this to Sundays between 9.30am and 12.30pm and on up to 10 weekdays per year between 10am and 12 noon and on up to 10 evenings per year between 6pm and 8pm. The permission also required the use to be carried out only by the applicant Mr P Devlin.

1992 – Further three-year temporary permission granted with same restrictions as the 1989 permission.

1995 – Further three-year temporary permission granted with same restrictions as the 1989 permission.

1998 – Further three-year temporary permission granted with same restrictions as the 1989 permission.

1999 – Planning permission granted for variation of condition on previous permission to allow use to be carried on by the applicant Mr D Batty.

June 2002 – a further temporary planning permission was granted. Condition 1 required the use to cease and the land to be restored to its former condition on or before 31 May 2005 unless an application to extend the permission had been agreed in writing by the National Park Authority. Condition 3 stated that no clay pigeon shooting shall take place between 1 April and 30 June inclusive, in any year to prevent disturbance during the bird breeding season. Otherwise the permission was subject to the same restrictions as the previous permissions, including the variation granted in 1999.

November 2002 – an appeal was lodged in relation to condition 3 of the planning permission granted in June 2002. The appeal was dismissed in July 2003.

No further planning application was submitted to continue the use of the land for clay target shooting and therefore the 2002 planning permission expired on the 31 May 2005. Any further use of the land for clay target shooting would therefore be unauthorised.

The applicant has informed Officers that the land has continued to be used for target shooting until shortly before this application was submitted when the applicant was informed that the use of the land for clay target shooting did not have planning permission.

May 2015 Enforcement Notice issued for the site alleging the unauthorised use of the land to a mixed use of agriculture and clay target shooting and requiring the following:

- a) the cessation of the use of the land for a mixed use comprising agriculture and clay pigeon (or target) shooting, within a period of six months;
- b) the removal from the land of any associated structures, equipment and clay debris, within a period of six months;

The applicant has appealed against the enforcement notice solely on the basis that the period allowed by the notice for compliance with any of its requirements is unreasonably short for what is required.

Consultations

Highway Authority – Objects to the development for the following reasons:

The development site is a field opposite The Grouse Inn adjacent the A624 which is a busy classified road subject to a 50mph speed limit at this location. There are no formal pedestrian margins and access to the field is steeply sloping away from the public highway and as a result exit visibility is restricted.

Whilst there is no on-site parking associated with the proposals the Highway Authority would not wish to see any increase in traffic movements using this access due to standard exit visibility and gradient issues.

The Highway Authority notes that the applicant considers that parking is available by an informal agreement with The Grouse Inn. However, this parking area is outside the red-line development boundary and does not appear to be covered by any legally binding agreement. As such this parking may not always be available e.g. the public house could be sold off and the new owners may not agree to third party use of their car park. Additionally use of this car park would still result in pedestrians having to cross the high speed road.

Whilst there is a public lay-by to the north of the site this is on the opposite side of the carriageway and would result in pedestrians having to cross a busy high speed road. Additionally as stated above there are no formal pedestrian margins which may result in pedestrians choosing to walk in the carriageway. This would be considered against the best interests of highway safety. Damage is occurring to the verge and is likely to be attributable to vehicles parking here associated with the shooting.

High Peak Borough Council (Environmental Health) – No objections.

The Environmental Health Officer is not aware of any history of noise complaints from this site, and therefore had no objection in principle based on the relatively isolated nature of the site. Casual isolated sites like this should be suitable with care and correct location of stands, however the option is open to your Authority if you think appropriate to limit the shooting hours per week say to 12 hours and the times of shooting i.e. 10am to 4pm as the hours specified by the applicant. If there is no evidence of problems however this may be hard to justify on any appeal.

Parish Council – No objection.

Natural England – No objection and makes the following comment:

Although the proposed development site falls within one of the Impact Risk Zones for the Dark Peak SSSI, part of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC), it would seem unlikely to present any risks of impact upon the notified features of the site and we therefore Natural England do not wish to comment in any detail.

In relation to the European sites, Natural England is satisfied that the risk of the proposal resulting in Likely Significant Effect upon these sites is low, and further assessment under the Habitats Regulations is therefore not required.

With regard to the Dark Peak SSSI, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

The Authority has also received a further email from Natural England which recommends that a restriction is imposed on any permission to prevent shooting during the bird breeding season. The email goes on to advise that this period is extended to at least the 15th July to allow any second / late broods time to get away and to account for any late springs.

PDNPA Ecology – No objections subject to condition and makes the following comment:

Disturbance from the shooting ground has the potential to impact Annex 1, Schedule 1, UK and local BAP bird species associated with the upland habitats surrounding the application area.

The surrounding habitat has the potential to support breeding wading birds, including snipe, curlew and lapwing. The Dark Peak SSSI, which also forms part of the Peak District Moors

Special Protection Area (SPA) is located adjacent to the site. The SPA provides specific protection for rare and vulnerable birds that are using the site. The Annex 1 species listed for the Peak District Moors SPA are merlin, short-eared owl and golden plover. Curlew are also listed in the Dark Peak SSSI Notification. In addition, other Schedule 1 and BAP species use the site.

The Authority holds lapwing records for an adjacent field to the north (2002) and there is a record for curlew within the adjacent SSSI (2004). The surrounding flushes and moorland habitats also have the potential to support breeding snipe. Lapwing, Curlew and snipe are all identified on the 'Birds of Conservation Concern 3:2009' list. Lapwing are on the red list and Curlew and Snipe are on the amber list. Curlew and Lapwing are UK and Peak District Biodiversity Action Plan (BAP) species and as such are species of principal importance. Snipe are also listed in the Local BAP.

There has also been specific concern about the rapid decline of breeding waders in the Peak District and its fringe, notably lapwing, snipe and curlew, and as such these species are considered even more vulnerable. Specific efforts are being made to try and stabilise the decline of wader species.

Concerns were raised about the potential impact on breeding waders during the 2002 application. A condition was imposed on that permission that the clay pigeon shoot did not operate during the bird breeding season, spanning from April to June (inclusive). This condition must be attached to any permission given at this site.

A survey from 1998 also showed that the site had some botanical interest. However, from continued use over the years it is believed that this interest has declined. It was noted that the herb rich vegetation was dying off underneath the plastic debris in the 1998 survey. Therefore a condition to ensure plastic debris is cleared from the site after each shooting event would be necessary to reduce the impact of the proposed development.

PDNPA Landscape – Recommends refusal.

The Landscape Officer notes that the site falls within the Natural Zone and recommends refusal on the basis of the impact of the proposed development upon the quiet enjoyment of the National Park along with the visual impact associated by the equipment kept on site and the detritus from the shooting. The Landscape Officer is also concerned about the impact of parking on the site if visitors are no longer able to use the Grouse Inn car park.

PDNPA Rights of Way Team – There is potentially a significant impact on the rights of way and people's use of them. More information is needed on the shooting positions to quantify those impacts. If firing is away from the public right of way then public safety will be unaffected.

Representations

The Authority has received a total of twenty seven letters of representation to date. All the letters support the application. Ten of the letters do not give planning reasons for supporting the application. The reasons for support that are given are summarised below. All the letters can be read in full on the Authority's website.

- The shoot is safe and has never given cause for concern on safety grounds.
- The shoot is an important local business and brings customer to other local businesses including the Grouse Inn.
- The shoot encourages participation by different age groups and different groups of the general public.

- There is ample parking space within the existing car park at the Grouse Inn.
- Walkers are escorted through the site when a shoot is taking place.
- It is inconvenient that the shoot has to close for three months a year and people have to go elsewhere to shoot.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, L1, L2, RT1 and T7

Relevant Local Plan policies: LC1, LC4, LC17, LC18, LC21, LT10, LT18 and LT20

National Planning Policy Framework (the Framework)

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage should also be given great weight in National Parks.

Paragraph 28 of the Framework says that to promote a strong rural economy, plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Development Plan

In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

Policy GSP1 of the Authority's Core Strategy, 'Securing National Park purposes and sustainable development' states that all development shall be consistent with the National Park's legal purposes and duty, which aim to conserve and enhance the natural beauty, wildlife and cultural heritage in the National Park. It also states that where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority. Policy GSP2, of the Core Strategy, 'Enhancing the National Park', states, amongst other things, that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.

Policy GSP3, 'Development management principles', states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. The policy states that particular attention will be paid to, amongst other things, scale of development appropriate to the character and appearance of the National Park; form and intensity of proposed use or activity and impact on access and traffic levels.

Policy L1 of the Core Strategy, 'Landscape character and valued characteristics', states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics. The Wildlife and Countryside (Amendment) Act 1995 requires the National Park Authority to identify areas which it considers are particularly important to conserve. For planning purposes the Authority calls these areas the Natural Zone. Policy L1 states that other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted. These exceptional circumstances are explained in Local Plan policy LC1 (see below).

Policy L2 of the Core Strategy, 'Sites of biodiversity or geodiversity importance', states amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting; and other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

Core Strategy Policy RT1, 'Recreation, environmental education and interpretation', states that the National Park Authority will support facilities which enable recreation, environmental education and interpretation, which encourage understanding and enjoyment of the National Park, and are appropriate to the National Park's valued characteristics. New provision must justify its location in relation to environmental capacity, scale and intensity of use and activity, and be informed by the Landscape Strategy. In the open countryside a clear demonstration of need for such a location will be necessary. Policy RT1 goes on to say that development must not prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation activities including the informal quiet enjoyment of the National Park.

Saved Local Plan Policy LC1 states that the exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and that the development is essential:

- i. in the national interest; or
- ii. for the management of the Natural Zone; or
- iii. for the conservation or enhancement of the National Park's valued characteristics.

LC1 goes on to state that where development is permitted, particular attention will be paid to matters such as: scale, intensity; hours of operation; vehicle movements; arrangements for parking; storage of vehicles, equipment and materials. Where necessary and appropriate, the policy states that permission will initially be restricted to a period of (usually) 2 years, and except where it is essential in the national interest, further permission will not be granted if arrangements for minimising the development's impact prove to be unacceptable in practice. Also where necessary and appropriate, the policy states that permission will initially be restricted for the personal benefit of the applicant.

Saved Local Plan Policy LC17, 'Sites, features or species of wildlife, geological or geomorphological importance', states, amongst other things, that applications in the vicinity of designated sites will be carefully considered to assess the likelihood of adverse effects and in particular, development having a significant effect on the ecological objectives or integrity of a Special Protection Area or Special Area of Conservation will not be permitted unless there is no alternative or better practical approach available, and it must be carried out for imperative reasons of overriding public interest. Where a site hosts a priority habitat or species, development will not be permitted unless there is no alternative and it is required for reasons that relate to human health, public safety, or beneficial consequences of primary importance to the environment, or for other imperative reasons of overriding public interest determined by the European Commission.

Saved Local Plan policy LT10, 'Private non-residential (PNR) parking' states, amongst other things, that in new development parking must be of a very limited nature or accompanied by on-street waiting restrictions, especially in areas served by good public transport. Saved Local Plan policy LT18, 'Design criteria for transport infrastructure' states, that the provision of safe access arrangements will be a pre-requisite of any development.

Assessment

Principle of proposed development

This application seeks planning permission for the continuation of clay target shooting on the application site. Planning permission was granted temporarily for the clay target shoot in 2002 and that planning permission expired on the 31 May 2005. The submitted application form states that the proposed development has not commenced on site, but the applicant has informed officers that the use of the land for clay target shooting has continued on site between 2005 until earlier this year when the applicant was informed that the use of the site for clay target shooting did not benefit from planning permission.

This application therefore seeks planning permission to continue clay target shooting at the site. The submitted application requests an 'all year round' permission without restrictions upon when the shoot can take place on the land. The applicant has advised that typically there would be 10 – 12 hours of shooting per week between 10am to 4pm and that there would typically be 40 – 50 members of the public visiting the site to shoot per week.

In this case a significant part of the application site is designated as Natural Zone. The Wildlife and Countryside (Amendment) Act 1995 requires the National Park Authority to identify areas which it considers are particularly important to conserve. For planning purposes the Authority calls these areas the Natural Zone. Policy L1 says that other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted. Saved Local Plan policy LC1 sets out those exceptional circumstances which are that the development is essential (i). in the national interest; or (ii) for the management of the Natural Zone; or (iii) for the conservation or enhancement of the National Park's valued characteristics.

It is considered clear in this case that the use of the application site for clay target shooting is not essential either in the national interest, for the management of the Natural Zone or for the conservation or enhancement of the National Park's valued characteristics. Therefore any approval of the proposed development would be contrary to Core Strategy Policy L1 and Saved Local Plan Policy LC1.

These policies seek to protect those parts of the National Park which are particularly important to conserve. Therefore any failure to comply with these policies must weigh heavily against the principle of the proposed development especially in the context of paragraph 115 of the Framework which makes it clear that great weight must be given to landscape conservation within the National Park.

Landscape and visual impact

Notwithstanding the fact that the site is located within Natural Zone, Core Strategy policy RT1 states that the Authority will only support a proposal for recreation development in the open countryside which encourages understanding and enjoyment of the National Park and is appropriate to the National Park's valued characteristics. This approach is considered to be consistent with the level of protection given to the scenic beauty of the National Park's landscape and paragraph 28 of the Framework which promotes sustainable rural tourism and leisure developments which respect the character of the countryside.

While the proposed clay target shooting would take within the National Park it is not considered that shooting clay targets at the application site would encourage understanding or enjoyment of the National Park. While an isolated location is likely to be a necessity for outside clay target shooting, there is no evidence to demonstrate why the proposed activity must be located on the application site, especially bearing in mind the sensitivity of the site and its location within the Natural Zone.

The application site is situated in an open countryside location adjacent to open moorland and is clearly visible from the adjoining road and nearby public rights of way, including the public footpath which crosses through the application site.

No shooting was taking place when the Officer site visit took place, but it was evident that clay target shooting does take place on the land. Equipment including the safety cages, clay target launcher and boxes of unused clay targets were present on the land. There was also a large spread of orange and black coloured debris built up from used clay targets down range from the shooting positions, with a significant amount of debris on part of the route of the public footpath.

The equipment and debris on the site is clearly visible from the footpath which passes through the site and also visible from the road as it passes the site. From these viewpoints, the equipment and debris does result in a visual impact which is harmful to the character and appearance of the application site.

The applicant has advised Officers that the clay target launchers were under-going maintenance and that these are not typically visible on the site and that bio-degradable clays are used and that the site is tidied on a weekly basis. Given the condition of the application site at the time of the Officers site visit and the typical proposed 10 – 12 hours of shooting each week it is considered that a significant amount of debris would remain on site at any one time and that the resultant visual impact would be likely to be an inevitable consequence of the proposed development.

The visual impact of the proposed development would be less noticeable from vantage points in the wider landscape, however noise from the proposed shooting would be very likely to be audible over a wide radius in the local area and particularly from open access land on the moorland adjacent to the site.

There is an existing low level back ground noise generated by the traffic on the A624 which runs adjacent to the application site, however there is a significant amount of land around the application site which is open to the public where there are opportunities to experience the tranquillity of the wildness and the remote nature of the moorland. The noise generated from the proposed development when shooting is taking place is very likely to be audible from the surrounding access land.

It is therefore considered that the noise generated by shooting is likely to have an adverse impact upon sense of wildness and tranquillity which can be currently enjoyed in the area around the application site by visiting members of the public. The tranquillity and wildness of these areas for a very important aspect of the landscape character of the moorland and it is considered that the proposed development would be likely to have an adverse impact upon this valued characteristic.

It is therefore considered that the use of the site, if approved, would be likely to have a harmful visual and landscape impact. The visual impact of the proposed development combined with the impact of the noise generated by the proposed shooting would have a harmful impact upon the landscape character and the sense of wildness and tranquillity which can currently be experienced on the moorland around the application site contrary to Core Strategy policy GSP3 and L1 and Saved Local Plan policy LC4.

Impact upon amenity and quiet enjoyment of the National Park.

The potential for noise disturbance in the landscape around the application site is also an important consideration in relation to Core Strategy Policy RT2 D which states that proposals for recreation development must not prejudice or disadvantage peoples' enjoyment of existing recreation activities including the informal quiet enjoyment of the National Park. Promoting opportunities for members of the public to experience tranquillity and quiet enjoyment is one of the National Park's key valued characteristics.

Officers are concerned that the noise generated by shooting at the application site would significantly detract from peoples opportunities to experience tranquillity and quiet enjoyment of the moorland in the locality of the application site. The noise from shooting would be clearly audible by walkers as they pass through the site and this would have a significant impact compared to the enjoyment of the footpath by walkers when a shooting is not taking place.

Officers are also concerned that the noise and activity on the application site when shooting takes place is also likely to deter members of the public who would otherwise use the footpath which crosses through the application site. There are no concerns that the footpath would be physically blocked when shooting takes place and there is no evidence to indicate that the safety of walkers would be jeopardised by shooting activities because all shooting positions face away from the footpath and not over it.

The applicant has stated that when a shoot takes place signs and red flags are erected at either entrance to the application site and that if a walker approaches the site that a member of staff approaches and is able to escort the walkers(s) as they cross the site. The applicant has also stated that over the past 12 months only four walkers have been recorded as crossing through the application site and none have raised any issues or concerns to the applicant.

The fact that only a relatively small number of users have been recorded by the applicant as using the footpath is not given significant weight. The number of users of a footpath does not indicate the relative importance of that path and Officers remain concerned that noise and disturbance generated when a shoot is taking place may be off-putting to members of the public who as a result may choose not to cross through the site at such times or walk a different route.

It is therefore considered that the proposed development would be likely to prejudice peoples' quiet enjoyment of the National Park both in the wider area around the application site and from the footpath as it crosses through the application site.

Notwithstanding the above, there are no concerns that the proposed development would have a significant impact upon the residential amenity of any neighbouring property or that of occupants and visitors to the Grouse Inn. This is due to the relatively isolated nature of the site and the fact that the Environmental Health Officer has advised that he is not aware of any history of noise complaints from this site.

Highway safety

Parking and highway safety is an issue which has been raised by Officers with the applicant and in the consultation response from the Highway Authority. The application site is located opposite The Grouse Inn and adjacent the A624 which is a busy classified road subject to a 50mph speed limit at this location. There are no formal pedestrian margins on either side of the highway and access to the application site is steeply sloping away from the public highway and as a result exit visibility through the field access onto the highway is restricted.

Due to the restricted visibility from the field access, Officers agree with the Highway Authority that any intensification of use of this access by vehicles visiting the site in relation to the proposed development would be likely to be prejudicial to highway safety. It is also considered that for similar reasons that any parking of vehicles by visitors to the development on the highway verge adjacent to the access would be prejudicial to highway safety and likely to result in damage to the highway verge. Whilst there is a public lay-by to the north of the application site, this is on the opposite side of the road and would also result in pedestrians walking along the busy highway crossing the road to reach the application site.

The applicant has stated that visitors to the shoot do not park either within the application site or on the highway verge and that historically visitors have parked on the Grouse Inn car park which has space for approximately 50 vehicles.

The Grouse Inn and its car park do not form part of the application site and are not under the ownership or control of the applicant. This is important because any informal agreement that the applicant may have with the owner of the Grouse Inn would not be enforceable and cannot be given any significant weight because the agreement may come to an end at any time. This would be likely to result in visitors to the application site parking either within the application site or on the highway verge. It is also understood that The Grouse Inn was sold to a new owner at the end of May and there is no enforceable way to guarantee that the new owner will allow vehicles to park on pub car park.

This issue has been discussed with the applicant who has stated that he is in communication with the new owner of the Grouse Inn to draw up what he describes as a 'formal letter' to allow use of the car park. However, for any agreement to be enforceable by the Authority it would be necessary for the applicant, the owner of the pub (and any other party with an interest in the land) to enter into a planning obligation with the Authority to secure parking provision in perpetuity. It is not clear at this stage whether the applicant and new land owner would be willing to enter into a planning obligation to secure car parking at the Grouse Inn. In the absence of this it is considered that the continued use would have the clear potential to result in parking either within the application site, on the highway verge or on the lay-by to the north of the application site which would be prejudicial to highway safety, contrary to Saved Local Plan policy LT18.

Biodiversity

Noise disturbance from the shooting activities has the potential to impact Annex 1, Schedule 1, UK and local Biodiversity Action Plan bird species associated with the upland habitats surrounding the application site. The surrounding habitat has the potential to support breeding wading birds, including snipe, curlew and lapwing. The Dark Peak Site of Special Scientific Interest (SSSI), which also forms part of the Peak District Moors Special Protection Area (SPA) is located adjacent to the site. The SPA provides specific protection for rare and vulnerable birds that are using the site. The Annex 1 species listed for the Peak District Moors SPA are merlin, short-eared owl and golden plover. Curlew are also listed in the Dark Peak SSSI Notification. In addition, other Schedule 1 and Biodiversity Action Plan (BAP) species use the site.

The Authority holds lapwing records for an adjacent field to the north (2002) and there is a record for curlew within the adjacent SSSI (2004). The surrounding flushes and moorland habitats also have the potential to support breeding Snipe. Lapwing, Curlew and Snipe are all identified on the 'Birds of Conservation Concern 3:2009' list. Lapwing are on the red list and Curlew and Snipe are on the amber list. Curlew and Lapwing are UK and Peak District BAP species and as such are species of principal importance. Snipe are also listed in the Local BAP.

There has also been specific concern about the rapid decline of breeding waders in the Peak District and its fringe, notably Lapwing, Snipe and Curlew, and as such these species are considered even more vulnerable. Specific efforts are being made to try and stabilise the decline of wader species.

Natural England has been consulted and advises that although the application site falls within the Impact Risk Zone for the designated sites (listed above) that it is unlikely that the proposed development would present any risks of impacts upon the notified features of the site. Natural England is therefore satisfied that the risk of the proposal resulting in likely significant effect on these designated sites is low and that further assessment under the Habitats Regulations is therefore not required. Natural England also advises that the Dark Peak SSSI will not be affected and therefore that the SSSI does not represent a constraint in determining this application.

The Authority's Ecologist advises that given the proximity of the site to adjacent designated sites and the fact that the Authority has evidence of lapwing and curlew in close proximity to the application site that if permission is granted a condition would be required to prevent any shooting taking place between the 1st April and 15th July (inclusive) in any year. Following re-

consultation Natural England also agree that the above condition would be necessary to mitigate any potential impact upon ground nesting birds.

The Authority's Ecologist also advises that a survey in 1998 showed that the site had some botanical interest but that from continued use over the years it was believed that this interest had declined. It was noted in the 1998 survey that herb rich vegetation on the application site was dying off under plastic debris. This adds to concern already raised that the use of the proposed site for clay target shooting inevitably results in significant debris on the site.

Planning history

There is a long planning history which is relevant to this planning application. The applicant correctly states that clay target shooting has been taking place on the land for a number of years. The Authority has granted planning permission for the use of the land for clay target shooting on a temporary basis in the past on a number of occasions, the first permission was granted in 1989 and the most recent permission (application code NP/HPK/0302/034) was granted in 2002 (the 2002 permission). The 2002 permission was granted on a temporary basis for three years. No further planning application was submitted and therefore the 2002 planning permission expired after the 31 May 2005.

The fact that the Authority has granted planning permission for the proposed development in the past is a material consideration. However, since permission was granted in 2002 the Development Plan has changed with the adoption of the Core Strategy and Government policy has significantly changed with the publishing of the National Planning Policy Framework. The changes to the Development Plan and National Policy and the intervening period of time between the 2002 application and today mean that only limited weight can be given to the Authority's previous decision to approve planning permission.

Furthermore it is clear that the reason granted planning permission on a temporary basis in 2002 was to allow the Authority to retain control over the use of the application site and to allow the Authority to assess the impact of the use upon the character of the locality. Having assessed the proposed development during the course of the current planning application it has been found that the use of the land for clay target shooting would have a significant adverse impact upon the character and appearance of the application site and the locality.

Therefore it is considered that there is no argument that planning permission should be granted simply on the basis of the Authority's past decisions because it is clear that the Authority's intention in the past has been to retain control over the use of the site to allow an assessment of the impact of the development and because the Development Plan and other material considerations are different today compared to when the last planning application was determined in 2002.

The applicant has stated that the use of the land for shooting has continued until earlier this year when the applicant was advised that the use of the site for clay target shooting did not have planning permission. Any continuation of shooting at the site over and above that allowed as permitted development would be unauthorised. There is no evidence in this case that the use of the land is lawful and therefore it is considered that no weight should be given to the fact that the shoot has continued without the benefit of planning permission.

The Authority has issued an enforcement notice which requires the cessation of the use of the land for clay target shooting and the removal of any structures, equipment and debris within a period of six months. The enforcement notice is a material consideration. The delegated report seeking authority for enforcement action concluded that the use of the land for clay target shooting has a detrimental impact upon the valued characteristics of the local area, would have the potential to impact upon protected bird species and would be likely to give rise to highway safety issues.

The applicant has appealed against the enforcement notice on the grounds that the six month period allowed by the notice for compliance is an unreasonably short time period for what is required. Notwithstanding the appeal, the effect of the enforcement notice is that the Authority would be able to take action (either after the six month period, or potentially a longer period if allowed by the Planning Inspector at appeal) to secure that the permanent use of the land for clay target shooting ceases and that related equipment and debris is removed from the land.

In the absence of any planning permission, the use of the land for clay target shooting is effectively limited to the 28 day temporary period (per calendar year) which is allowed as permitted development and which can be carried out without planning permission. These permitted development rights would mean that clay target shooting could only take place on the site for 28 days in any one year and no equipment or materials would be allowed to be stored on the land on days when shooting is not taking place.

Outcome of discussions between Officers and the applicant requested by Planning Committee

Officers have met with the applicant to discuss in detail the hours of operation of the proposed clay target shoot along with planning conditions and a planning obligation which could be used to control the development if planning permission was granted.

The applicant has clarified that the proposal is for shooting to take place every Sunday between 10:00 and 12:00 and otherwise to take place during the week up to a maximum of 10 hours shooting in any one week. No shooting is proposed to take place outside the hours between 9:30 to 16:30 on any day. If permission is granted planning conditions could be imposed to restrict the operation of the use as proposed. A condition could be imposed to prevent any shooting taking place within the bird breeding season (between the 1 April and 30 June in any year). The applicant has made clear that his clear preference is that this condition is not imposed to allow shooting to take place throughout the year. However, having had regard to advice from the Authority's Ecologist and Natural England along with the Inspector's appeal decision in 2003 it is considered that a condition would be necessary to ensure that the development does not have a harmful impact upon protected bird species in accordance with policies L2 and LC17 and the Framework.

Officers and the applicant also agree that planning conditions requiring the use of bi-degradable clays and fibre wad cartridges and requiring the maintenance of a dark recessive colour finish for the trap boxes and shooting stands are necessary to minimise the impact of the use on the site. It is also agreed that a condition prohibiting any shooting taking place over the highway or public footpath crossing the site is necessary in the interests of safety.

Finally, the applicant has indicated that he is willing to enter into a planning obligation with the Authority under S.106 of the Town and Country Planning Act to ensure that parking spaces at the Grouse Inn are made available for the use of members of the public visiting the clay target shoot and staff in perpetuity. Such an obligation would of course require the owners of the Inn to also agree to be bound by the deed.

It is considered that the applicant's offer of a planning obligation can be given weight because such an obligation would be necessary to make the development acceptable in planning terms, would be directly related to the development and fairly and reasonably related in scale and kind to the development. If the development were to be permitted the completion of such a planning obligation would be required before any planning permission was issued.

Conclusion

The use of the application site for clay target shooting is not essential either in the national interest, for the management of the Natural Zone or for the conservation or enhancement of the National Park's valued characteristics. The proposed (or continued) use would have a significant

adverse impact upon the valued characteristics of this part of the National Park, which in this case include the natural beauty and character of the landscape and the sense of wildness and remoteness of the locality. Therefore it is considered that the proposed development is contrary to Core Strategy Policies GSP1, GSP2, GSP3, L1 and RT1 A and B and Saved Local Plan Policies LC1 and LC4.

The activity and noise which would be generated by the use on the application site is likely to have an adverse impact upon opportunities to experience tranquillity while passing through the application site on the footpath and within the local area around the application site contrary to Core Strategy Policy RT1 D and saved Local Plan policy LC21.

Parking for visitors to the development is proposed to take place on the car park at the Grouse Inn, however this car park falls outside of the application site and is not within the ownership or control of the applicant. Therefore in the absence of any mechanism to ensure that parking is secured to serve the development in perpetuity it is considered that the proposed development would be likely to result in an intensification of use of the field access, parking on the highway and pedestrians walking from the lay-by to the north of the site all of which would be prejudicial to highway safety contrary to Saved Local Plan policy LT18.

Officers accept that the activity would bring visitors into the National Park and that this may bring some benefit to local businesses, especially the Grouse Inn. However these benefits are not considered to outweigh the significant harm which has been identified in this case bearing in mind the great weight which is afforded to the conservation of the National Park. The relevant development plan policies are up-to-date and in accordance with the National Planning Policy Framework. In the absence of any further material considerations the proposal is therefore considered to be contrary to the development plan and consequently the application is recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

This page is intentionally left blank

11. FULL APPLICATION – SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO DWELLING AT 'IONA', LONGREAVE LANE, ROWLAND, (NP/DDD/0615/0558, P4239, 421013/371749, 15/06/2015/ALN)

APPLICANT: MR MICHAEL GREEN

Note: This application is referred to Planning Committee because the applicant's wife is an employee of the National Park and has declared an interest.

Site and Surroundings

'Iona' is a residential property situated on Longreave Lane, Rowland. The lane runs north to south, midway between the hamlet of Rowland and Great Longstone. The property is one of a row of 11 detached dwellings that stretch along the west side of the lane. The property was built following approval in 2002 as a replacement for an earlier 1930s bungalow. It is a single storey dwelling constructed in natural limestone under blue slate roof.

A condition was attached to the original consent for the house (NP/DDD/1101/508) removing permitted development rights for extensions porches, ancillary buildings, satellite antenna, gates, fences, walls or other means of boundary enclosure.

Proposal

This application seeks planning permission for the erection of a single storey gabled extension off the rear elevation of the property to provide space for an extended utility room. Permission is also sought for alterations to the dwelling in the form of widening windows, inserting new windows and rooflights and re-building the front boundary wall.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**
- 3. Bathroom window to be obscure glazed in perpetuity.**
- 4. If the hedgerow on the southern boundary dies or is removed at any point in the future, it shall be replaced by a 2m high close boarded fence.**
- 5. New front boundary wall to be constructed in natural limestone as a traditional drystone wall.**
- 5. Minor design details.**

Key Issues

1. Impact on the character and appearance of the dwelling.
2. Impact on the amenity of neighbouring residential properties.

History

January 2002 – approval for demolition of existing buildings and erection of new bungalow and garage.

March 2002 - approval for erection of garden shed.

January 2003 - Amendment to design of new dwelling to incorporate 2 rooflights.

January 2003 - Amendments to siting and design.

October 2003 – Appeal allowed with regard to conditions 6 and 7 of approval ref NP/DDD/0802/394 which related to obscure glazing and fixing of rooflights on the south facing roofslope.

Enforcement Notice NAW/S191/P.4239 regarding limestone rubble walling in breach of condition requiring natural rubble limestone, random coursed. Appeal lodged and dismissed, Enforcement Notice upheld, on 11 September 2003. Walling subsequently reconstructed in accordance with condition. Enforcement Notice withdrawn 18 September 2012.

Consultations

Highway Authority – No response to date

District Council – No response to date

Parish Council – No objections

Representations:

One letter of representation has been received from the occupier of the adjacent property to the north, 'Fairfield'. The letter states that most of the alterations would enhance the 'current soulless character' of Iona. However it raises concerns with regard to rooflights, in particular the proposed rooflight over the bathroom which the neighbour feels would affect her privacy as it would face into Fairfield's bedroom and living room spaces. The letter also raises concerns that the rooflights on the south facing roofslope, looking towards 'Meadow View' were not installed in accordance with conditions, by the previous owner and that the Authority did not enforce against these breaches. Finally, the letter points out that the application forms refer to the boundary wall being in gritstone and that actually it is built in limestone and should be re-built in the same materials.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1

Relevant Local Plan policies: LC4, LH4

In principle, DS1 of the Core Strategy is supportive of extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

Wider Policy Context

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Assessment

In this case, 'Iona' has recently changed hands and the new owner wishes to make alterations partly in association with converting the roofspace and the integral single garage into additional living accommodation. The key issues raised by the proposals are the impact of the extension and alterations on the character and appearance of the dwelling and on the privacy and amenity of neighbouring properties. The applicant did seek pre-application advice although the scheme as presented differs somewhat from that upon which advice was sought. A detailed Planning Statement has been submitted with the application

Issue 1: Impact on the character and appearance of the dwelling.

Whilst the dwelling is a recently built bungalow, it does exhibit qualities that are in keeping with the local building style, including modestly sized gables, a relatively steep roof pitch, natural materials and a high solid to void ratio on the walls.

The proposed extension would be a single storey gabled extension of modest proportions (2.3m x 3.3m), projecting off the rear elevation of the dwelling. It would be set in from the end, gable wall and would have one double casement window in its gable end. Materials would match the main house. This small, simply designed extension would harmonise with the character and appearance of the dwelling in accordance with policies GSP3, LC4 and LH4.

There are also two windows and a patio door currently on the existing rear elevation of the house. It is proposed to widen all three of these openings. The two double casements would be widened to three light casements and the patio door would be widened from 1.2m to 1.8m wide. Whilst the increase in size of these openings would weaken the appearance of this elevation by reducing the amount of masonry, on balance, given that the elevation faces onto a private rear garden, it is considered that the alterations can be accepted.

On the south facing elevation an existing double casement would be enlarge to form a deeper and wider window, divided into three lights. A new double casement window would be inserted adjacent. There is currently a 2.5m high boundary hedge, within the ownership of 'Iona', running directly adjacent to the elevation. Therefore whilst the proportions of the opening are relatively large, it is not considered that they would be cause harm to the character of the dwelling in this

discreet location.

On the north facing elevation, two new rooflights would be inserted. These would not be prominent from the road and are considered to be acceptable a design terms.

Finally on the front, road facing, elevation the existing garage door would be replaced with glazing in the form of three large glazed panels and a two light casement window would be increased in width to a three light window. The plans as submitted also showed the insertion of a new ground floor window (double casement) in the front facing gable end and a further three light window in the gable end at first floor level. Officers considered that the amount of additional glazing proposed reduced the solid to void ratio unacceptably and therefore detracted from the character and appearance of the dwelling when viewed from the road.

As a result of negotiations, amended plans will be submitted before the meeting showing the bathroom window moved round onto the north facing side elevation, under the eaves. It is also proposed to install a new three light casement on the road facing gable end at first floor level. This is not ideal as such a large window close to the roof verges is not traditional. However the applicant is keen to retain the window and, on balance, given that the solidity of the gable end would be improved by relocating the bathroom window, there are no overriding objections to the window.

As submitted the plans also showed a small top hung light in the central panel of the new window in the former garage door opening. This detracted from the verticality of the three light design and from the front elevation as a whole. The applicant has agreed to submit amended plans before the meeting which omit this and instead, to provide ventilation to the room, a single light casement will be shown on the north facing elevation and this is considered to be an acceptable solution.

The proposed rebuilding of the front boundary wall, which is currently in a state of collapse, would enhance the appearance of the property. The wall is currently constructed in natural limestone, so it is considered appropriate to rebuild as a natural limestone drystone wall (rather than gritstone) to match the other walls in the vicinity. It is considered reasonable and necessary to require this by condition.

As amended the proposals would conserve the character of the property in accordance with policies GSP3, LC4 and LH4.

Issue 2 - Impact on the amenity of neighbouring residential properties.

Iona is flanked on both sides by other residential properties. The proposed extension would not harm the amenity of either property in that there is a 2m high close boarded fence on the northern boundary of the property which would prevent any overshadowing or overlooking onto 'Fairfield' to the north and to the south 'Meadow View' would be screened from the development by a 2m high hedge.

With regard to the proposed alterations, the two new rooflights on the north facing roofslope would face towards 'Fairfield'. However, with regard to the concerns raised by the occupier of Iona, the submitted sectional plan makes it clear that the bottom of the lights would be 1.8m above floor level within the rooms at Iona which would preclude the downward view that would be necessary to secure overlooking. The neighbour's criticism of the Authority with regard to enforcing conditions on the original approval regarding obscure glazing and fixing of rooflights on the south facing roofslope are unfounded as an appeal for the rooflights was allowed. The Inspector found that as the rooflights would be 2m above ground level, there would no impact on the amenity of Meadow View. Therefore with regard to impact on amenity and privacy, there are no grounds to resist the clear glazed, opening rooflights as proposed.

As a result of the design amendments, a new single light window would be inserted in the gable end that faces towards Fairfield. However the existing garage building belonging to 'Fairfield' and which sits on the southern boundary of its plot, adjacent to 'Iona', would effectively prevent any overlooking into the windows of 'Fairfield'. In addition the relocated bathroom window would also face towards 'Fairfield', but no overlooking would be possible as the window would look over the parking areas to 'Fairfield' and views of the house would be blocked by the presence of a garage belonging to 'Fairfield'. In addition a condition would be imposed to ensure that the bathroom window remains obscure glazed for the privacy of both properties. The owner of 'Fairfield' will be re-consulted on the amended plans and any response will be reported to the Committee.

To the south, the property known as 'Meadow View' is set further back in its plot than 'Iona'. The proposed enlarged and new window openings on the north facing elevation would face directly onto the high hedgerow, which would effectively prevent overlooking. The hedgerow is in the ownership of 'Iona'. If it were to die or be removed, there would be significant overlooking from the new windows onto 'Meadow View'. As a result, a condition that requires if the hedge were to die or be removed it should be replaced by a 2m high close boarded fence is considered to be reasonable and necessary.

In conclusion, as amended, the scheme would not unacceptably harm the privacy or amenity of adjacent residential properties in accordance with GSP3 and LC4 subject to appropriate planning conditions.

Highway Considerations

Condition no.4 of the latest planning approval required that the garage remain unobstructed for use at all times. Whilst the proposals would result in the loss of the garage facility there would still be sufficient space to park three vehicles in front of the property, with adequate space for turning such that reversing onto the highway is not necessary. This element of the proposal is in accord with GSP3, which requires adequate access.

Conclusion

The proposals, as amended would not harm the character or appearance of the dwelling or unacceptably impact on the privacy or amenity of neighbouring properties in accordance with Core Strategy Policy GSP3 and Local Plan policies LC4 and LH4, the Framework and advice in the Authority's adopted design guidance. Accordingly, the current application is recommended for conditional approval.

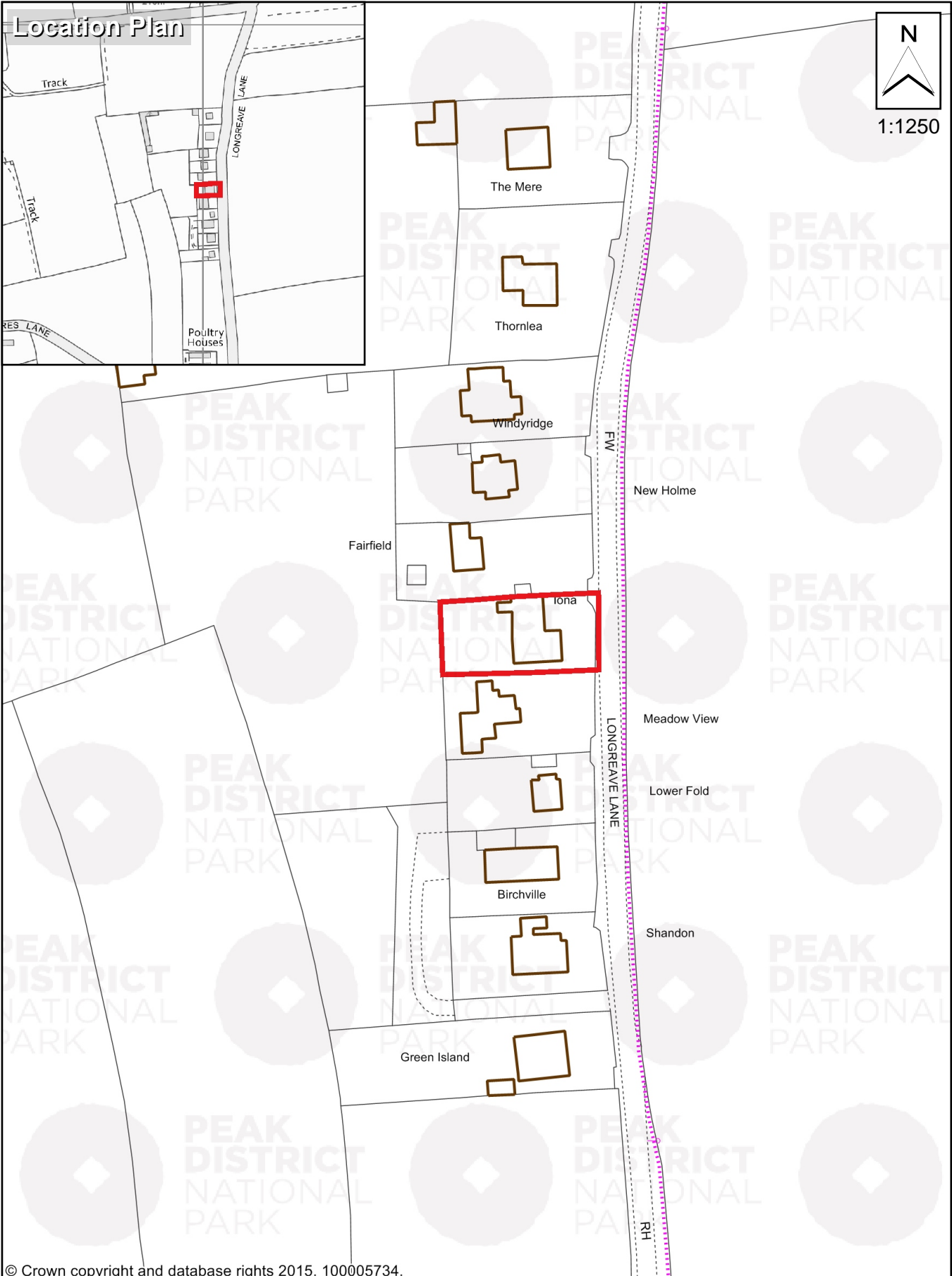
Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

This page is intentionally left blank



© Crown copyright and database rights 2015. 100005734.

| | | | |
|-----------------|------------------|---|--|
| Committee Date: | 07/08/2015 | Title: Iona, Longreave Lane, Rowland |  PEAK DISTRICT NATIONAL PARK |
| Item Number: | 11 | | |
| Application No: | NP/DDD/0615/0558 | | |
| Grid Reference: | 421013, 371749 | | |

This page is intentionally left blank

12. STANTON MOOR MINERAL LIAISON GROUP AND CONSULTATION ON MINERAL PLANNING MATTERS IN THE STANTON MOOR AREA (JRS)

Introduction

In March 2014 Planning Committee resolved to establish the Stanton Moor Mineral Liaison Group (SMMLG). The group was established to operate at an arm's length and allow stakeholders (including mineral operators, parish councils, and community groups) to:

- disseminate factual information
- discuss problems relating to the mineral working and to be part of the practical response
- allow participants to understand their respective roles and responsibilities
- express and listen to each other's views
- ensure information is available to all stakeholders on a consistent and straightforward basis
- to provide an opportunity to discuss forthcoming development proposals
- to discuss day to day concerns about quarry operations and their impacts
- work to establish a better working relationship between the stakeholders
- promote the engagement of those with "protected" characteristics under the Equalities Act 2010

The Authority established the terms of operation of the Liaison Group. The Group is chaired by an independent chair, Professor Tony Crook. It is composed of representatives of the mineral companies operating on and around Stanton Moor, representatives of Stanton in Peak, Birchover and Rowsley Parish Councils, local landowners, local community group representatives and Friends of the Peak District, together with Authority Officers. Minutes are taken by an Authority officer.

Four meetings of the group have now been held, with the latest on 29 June 2015. The minutes of the first meeting held on 30 June 2014 were reported to Committee in November 2014 for information and noting, together with recommendations on the structure of the group, on future consultation arrangements on mineral planning applications in the area and endorsing the use of the Stanton Moor principles as a basis for the Liaison Group discussions.

The minutes of the three subsequent meetings (October 2014, March 2015 and June 2015) have not yet been reported to the Planning Committee, so the purpose of this report is to do this, noting that the minutes of the meeting on 29 June have been agreed by the Chair of the Group (Professor Tony Crook) and have been circulated, but they have not yet been considered by the Liaison Group. The next meeting is provisionally scheduled for October 2015.

The Director of Planning has attended 3 of the 4 meetings, whilst the Senior Minerals Planner has attended 3, missing the last one through illness. Both officers have meetings with the Chair of the Group to set the agenda and review the progress of the Group. At the last review meeting in April both the Director and the Chair agreed that the Liaison Group was serving its purpose and meeting its initial objectives. The Members of the Group endorsed this view when they met on 29 June.

RECOMMENDATION:

- i) **That the minutes of the Stanton Moor Minerals Liaison Group of October 2014, March 2015 and June 2015 are noted.**
- ii) **That the Stanton Moor Minerals Liaison Group continues to operate as constituted in 2014.**

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Minutes for Stanton Moor Mineral Liaison Group October 2014, March 2015 and June 2015:
attached as appendices

Stanton Moor Mineral Liaison Group (SMMLG)

Minutes of meeting held on Wednesday 15 October.

Members Present

Prof Tony Crook – Chair

Paul Morris – Stanton in Peak Parish Council (PM)

Andy Tickle – Friends of the Peak District (AT)

Steve Boam – Stancliffe Stone Ltd (SB)

Howard Griffith – Stanton against the destruction of our environment (SADE) (HG)

Geoffrey Henson – Stanton Lees Action Group (SLAG) (GH)

Andrew Gregory – Blockstone Ltd (AG)

Adrian Davie-Thornhill – Thornhill Settlement (AD)

Bill Elliott – Birchover Parish Council (BE)

In attendance

Jane Newman – PDNPA Senior Minerals Planner (JN)

John Scott – PDNPA Director of Planning, (JRS)

Karen Beresford – PDNPA Minerals Technician (acting as minutes clerk)

1. Apologies

Apologies had been received from the following members:-

Cllr Kath Potter – Rowsley Parish Council

The following members did not attend:

Haddon Estates

Roger Caisley – Birchover Stone Ltd

2. Declarations of Interest

There were no declarations of interest at this meeting.

3. Chair's Report

The Chair reported verbally to the group that he had made a site visit to Dale View and New Pilhough. Those who had accompanied him (PM and GH) agreed that the visits were well worth while and they had learned a lot. Thanks were expressed to those who had arranged and hosted the visits. He had also had a meeting with Jane Newman and John Scott for an update on mineral issues on Stanton Moor and had separately met John Scott to discuss other planning issues more widely.

4. Approval of minutes of last meeting

Minutes taken from the previous meeting on 30 June 2014 were reported to the planning committee on 12 September 2014.

HG had concerns that the minutes noted the topics discussed rather than the actual points made. It was **agreed** that a summary of views expressed in addition to the subject could be included in the minutes in future.

HG also asked that the minutes be amended to note that members did not receive the terms of reference of the group prior to its first meeting¹.

Subject to the above the minutes were agreed as an accurate record

Action – The chair noted that the amended and agreed minutes would go to the November Planning Committee.

5. Matters Arising

The chair reported that he had written, as requested, to Birchover Stone Ltd asking them to reconsider their decision not to be members of the Group. He was pleased to report that it had agreed to accept membership but were not (in the light of attendance) attending this meeting.

HG had questions regarding the Authority's consultation procedure on planning applications. The group discussed 'statutory' consultees and the circumstances when other councils and organisations are consulted.

HG referred to a 2006 press release from the Authority regarding Dale View Quarry, which referred to various parish councils and other bodies as 'statutory consultees'. JRS & JN clarified that the press release was incorrect and that the only 'statutory consultee' is the parish in which the site lies, which in this case was Stanton parish council.

PM had concerns that in the case of mineral applications, parishes on the haulage routes were not automatically consulted. He expressed the view that some applications can impact on adjacent parishes. JRS made the point that additional consultations are 'discretionary' and are consideration needs to be given to whether they are 'proportionate' to the application. JN expressed concerns that consultations other than those which are 'statutory' can set a precedent for other planning applications.

HG expressed the view that we should notify groups and individuals when further information is submitted on planning applications. JN informed the group that there are not enough resources to ensure that this takes place on all applications. AT was concerned that this process would further the length of time that some already long term applications take to be considered.

¹ Post meeting note: following a check on the paperwork after the meeting PDNPA staff informed the Chair that ToR were sent out to all members with the invitation to the initial 4 June meeting of the group, including to the then known representative of SADE, but were not sent to its current representative when PDNPA were notified of the change of representative as it was assumed that paperwork has been sent on to him by SADE.

The group **agreed to note** the points made, including the way the Authority has discretion about consultation, and also that information about applications were updated on a regular basis on the Authority's web site to which all Parish Council clerks and most members have access via the internet.

7. Timescale for any recommendations or issues that are raised by the Minerals Liaison group to be considered by planning committee.

HG expressed the view that he would like to see minutes go to the Authority's planning committee sooner. JN and JRS expressed that this is workload and committee cycle dependent. The Chair **requested** (and JRS **agreed**) that draft minutes (as 'signed off' by him) be taken to the next available meeting, noting upon presentation to the Committee that they had yet to be formally agreed by this group.

8. The context for making decisions on planning applications – presentation by Director of Planning.

The chair opened the discussion with a brief explanation on the history of how planning applications are dealt with in local planning authorities, including the way national planning policy, planning authorities' adopted plans (e.g. Core Strategies) and other material considerations are all factors in decisions (including by the Secretary of State on appeal) . He reminded the group that there is a national policy presumption in favour of development which accords with adopted plans.

JRS gave a presentation to the group based upon a tabled 'hand out'. The presentation put forward the key planning points to be considered when deciding mineral planning applications. The term 'exceptional circumstances' was discussed and that an example of this could be a 'swap' in an area. The Stanton Moor principles were discussed as examples of exceptional circumstances. JRS made the point that occasionally allegations are made that officers are too close to developers. However, officers need to liaise with developers and giving what is called 'pre application advice' is considered to be good practice by the government and saves time in most circumstances (and also deters applications which have no chance of being agreed, saving costs and time to authorities and developers). Pre application advice must be in accordance with policy and if not should be transparent to the committee when applications are formally decided by it.

PM expressed a view that the public often question why permission was given because they do not understand the basis of a decision. He noted that that it is public opinion that Stanton Moor Quarry should not be developed. JN explained that a permission already exists on Stanton Moor but also that an exchange would be a 'balance of advantage' in the circumstances.

HG expressed a concern that communities are not involved in discussions about planning applications. AG explained that discussions involving developers and communities have proved difficult in the past and that was why the liaison group was useful.

HG argued that locals are concerned that in the case of Dale View the company are not meeting their planning conditions and that there is a general lack of confidence in companies about future applications. JN assured the group that monitoring does take place but that sometimes the objective behind a condition can be achieved by another route

The group **thanked** JRS for his presentation and concluded that it was useful. It was **agreed** that at the next meeting there should be a presentation by JRS and JN on planning conditions, the policy and legal authority for their use, how conditions are agreed when permissions are granted and how compliance is monitored.

9. Dale View Quarry

- a) HG **commented** that there have been amendments to 17 conditions on planning permission NP/DDD/0606/0316. JN explained that the authority was awaiting further information from the company before the decision is formally issued. JRS explained to the group how legal agreements are sometimes issued with planning permissions. PM asked questions regarding the process. JRS/JN assured the group that everything is transparent and the correct process is applied. The decision is in accordance with the development plan.
- b) JRS **advised** HG on the time frame for a possible appeal and advised that anyone who had made representations on the application would be notified if an appeal was submitted
- c) SB **gave an update** on Dale View Quarry. Some work has been done to restore the tip. The entrance will shortly have new gates and the building is to be painted. Over the next 6 months a further soil strip is to take place and work is to commence to reduce the height of stock. Also, some further restoration works are to be carried out.

10. Stanton Moor ROMP/New Pilhough

JN **advised** that additional information on the Stanton Moor ROMP had been received but that some consultations were still outstanding. The Planning Committee would probably be making a decision and that would hopefully be at the end of November. A determination or extension of time should be agreed by the end of the calendar year.

AT asked if Stanton Moor quarry could now be worked. At that time JN could not confirm that the information is complete. JN **confirmed** that as soon as the information is complete, suspension will be lifted.

11. Delegation to PDNPA officers: Review of mineral permissions

JRS **explained** that 'Periodic Reviews' are a way of periodically reviewing existing conditions on permissions for specific developments. This is a technical matter and is therefore delegated.

The chair closed the meeting and thanked all for their attendance and for contributing helpfully to the Group's core role of improving information flow and understanding. The group **agreed** to meet in 3 months unless any issues need attention before then

Stanton Moor Mineral Liaison Group (SMMLG)

Minutes of meeting held on Monday 9th March 2015

Members Present

Prof Tony Crook – Chair

Paul Morris – Stanton in Peak Parish Council (PM)

Andy Tickle – Friends of the Peak District (AT)

Howard Griffith – Stanton against the destruction of our environment (SADE) (HG)

Geoffrey Henson – Stanton Lees Action Group (SLAG) (GH)

Ian Kennedy – Blockstone Ltd (IK)

Nicholas Davie-Thornhill – Thornhill Settlement (ND), representing Adrian Davie-Thornhill

Rodger Caisley - Birchover Stone Ltd (RC)

In attendance

Jane Newman – PDNPA Senior Minerals Planner (JN)

John Scott – PDNPA Director of Planning (JRS)

Clare Wilkins – PDNPA Policy Planning Support Officer (acting as minutes clerk)

1. Apologies

Apologies had been received from the following members:-

Steve Boam – Stancliffe Stone Ltd

Cllr Kath Potter – Rowsley Parish Council

Adrian Davie-Thornhill - Thornhill Set

The following members did not attend:

Haddon Estates

Bill Elliott - Birchover Parish Council

2. Declarations of Interest

There were no declarations of interest at this meeting.

3. Chair's Report

The Chair **reported** that a meeting had taken place with himself, JN and JRS regarding the agenda for the meeting. The Chair also **reported** that he had been re-elected to the RTPI Board of Trustees and now chaired the Education Committee.

4. Approval of minutes of last meeting (15th Oct 2014)

AT quoted second page of the minutes: "AT was concerned that this process would further the length of time that some already long term applications take to be considered" and

noted that he had not said this although it was agreed that it had been said by somebody at that meeting. AT's point had been whether there was an option to get additional information onto a weekly list of amendments?

Subject to the above, the minutes were **agreed** as an accurate record.

The Chair **queried** whether these minutes had gone to the November planning committee, JRS and JN **advised** that it had been decided to wait and agree them before taking them to Committee. It was the Chair's view that it would be useful to send them to Committee as soon as possible although JN had concerns regarding sending minutes that had not been agreed by the group. It was **agreed** that the minutes would be sent to everyone in a draft form to broadly agree that they could then go to the next planning committee identified clearly as 'draft not yet approved'. They would then be formally approved at the next meeting of the Group.

5. Matters Arising

- Further to AT's point regarding whether there was an option to get additional information onto a weekly list of amendments, JRS **reported** that he was looking into how best to do this, but thinks the weekly list is not the best way.
- Clarification was sought regarding the press release referred to in the previous meeting of the meeting held on 15 October 2014 regarding statutory consultees. It was **noted** that there are other statutory consultees other than the parish council.
- Comments were made about the PDNPA's apparent inconsistency about which groups to consult. Some members felt that there had been inconsistencies between planning applications about which parishes were consulted. JN **reported** that there was a Development Management Procedure Order (DMPO) which sets out who should be consulted and that this should be adhered to. For consistency JN explained that a system is in place where each application is plotted and a statutory consultee list is automatically formulated in line with the DMPO. This is the best practise. JRS **stated** that the legal minimal would be consulted. In addition he **reported** that the extent of any additional consultation has been agreed by planning committee on 14th November 2014. The report lists which parishes would be consulted on mineral related proposals in this area. It was **agreed** that this report would be circulated to members.
- The issue of parishes affected by traffic movement was also **raised**. JN stated that if there was a proposal within an application to increase lorry movements then parishes affected would be consulted on this.
- JN **reminded** members that lorry movement cannot be controlled and therefore there is no way of controlling which routes are being taken. JN also **reminded** members that County Highways were consulted on 'likely routes' and impacts thereof, but that these cannot be controlled.

- **PM reported** that he had a meeting with the Highways department and they are reviewing all the vehicle restriction signs for lorries. These were originally erected in 1939. It is hoped that this work will be completed within 6 weeks.

6. JRS gave a presentation on:

(a) Planning Appeals:

Appeals are sent to the Secretary of State who is independent of the PDNPA. There are three routes that can be taken:

- Inquiries - formal and not so often used
- Hearings - more informal and public can take more part in the process
- Written representations - mainly used and includes an accompanied or un-accompanied site visit

The appeal on Dale View Stone Saws is to be undertaken as a hearing. The Inspector can close the hearing before the site visit or it can stay open so that parties can make representations onsite, although this is more difficult if there a large number of third parties.

Costs can be applied for and costs awarded against any of the three options above. Before it was only possible to be awarded costs if somebody applied, but now inspectors can award costs as they see fit. Costs can be made against the applicant, the planning authority or a third party objector. Costs can only be awarded for unreasonable behaviour that has resulted in additional expense.

The Planning Inspectorate now has the final say in which of the three processes is used. Timescales vary greatly. JN quoted recent case taking 7 weeks from lodging the appeal to agreeing a hearing. But generally timescales are longer than this and the Planning Inspectorate is behind with case load.

JRS **advised** that in most cases the Planning Inspector made decisions on behalf of Secretary of State and there is no further review. JN noted that for appeal against ROMPs and prohibition orders the final decision is made by the Secretary of State.

Members asked about the date for the Dale View Stone Saws appeal. JN **confirmed** a hearing would take place on 21st April 2015 - JN **agreed** to circulate the guide to hearing processes to all members.

Members queried when the PDNPA's statement of case would be available. JN **noted** that this would be submitted at the end of March and will then be public. Members **asked** what PDNPA's position would be at the hearing as the decision went against the officer recommendation. JRS **confirmed** that the PDNPA would defend the committee decision. The original officer will not defend it and it will be passed to another officer. JN **advised** that she did not necessarily disagree with the committee decision and recognised that the decision, albeit differing from the outcome she had recommended, were rational and possible.

Members asked what visual aids could be used at the hearing. JN **confirmed** that photographs could be used, but no animation or video. There should be enough copies of photographs to be circulated.

JRS **noted** that no new evidence could be submitted at the last minute. JRS also **stated** that appeals decisions can be taken to judicial review if the decision is legally flawed although this is uncommon. Members noted that with a judicial review the grounds are procedural and if the review succeeds then the decision goes back to the beginning.

(b) Planning Conditions

Planning applications can be refused, approved or approved with conditions. The conditions must meet the 6 tests in the National Planning Policy Guidance:

- Necessary
- Reasonable
- Precise
- Enforceable
- Relevant to planning
- Relevant to the development

If the detail is controlled in other legislation then a condition should not be used. The condition should be necessary and not just desirable. They should be used for the avoidance of doubt in the future.

The Chair drew to the group's attention 'conditions precedence' which are conditions that have to be agreed and adhered to before starting onsite. JN **noted** that precedence is not such an issue with minerals as each shovelful of minerals extracted is a new development and therefore lawful use cannot be accrued. JRS also **noted** that conditions can be difficult to monitor. JN **advised** that there is a process for mineral monitoring.

(c) Planning Obligations

Obligations go further than conditions. In PDNPA they are mainly used to control matters such as occupancy restrictions. Obligations are enforceable through the courts.

The group **thanked** JRS for his presentation and concluded that it had been useful.

JRS left the meeting.

7. Dale View Quarry

7a) – appeal: this item was covered in JRS presentation on planning appeals (6a above).

7b) Other matters:

- JN **informed** the group that there has been an amendment to the planning permission through a variation of conditions that it has been resolved to approve, although this has not yet been issued as the legal agreement requires completion.

- – A member stated that he considered that the amendment of conditions application was wrongly described to committee as the report stated that there was no processing on site. However, at the same time the application for the wire saws had been submitted which may lead to processing on site. The Group **noted** this view.
- Workshop: JN **noted** that the colour it has been painted is in line with the permission but the end result is not what was intended and complaints have been received. Stancliffe are willing to repaint it. The colour can be discussed and a site meeting arranged for anyone who wants to be involved in this.
- JN **reported** that Steve Boam had informed her that the grass seeding on the slope has taken place. The last remaining area on the tip is to be levelled before Easter and the outer rim will then be seeded.
- A member queried whether the concrete plinth has recently appeared? JN **confirmed** that this has been here for at least a year.

8. Stanton Moor/New Pilhough

The following progress was reported:

- Geotechnical data was being investigated. Block Stone intend to provide an additional plan to inform the ROMP process.
- Viability information has been passed to PDNPA from Block Stone and JN confirmed that this information would be assessed by a third party.
- If working has finally ceased then a prohibition order would be pursued.
- If working has not finally ceased, then PDNPA will proceed with a ROMP.
- With regards to timescale JN **stated** that it is likely to be resolved May/June.

In discussion the following points were raised:

- JN also **noted** that there has been a similar case in Oxfordshire which PDNPA are taking legal advice on.
- A member asked whether it can be assumed that the appeal with regards to the first application is on hold. JN **advised** that PDNPA feel the appeal should be withdrawn. IK also (a) **confirmed** that Block Stone were probably going to withdraw and (b) that it was continuing minor work on tips. Levelling had been done at New Pilhough. The company were working hard to get agreement on the ROMP.
- It was **noted** that the current application is for an extension – Block Stone are out of date to appeal against non determination so would have to wait for a refusal in which time a ROMP or prohibition order could come about.

9. Birchover Quarry

A number of matters were raised:

- It was noted that there have been two applications; one for additional working at Birchover and a second to take the Birchover tip across the road to Barn Hill Quarry – awaiting the S106 from legal to have the decision issued. The operator is working in line with the 142 conditions, though these have not been formally issued.
- PM reminded the group of his highways signs review and noted that at the turning from Birchover there is a sign saying ‘limited access.’ Is this entrance still required?
RG stated that the sign can move to the junction.
- It was also noted that the new houses that have been built have caused a big traffic increase. It was suggested that this is an example of a parish being affected, but not being consulted. JN responded that it is unlikely that the Authority would widen the consultation in areas beyond mineral issues, but will always listen to other parishes during the process.
- RG reported that the company were ready to go with moving Birchover quarry tip in spring. When get the permission then this will go forward.

The Chair closed the meeting at 1930. It was agreed to hold the next meeting in June

Stanton Moor Mineral Liaison Group (SMMLG)

Draft minutes of meeting held on Monday 29th June 2015

Members Present

Prof Tony Crook – Chair

Sue Fogg – Stanton in Peak Parish Council (SF), in place of Paul Morris (PM)

Andy Tickle – Friends of the Peak District (AT)

Howard Griffith – Stanton against the destruction of our environment (SADE) (HG)

Geoffrey Henson – Stanton Lees Action Group (SLAG) (GH)

Andrew Gregory – Blockstone Ltd (AG)

Steve Boam (Stancliffe Stone Ltd) SB

Adrian Davie-Thornhill – Thornhill Settlement (ADT)

Roger Caisley - Birchover Stone Ltd (RC)

Andrew Prince - Birchover Parish Council (BE)

In attendance

John Scott – PDNPA Director of Planning (JRS)

Clare Wilkins – PDNPA Policy Planning Support Officer (acting as minutes clerk)

1. Apologies

Apologies had been received from the following:

Jane Newman - PDNPA Senior Minerals Planner (JN)

The following members did not attend:

Haddon Estates

Cllr Kath Potter – The Chair confirmed that the Clerk of Rowsley Parish Council had written to confirm that Cllr Kath Potter is still the representative of Rowsley P. C. It was **noted** that Cllr Potter has only attended the first meeting of the Group and it was **agreed** to seek advice from the Authority's Democratic Services Officer about the continuing membership of Authority committees and groups if members missed three or more meetings.

2. Declarations of Interest

There were no declarations of interest at this meeting.

3. Chair's Report

The Chair **reported** that he had met with JRS in April and that JRS believed that the Group was achieving its objectives and making good progress in keeping members informed about planning policy and planning decisions and about the operations of the quarries. The Planning Committee had agreed to keep the group going and to confirm the appointment of the current Chair. The Chair had received a copy of the Planning

Inspectorate's recent appeal decision on Dale View Quarry (see later in agenda). He had also met Jane Newman for an update meeting and to agree the agenda for this meeting.

4. Approval of minutes of last meeting (9th March 2015)

HG had not received a copy of these minutes until 2.30pm that day, nor had any correspondence regarding the meeting been received. JRS apologised, but in JN's unexpected absence through illness he had stepped into the meeting at the last minute and was not sure what had gone out due to JN's absence. SF queried whether there was an official timescale for issuing minutes? The Chair explained that there had been delays in him receiving a draft of the last minutes and even though he had submitted amendments to JRS by return these had not been actioned for a number of weeks. He asked that there should be no such delays in the future. . JRS **agreed** to get the minutes issued as soon as possible and apologised for the previous delays

SF queried where the minutes were published? JRS advised that they go to the Planning Committee and are therefore published on the committee section of the website. SF could only find October 2014 minutes on here. The Chair would like the draft unapproved minutes to go to the Planning Committee, but the Chair of Planning Committee preferred only the approved minutes to be reported to that committee Previous discussion had taken place regarding this at the last meeting of the Group and it had been agreed that the minutes agreed by the chair would go to the subsequent committee noting that they had not yet been approved by the Group..

JRS advised that if the March 2015 minutes could be agreed today then they could go to the next Planning Committee.

Andy Tickle (AT) clarified with reference to point 4 of the minutes that he had queried whether there was an option to have notification of amendments in the form of a weekly list. It was **agreed** to change this minute to reflect this point.

Subject to the above, the minutes were **agreed** as an accurate record.

5. Matters Arising

- Further to AT's point regarding whether there was an option to get additional information onto a weekly list of amendments, JRS **reported** that he would look into how best to do this, but he confirmed his view that the weekly list was not the best way to do this. He advised that consultees and third parties (including FoPD) should be notified of any significant changes to proposals, so he would repeat this instruction to the Planning Service.
- It was noted in the last minutes (point 5) that the report agreed by Planning Committee on 14th November 2014 regarding which parishes would be consulted on mineral related proposals would be circulated. JRS apologised that this had not been done and would action this point.
- SF gave an update on Highways matters in the absence of Paul Morris. The road sign survey had been done 17th June 2015. The next step was for a meeting with County Highways to discuss all signage around Stanton Moor. There had been

numerous incidents with Enthoven lorries recently. Once Paul Morris returns he will contact Highways. SB noted that the lorry incidents had a knock on effect on the quarries. SF advised that Highways were not forthcoming on this matter. The Chair queried whether it would be helpful if he wrote to them. It was **agreed** that this would be useful. SF advised that the police are not interested unless there is an accident, so the Parish Council are currently logging incidents with Trading Standards.

6. Dale View Quarry

6a) – Appeal: JRS advised that the first opportunity Planning Committee will have to discuss this is on 10th July 2015. JRS has circulated the decision to members with a summary, as is his normal practice. JRS made it clear in his summary that the decision in this appeal was specific to this area due to the tranquillity of the moor. SB queried why there were pop concerts here if noise was a problem (the recent solstice and Exile concert). JRS advised that PDNPA have no control over unplanned events or events that do not require planning permission. The 28 day rule allows certain activities to happen without planning permission, even in a National Park. Environmental Health can regulate but the assessment is different to judging planning applications. It was established that the Exile concert was outside of the national park.

6b) Amendment to planning permission NP/DDD/0606/0316; SF noted that this planning reference was incorrect, and that it should end with 0613. In JN's absence JRS was not familiar with the detail of this planning application, but he advised that it had been approved by Planning Committee in 2014 and was awaiting a section 106 agreement. It was not a new permission, but a variation of an existing one. It was **agreed** that that JN would give an update on her return and contact members. JRS noted that the removal of conditions was not a relaxation of the permission, but were being removed as they were out of date. GH noted that a number of the conditions were to be implemented within two years but had not been done. The Chair asked if a list of conditions could be compiled noting which had been complied with. The Chair advised that he would ask JN to issue a note, which he would like to see first. *(NB. Post meeting note: please see attached Planning Committee report, which dealt with the application).*

6c) The following update was reported by SB:

- Finished landscaping at tip and finished soil. Next was the outer rim restoration on the front and area in front to be tidied up.
- 3 sample colours have been painted on panels. Anyone is free to have a look. SB wondered whether it would be best to go back to original colour. JRS advised that if in doubt it was best to use a darker colour as this fades over time. JRS agreed that original colour (dark brown) might be the best.
- SB asked that the walls on Lees Road be looked at for repair.
- GH asked that now appeal had been lost, when was the unauthorised development relating to the saws to be removed? SB advised that he wasn't sure what the company decision was on this. JRS advised that PDNPA would also be looking into this and that Stancliffe Stone should advise PDNPA what they think their alternative options are, other than removal. JRS advised that the unlawful structures would not be classed as an enforcement priority at the moment because work had ceased when instructed by the PDNPA and they are not readily visible

from outside the site; however, he would not expect them to remain without permission. GH raised concerns about this. ADT also noted that a further planning application could be submitted with regards to the saws. The Chair stated that the Group's minutes would record that some members had emphasised that enforcement action for the removal of the base should be prioritised by PDNPA.

7. Stanton Moor/New Pilhough

7a) - Prohibition Order: It was noted at the last meeting that PDNPA had hoped for a resolution May/June 2015 but this is still outstanding. JRS advised that he had a meeting with legal advisers arranged for tomorrow and would then meet with AG and his team. JRS thinks PDNPA may now have enough information for the ROMP to progress so that recommendations could go to Planning Committee in 3-4 months, but he needs a discussion with legal advisers and AG first. ADT queried why so much more information was being requested when there was enough information in 2013. JRS advised that the PDNPA must have sufficient information to defend a legally sound decision. If it is agreed there is a workable quantity in the ground then a swap could be considered, in accordance with the Stanton Moor Principles. Currently the geotechnical consultants employed by Blockstone and the PDNPA disagree on the amount of reserves. The Chair concluded that it is desirable for all parties involved if a decision is made as soon as possible. HG stated that when a decision is issued it would have to be made clear what is involved in any report on the PDNPA's website.

The following update was reported by AG:

- Operations were continuing as normal
- Minor works to the tip had taken place
- Proceeding with ROMP

8. Birchover Quarry

The following update was reported by RC:

- They had now received two planning permissions, one for the extension of the quarry and one for the reduction of the tip. They are working on the conditions required;
- Acoustic consultants had been employed to improve noise insulation in existing and approved stone sheds;
- Ecologists were working on additional surveys and restoration, enhancing and landscaping. They had found nesting birds on the tip which may affect timing.
- Highways – had done what they can regarding traffic management. The advice note to contractors had been amended. Highways have informally agreed signs. They are waiting on Highways to look at condition of access and traffic management for the tip to Dungeon site.
- Archaeological consultants – watching brief drafted. Consulted with PDNPA, submission relatively soon.

The Group thanked RC for the report and the progress being made in terms of planning requirements and the timescales involved.

The Chair queried whether it was usual to give contractors information on routes. This is common practice but the problems created by lorries are not those related to the quarries but with Enthoven.

HG was pleased to hear that the acoustic work was taking place as there is a certain amount of noise and the doors tend to be open. RC advised that the main saws will stay in the existing shed and smaller equipment will be moved. As far as possible the doors were kept closed when there was no movement. ADT queried whether the noise had been raised as an issue. RC recalled a complaint from campers 3 years ago. HG said there was some lack of understanding over who to complain to. JRS confirmed if the complaint related to a planning condition then complaints should go to PDNPA, otherwise if it was from long established use complaints should go to Derbyshire Dales EHO.

9. AOB

JRS raised the Barn Farm, Barton Hill, Birchover campsite appeal decision – this can be circulated/viewed if anyone was interested (APP/M9496/W/15/3005019).

The Chair closed the meeting at 1915. It was agreed to hold the next meeting in October 2015.

This page is intentionally left blank

13. APPROVAL OF BRADWELL NEIGHBOURHOOD PLAN TO TAKE FORWARD TO REFERENDUM (AM)

Purpose of the report

1. To consider the recommendations set out in the report by the independent examiner of Bradwell Neighbourhood Plan and to decide how to proceed.

Key issue

2. The Authority must consider each of the examiner's recommendations and the reasons for them and decide what action to take. If the Authority is satisfied that the draft plan:
 - meets basic conditions;
 - is compatible with European Convention rights;
 - complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan;or can do so as modified, a referendum must be held.

3. Recommendation:

That members, in accordance with Schedule 4B, para 12 of the 1990 Town and Country Planning Act:

- (i) **Consider and accept the examiner's recommendations to make modifications to Bradwell Neighbourhood Plan (submission draft), as set out in the examiner's report (Appendix 1),**
- (ii) **Determine that Bradwell Neighbourhood Plan, as modified, would meet the basic conditions, be compatible with Convention rights, and comply with the definition of, and the provisions that can be made by, a neighbourhood plan.**
- (iii) **Approve that Bradwell Neighbourhood Plan (submission draft) is modified in accordance with the examiner's report and as set out in the Schedule of Proposed Modifications (Appendix 2).**
- (iv) **Determine that the modified plan go forward to referendum.**

How does this contribute to our policies and legal obligations?

4. This is a legal obligation under the Localism Act 2011.
5. This proposal contributes to Corporate Objectives:
 3. Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.
 - 5: Work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.

Background

6. On 16 January 2015 Planning Committee determined that Bradwell Neighbourhood Plan (submission draft) does comply with the legal criteria for a neighbourhood plan, and authorised that the plan be submitted for public consultation and independent examination. The statutory consultation was undertaken from 2 March 2015 to 30 April 2015. Sixteen responses were received. An independent examiner was appointed and in accordance with Regulations, the consultation responses were submitted for his consideration along with the draft plan and supporting documents.

The examiner determined that a public hearing was not necessary and undertook the examination by written representation. The examiner's report was formally submitted to the Authority and to Bradwell Parish Council on 8 July 2015.

7. Legal checks that the Authority must now undertake

Under Schedule 4B, para 12 of the 1990 Town and Country Planning Act, the Authority must ensure that Bradwell Neighbourhood Plan meets, or would meet if modified according to the recommendations of the independent examiner:

- i. the basic conditions
- ii. Convention Rights
- iii. provisions relating to the definition and content of neighbourhood plans.

Taking each of these in turn:

(i) Basic conditions

Basic conditions are that a neighbourhood plan must:

- have regard to national policy and guidance from the Secretary of State
- contribute to sustainable development
- be in general conformity with the strategic policy of the development plan for the area
- not breach, or be otherwise be compatible with EU obligations

The report of the independent examiner concludes:

"I have recommended a number of modifications further to consideration of the Bradwell Neighbourhood Plan against the basic conditions. Subject to these modifications, the Bradwell Neighbourhood Plan

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development;*
- *Is in general conformity with the strategic policies of the development plan for the area;*
- *Does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.*

Taking the above into account, I find that the Bradwell Neighbourhood Plan meets the Basic conditions."

The Authority can be satisfied that Bradwell Neighbourhood Plan, as modified according to the examiner's recommendations, does meet basic conditions.

(i) Convention Rights and European Union (EU) Obligations

The examiner's report states *"I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the European Convention on*

Human Rights and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.”

The examiner’s report also critically appraises the procedure undertaken by the Authority to ensure that Bradwell Neighbourhood Plan is compatible with EU obligations prescribed by the Act and Regulations, concluding “ . . . *in the absence of substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.”*

The Authority can be satisfied that Bradwell Neighbourhood Plan, as modified according to the examiner’s recommendations, is compatible with Convention Rights and other EU obligations.

(iii) provisions relating to the definition and content of neighbourhood plans

These issues were considered by Planning Committee at the meeting on 16 Jan 2015 (Agenda Item 15, paragraphs 13-18). Members determined “that the draft (31.12.14) Bradwell Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan”

Under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, the examiner is also obliged to undertake these checks. The examiner’s report outlines the checks necessary and concludes “subject to the contents of this Report, I am satisfied that all of the above points have been met.”

The Authority can be satisfied that Bradwell Neighbourhood Plan, as modified according to the Examiner’s recommendations, satisfies provisions relating to the definition and content of a neighbourhood plan.

8. Procedure for taking the neighbourhood plan to referendum and adoption

| | |
|---|------------------|
| Authority approves plan | 7 August 2015 |
| Authority makes formal request to Derbyshire Dales District Council (DDDC) to undertake referendum | 7 August 2015 |
| Authority prepares and publicises referendum version of plan, ‘decision statement’ and other prescribed material, then works with DDDC to ensure that the relevant documents are available during the referendum period | August-Sept 2015 |
| Referendum <i>(The question to be asked is “do you want the Peak District National Park Authority to use the neighbourhood plan for Bradwell to help it decide planning applications in the neighbourhood area?)</i> | Oct 2015 |
| Referendum results <i>(If a referendum results in more than half of those voting (ie 50% +1) voting in favour of the proposal the Authority must ‘make’ the neighbourhood development plan as soon as reasonably practical.)</i> | Oct 2015 |
| Authority publicises the ‘decision statement’ (based on referendum result) and plan | Oct 2015 |
| Authority ‘makes’ the neighbourhood plan (it becomes part of the statutory development plan for the National Park.) | November 2015 |

Are there any corporate implications members should be concerned about?

Financial

9. The main costs will result from:

1. Examination. At the time of writing the examiner's invoice has not been received. It is estimated at around £5-6k.
2. Staff time in managing the process leading to referendum.
3. Referendum. Derbyshire Dales District Council has advised that a stand-alone referendum would cost £1808.00

The Authority is now able to claim £20k from DCLG in the next funding window following successful completion of the examination.

Risk Management:

10. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

Sustainability:

11. Sustainability issues have been addressed in the report

Background papers (not previously published)

12. None.

Appendices

Appendix 1: Bradwell Neighbourhood Plan Examiner's Report
Appendix 2: Scheduled of Proposed Modifications

Report Author, Job Title and Publication Date

Adele Metcalfe, Villages and Communities Officer, 30 July 2015

BRADWELL NEIGHBOURHOOD PLAN

Bradwell Neighbourhood Plan Examination,
A Report to the Peak District National Park Authority

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

erimaxltd.com

July 2015

Contents:

1. Introduction

2. Basic Conditions and Development Plan Status

3. Background Documents and Bradwell Neighbourhood Area

4. Public Consultation

5. The Neighbourhood Plan: Introductory Section

6. The Neighbourhood Plan: Policies

- **Housing**
- **Local Economy**
- **Transport**
- **Health, Education and Well Being**
- **Environment**

7. Summary

8. Referendum

1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Bradwell Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Bradwell Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by the Peak District National Park Authority. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Bradwell Neighbourhood Area.

Role of the Independent Examiner

I was appointed by the Peak District National Park Authority, with the consent of Bradwell Parish Council, to conduct an examination and provide this Report. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and am an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

¹The qualifying body is responsible for the production of the Plan.

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Bradwell Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2015-2030. The title page of the Basic Conditions Statement also identifies the plan period. I consider that it would be helpful if the Neighbourhood Plan provided a reference to the Plan Period in the Introduction. I recommend:

- **Introduction (page 7), add to end of second paragraph “*The Neighbourhood Plan covers the period from 2015 to 2030.*”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to the Peak District National Park Authority that I was satisfied that the Bradwell Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

The Basic Conditions are summarised on Page 14 of the Neighbourhood Plan. It is important that the Basic Conditions are not paraphrased, as this can change their meaning. For accuracy, I recommend:

- **First sentence, add “...general conformity with *strategic* local policies.”**

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, it is good practice to assess neighbourhood plan proposals to determine whether or not the plan is likely to have significant environmental effects. This process is referred to as a “screening assessment.” If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

³ Paragraph 026, Planning Practice Guidance 2014.

The allocation of development land is recognised as one of the limited circumstances where a neighbourhood plan *could* have significant effects. According to Planning Practice Guidance (11-027) the Neighbourhood Plan “*may* fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.”

In line with Planning Practice Guidance, the Peak District National Park Authority undertook a Strategic Environmental Assessment (SEA) Screening Report and a Habitat Regulations Assessment (HRA) Screening Report.

Whilst the Neighbourhood Plan does not allocate land, Policy H2 does support the mixed use redevelopment of the brownfield Newburgh site. In addition, Bradwell is located within the sensitive environment of the Peak District National Park. Given these two particular factors, I consider it especially important that the Neighbourhood Plan has been screened.

The SEA Screening Report concluded that the Neighbourhood Plan “will not result in significant environmental effects” and that a full strategic environmental assessment is not necessary. The HRA Screening Report concluded that “there is likely to be no significant effect of the Neighbourhood Plan on the European sites” and that an Appropriate Assessment is not required.

The Screening Reports were sent to English Heritage, Natural England and the Environment Agency for consultation at the beginning of 2015.

Subject to a comment aimed at providing further clarity with regards the Newburgh site, Natural England agreed with the conclusions of both the SEA and HRA Screening Statements. Historic England agreed with the conclusion of the SEA Screening Report and confirmed that, in its view “SEA isn’t required” and raised no concerns with regards the conclusion of the HRA Screening. Further to consideration of the Scoping Reports, the Environment Agency stated that the Neighbourhood Plan “raises no environmental concerns.”

In addition to the above, I note that national guidance states that

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

In this regard, the Peak District National Park Authority is content that the Neighbourhood Plan meets the basic conditions.⁴ Taking this and all of the above into account, and in the absence of substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

⁴ Minutes, Meeting of Planning Committee 16 January 2015

3. Background Documents and Bradwell Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Bradwell Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Peak District National Park Local Plan (2001) (Saved Policies)
- Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011)
- Basic Conditions Statement
- Consultation Statement

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Bradwell Neighbourhood Area.

Bradwell Neighbourhood Area

Chapter 3 of the Neighbourhood Plan states that its geographical area “is the same as that defined by the boundary of Bradwell Parish.” A Plan showing the boundary is provided in Figure 1 on page 9 of the Neighbourhood Plan.

Further to an application made by the Parish Council, the Peak District National Park Authority approved the designation of Bradwell as a Neighbourhood Area on 8 March 2013. This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Bradwell Neighbourhood Plan Consultation

Bradwell Parish Council submitted a Consultation Statement to the Peak District National Park Authority. This sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁵.

Taking into account the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account. It is also clear that Bradwell Parish Council undertook public consultation above and beyond that required by legislation.

Public consultation is fundamental to neighbourhood planning and I consider how Bradwell Parish Council undertook it in more detail below.

Following the decision to produce a Neighbourhood Plan, declared by Bradwell Parish Council in April 2013, a Neighbourhood Plan Committee was formed and four Working Groups established. A widely advertised Survey of residents was conducted between September 2013 and January 2014, building data on housing, parking, renewable energy, traffic and other matters. An additional Survey of over 100 local businesses was also carried out.

Committee and Working Group meetings, together with meetings with village organisations and businesses were held between January and June 2014. Once feedback from all of the above had been gathered and considered, a consultation draft plan was produced. Notably, in line with good practice, draft plan production involved close collaborative working with officers from the Peak District National Park Authority.

⁵Neighbourhood Planning (General) Regulations 2012.

Further to a public meeting and amendments, the draft plan underwent public consultation during November and December 2014. A total of 104 organisations were contacted and asked for their views. A two day Exhibition was held in November 2014, where Working Group members were present to answer questions and feedback forms were provided. The comments received were duly considered and amendments were made to the plan.

The consultation process was widely publicised via regular updates and provision of information on the Parish Council's website, and by advertisements in the Bradwell News monthly paper and on Parish Notice Boards. I also note that there is a tradition in Bradwell for events to be communicated by notices on lamp posts and that this distinctive form of communication was utilised during consultation.

The Parish Council also organised a series of informal lectures and information sharing events, which included the engagement of specialists, to help people understand relevant issues. Forms and information were made available on line, as well as in village shops, Bradwell Post Office and local pubs.

In all, I find that the Consultation Statement presents an audit trail to demonstrate that consultation was wide-ranging, comprehensive and transparent. Events and information were appropriately publicised and comments were duly considered. There is evidence to demonstrate that the Neighbourhood Plan reflects the views of local people.

Taking all of the above into account, I am satisfied that the consultation process was significant and robust.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner's Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below - these are aimed at making it a clear and user-friendly document.

One of the first things noticeable about the Neighbourhood Plan is that it is a document of considerable size. Whilst a neighbourhood plan can be any size, large or small, it is relevant to note that it is a plan's policies that will ultimately help shape development and growth and as such, should form its focus.

Half of the submission version of the Neighbourhood Plan comprises Appendices. Whilst these provide useful information at the draft stage, it is important to note that the Appendices do not form part of the Neighbourhood Plan itself. I recommend the following:

- **Remove the Appendices from the Neighbourhood Plan. I provide a recommendation later in this Report with regards to the referencing of supporting material.**

The first five pages of the Neighbourhood Plan are devoted to Amendments and Contents. This is unnecessary and unbalances the Neighbourhood Plan. However, it can be easily remedied. I recommend:

- **Delete Amendments page**

There is no need to list each individual Policy. There is a helpful summary section, which refers to all of the Neighbourhood Plan's Policies, at the beginning of the Policy section. I recommend:

- **Delete all individual Policy references in Contents and just show Section Headings instead.**
- **Delete all references to Appendices**

The above changes should result in an appropriate, easy to navigate, single Contents page.

The “What is this Document...” section is unnecessary and has been overtaken by events.

- **Delete “What is this Document...” heading, text and Contents reference**

The Introduction is generally helpful. However, the reference to the withdrawal of a planning application is unnecessary, confusing and will become out-dated quickly. It adds little to the Neighbourhood Plan. I recommend:

- **Delete fourth paragraph of Introduction**

Section 2 is also helpful. However, I have recommended the removal of the Appendices, as they do not form part of the Neighbourhood Plan. I recommend:

- **Section 2 first paragraph, last line, change to “...are *captured in a Community Plan.*”**

The background documents to the Neighbourhood Plan are wide-ranging. There is no need to single out a reference to heritage assets in Appendix 5. This simply appears as an odd, out of place inclusion in Section 2. I recommend:

- **Delete second paragraph of Section 2**

Section 3 provides clear and helpful information regarding the Neighbourhood Area.

Section 4 of the Neighbourhood Plan comprises a “Timeline.” This provided useful information at the draft stage, but is no longer relevant. I recommend:

- **Delete Section 4 heading, text and Contents reference**

Section 5 comprises an insightful and distinctive summary of Bradwell Parish.

- **Delete incorrect reference to “(Kelly, 1912)” at end of second paragraph on page 12.**

Section 6 is comprises an extremely clear vision. It provides a clear connection between the aims and aspirations of the community and the Policies of the Neighbourhood Plan. I recommend:

- **Section 6, first line, include comma after “...consultations,”**

Section 7 begins with a helpful reference to national and local planning policy. However, the second and third paragraphs are confusing. I note in particular that there is no need to set out what the Neighbourhood Plan does not do. I recommend:

- **Delete second and third paragraphs of Section 7**

The final paragraph of Section 7 begins with partial repetition – and misinterpretation - of one of the basic conditions already referred to. Furthermore, there is no need to repeat the reference. I recommend:

- **Section 7, final paragraph, first line, delete “...are in general conformity with national and local policies...”**

Section 8 provides an opportunity to reference the Neighbourhood Plan’s evidence base, including the Appendices. I recommend deletion of the current paragraph (all of the evidence base is relevant to the Neighbourhood Plan) and re-writing it as follows:

- ***“The Neighbourhood Plan has emerged from significant background work. As part of the evidence base for the Neighbourhood Plan, a series of Appendices were produced and in line with the legislative requirements, a Consultation Statement and a Basic Conditions Statement were submitted for examination alongside the Neighbourhood Plan.***

All of this and other relevant information is available and can be viewed on the Parish Council website at http://bradda.org/N_Plan.htm”

Section 9 is set out as a Consultation Report. The Consultation Report was submitted separately and there is no need to repeat its content in the Neighbourhood Plan. I refer to the Consultation Statement in the recommendation above. I recommend:

- **Delete Section 9**

Taken together, all of the above recommendations are aimed at providing a crisper, concise, easier to read and relevant introductory section to the Neighbourhood Plan.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Summary of Policies

The introductory table provides a very useful and helpful summary at the beginning of the Policy Section.

As a result of consideration of each of the Policies of the Neighbourhood Plan, below, I recommend a small number of changes to the content of the table. These are:

- **Change Objective for Policy H3 to “*Encourage housing needs to be met in the built area*”**
- **Change Policy Index for Policy H3 to “*Establish Bradwell built area*”**
- **Change Objective for Policy H4 to “*Provide broad mix of housing types.*” (delete the two lines that follow)**
- **Delete second paragraph of Objective for Policy T4, which is unnecessary**
- **Change Objective for Policy HEW2 to “*Designate Local Green Spaces*”**
- **Change Policy Index for Policy HEW2 to “HEW 2: Local Green Spaces”**
- **Delete Policy Index and Objective for Policy HEW 3**
- **Delete Policy Index and Objective for Policies T3 and T4**

Housing

Each of the Policy topic sections includes a repeat of part of the introductory table referred to above. This comprises unnecessary repetition that detracts from a focus on the Policies of the Neighbourhood Plan. I recommend:

- **Delete all of the Objective/Policy Index tables in each Policy topic section**

Policy H1: Provision of Affordable Housing

This is a positive land use planning policy. It encourages the provision of local needs affordable housing and contributes to the achievement of sustainable development. The Policy has regard to the Framework, which supports the creation of inclusive, mixed communities and meets the basic conditions.

Policy H2: Housing Development on the Newburgh Site

For clarity, I recommend the following changes to the background text:

- **First para, third line, re-word “...which are now *underutilised*. An overwhelming...”**
- **Second para, delete final sentence, from “This would prevent...”**
- **Fourth para , second line, add “*Park*” after “National”**

Policy H2 is a positive policy that supports the redevelopment of the Newburgh site. Strong support for the redevelopment of the site, to include some open market housing, has emerged through consultation.

The Peak District National Park Local Development Framework Core Strategy (Core Strategy) does not make provision for housing solely to meet open market demand (as set out in Core Strategy Policy HC1). However, the Core Strategy is explicit in acknowledging the important “impetus” that open market values can bring to development that may include, for example, “the treatment of a despoiled site” (Core Strategy 12.18). In this way, the Core Strategy recognises and accepts the occasional need for open market housing.

In taking the above into account, I also note that the Core Strategy goes on to state that “wherever possible and financially viable, such developments should add to the stock of affordable housing” (Core Strategy 12.18). This is reflected in the approach Policy H2 adopts with regards affordable housing.

The Framework considers the effective use of land, by reusing land that has been previously developed, and the promotion of mixed use developments, as comprising

core planning principles. Taking this and all of the above into account, I am satisfied that the general approach set out within Policy H2 – supporting the mixed use redevelopment of a brownfield site, to include open market and affordable housing - meets the basic conditions.

I am concerned, however, with some of the detail within Policy H2.

Whilst the Policy clearly intends the Newburgh site to be developed for mixed use, the wording of part 4 is vague and there is no indication, for example, of what would happen if housing proposals were not “considered in the context” of a mixed use plan. Consequently, Policy H2 does not provide a clear indication of how a decision maker should react to a development proposal, as required by national policy (National Planning Policy Framework Para 154). I also note that Policy LE2 supports employment development at the Newburgh site. I propose wording to address these matters in my recommendation below.

The Policy states that the affordable dwellings will be delivered by a Community Land Trust. Whilst I am satisfied that a Community Land Trust can be established in Bradwell and that one is likely to be established by the time this Neighbourhood Plan might be made, I am concerned that, as worded, Policy H2 provides for no flexibility in case a Community Land Trust cannot, for whatever reason, deliver affordable dwellings.

Further to the above, the Policy refers to a commuted sum payment that equates “to the full build cost of the provision of affordable housing.” This is an unrealistic expectation. Whilst it may be normal for developers to subsidise the difference between the value of market and affordable housing units, it could well be the case that the provision of the “full build cost” would render a development proposal unviable. The Framework is clear in stating that sites “*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened*” (National Planning Policy Framework Para 173). No evidence has been presented to demonstrate that payment of “the full cost of the provision of affordable housing” is realistic or viable.

Policy H2 is also very confusing in its treatment of land for affordable housing. It states that a Community Land Trust will deliver affordable housing and that it is necessary for land within the Newburgh site to be provided for affordable housing, but then goes on to state that affordable housing will be provided “either on or off site” and that “affordable housing may be provided on the site or appropriate alternative sites within the built area.” Not only is this contradictory and unclear, but no alternative sites are referenced or allocated in the Neighbourhood Plan and there is no evidence to demonstrate that any such sites are readily available.

Taking all of the above into account, I consider that, with regards the Newburgh site, the detailed treatment of affordable housing is confusing and inappropriate. Whilst I acknowledge that the establishment of Bradwell Community Land Trust is a key local aspiration that seeks to contribute to the achievement of sustainable development,

for the reasons set out above, the details within Policy H2, as worded, which relate to the provision of affordable housing, do not meet the basic conditions.

I recommend:

Policy H2, re-word to read: “This Plan supports the development of the Newburgh site for the provision of open market homes as part of a mixed use development to enhance the character of Bradwell, subject to the number of open market dwellings not exceeding 40; and the provision of local needs affordable housing at a level in accordance with a financial viability assessment and an up to date housing needs survey. Where possible, the affordable dwellings will be delivered by Bradwell Community Land Trust. The development of the site for housing alone is not acceptable but must form part of a mixed use development.”

Subject to the above, I am satisfied that Policy H2 meets the basic conditions.

Policy H3: Develop ‘in-fill’ sites in favour of ‘green-field’ development

Policy H3 is confusing. It is not clear that the Policy relates to housing, as it refers to “development.” The Policy states that priority will be given to sites within Bradwell, but does not identify or allocate any sites. In addition, by stating that greenfield development will not be allowed when certain criteria apply, it implies that greenfield development would be acceptable otherwise, albeit as a lesser priority than in-fill development or stone conversions in farmyards. This approach fails to have regard to the Framework, which affords great weight to conserving landscape and scenic beauty in National Parks. It is also unclear how the Policy is in general conformity with Core Strategy Policy GSP1, which requires all development to be consistent with the Peak District National Park’s purpose.

I am also mindful that whilst in-fill development is defined in the Glossary, the definition is vague and provides no detail about what in-fill development actually comprises. As worded, for example, the Policy could be read as prioritising the development of all land within the built area of Bradwell.

No substantive evidence has been submitted to demonstrate why the conversion of existing stone buildings within farmyards to housing should be prioritised. Consequently, it is not clear whether there are stone buildings within farmyards that would readily convert into appropriate housing, nor how such development will contribute to the achievement of sustainable development. Also, and fundamentally, no indication is provided as to what the conversion of stone buildings in farmyards should be prioritised above. This part of Policy H3 does not provide a clear indication of how a decision maker should react to a development proposal.

I note that the establishment of the Bradwell built area has emerged through the neighbourhood planning process with community support. Whilst Policy H3, in its

current form, fails to set out the built area (but relies on a reference to an Appendix), this can be remedied by simple modifications.

Representations have been received with regards the detailed position of the settlement boundary, with specific reference to it excluding garden areas. However, there is no suggestion that the Neighbourhood Plan supports residential development in gardens and there is nothing before me to demonstrate that it fails to meet the basic conditions in this regard.

I recommend:

- **Change the title of Policy H3 to “Bradwell Built Area”**
- **Delete final sentence of the second paragraph of the supporting text to Policy H3, on page 21**
- **Change Policy H3 to read: “*The Plan encourages development to meet Bradwell’s housing needs to be located within the built area of Bradwell, as shown in Figure 2.*”**
- **Create a new Figure 2, using the Bradwell Built Area plan from Appendix 1 (and remove the unnecessary date reference)**

Whilst I am aware that the above results in a rather general Policy, I find that the only alternative, given the existing wording, would be to delete Policy H3 in its entirety. Subject to the above and my recommendations below, Policy H3 reflects the general aspirations of the community. It has regard to national policy, which requires housing to be located where it will enhance or maintain the vitality of rural communities (National Planning Policy Framework Para 55), contributes to the achievement of sustainable development and meets the basic conditions.

Policy H4: Provide a Broad Mix of Housing Types

Policy H4 has regard to national policy, which supports the delivery of a wide choice of high quality homes (National Planning Policy Framework Chapter 6). However, the detailed wording of the Policy is very prescriptive and no evidence has been provided to demonstrate that it would be reasonable and viable, for example, for a four dwelling scheme to provide a starter home, a three bedroom home, a four bedroom home and “a home suitable for the older,” as required by the Policy. Consequently, the Policy fails to have regard to paragraph 173 of the Framework.

The Policy then goes on to “define” what a home suitable for the older could comprise and includes a “Residential Institution” within this. This introduces a completely different form of development to a dwelling and results in the final part of the Policy lacking clarity and introducing confusion.

I recommend:

- **Re-word Policy H4 to read: “New housing developments for schemes of more than 3 dwellings must provide a mix of different housing types. Where practical and viable, such developments should include a mix of starter homes, family sized homes with 3 or more bedrooms and homes suitable for older people.”**

Subject to the above, the Policy contributes to the achievement of sustainable development and meets the basic conditions.

Policy H5: High Quality designs for new development which enhance village character

Good design is recognised by national policy as comprising a key aspect of sustainable development, indivisible from good planning. National policy requires good design to contribute positively to making places better for people (National Planning Policy Framework Para 56).

Policy H5 sets out detailed design criteria aimed promoting good design quality. In this way, Policy H5 contributes to the achievement of sustainable development and meets the basic conditions.

In addition to two small alterations to Policy H5, I note that the supporting text to the Policy reads as though it were a Policy, which it is not. I recommend:

- **First paragraph of supporting text, change to “Bradwell has...status. *It is the intention of the Plan to ensure that proposals for new housing are of a high quality...Area Appraisal. To achieve this, development proposals will be expected to actively...***
- **Second paragraph of supporting text, change to “*Whilst development will be...Local Plan and Core Strategy, there are specific design issues...*”**
- **Third paragraph of supporting text, change to “...is particularly evident. It is *important* that this eclectic...”**
- **Policy H5, bullet 3, change to “Land must be *provided* for garden...”**
- **Policy H5, bullet 5, delete last sentence (County Highways matter)**

Local Economy

- **NB, delete Objective/Policy Index box**

Policy LE1: Protecting Employment Site and Uses

As worded, this is a negative policy, which fails to reflect the positive Objective outlined in the opening part of the Local Economy section. In addition, recent changes to Permitted Development mean that certain changes of use no longer require planning permission. In this regard, as worded, Policy LE1 would fail to have regard to national policy.

It may be unduly onerous to expect a failing business to undergo an independent viability assessment in addition to demonstrating at least a year's marketing. No evidence has been provided to demonstrate why it would not be sufficient to simply provide a viability assessment alongside the marketing information.

I recommend:

- **Policy LE1, change to "to non-employment uses *will only be supported where:*"**
- **Policy LE1, bullet 1, delete "by an independent assessment"**
- **Policy LE1, add new bullet "OR, 4. *Permitted Development Rights allow for such changes*"**

Subject to the above, Policy LE1 seeks to protect employment uses whilst allowing for appropriate flexibility. As such, it contributes to the achievement of sustainable development and meets the basic conditions.

Policy LE2: Industrial and Business Development of the Newburgh Site

Policy LE2 supports the development of employment uses on the Newburgh Site as part of a mixed use development. The Policy is in general conformity with Core Strategy Policy E1, which welcomes improvements to existing employment sites and where appropriate, supports enhancement, including redevelopment.

As worded, it is not clear that Policy LE2 relates specifically to the Newburgh site. In addition, Policy LE2 is confusing and conflicts with Policy H2. The Policy states that either mixed use or the use of the entire Newburgh site for employment use will be supported, whilst Policy H2 states that a mixed use development, including up to 40 homes will be supported. This makes for an unclear and contradictory Neighbourhood Plan.

I note that the Newburgh site is already an employment site and that, further to consideration of all of the evidence before me, it is clear that there is community support for the mixed use redevelopment of the Newburgh site.

I am mindful of Natural England's comments, which express concern for the character and setting of Bradwell village within the Peak District National Park. This particular concern reflects Core Strategy Policy L1, which requires development to conserve and enhance valued landscape character. Given this, I consider that including a reference to conserving and enhancing landscape character would help to ensure that Policy LE2 is in general conformity with the strategic policies of the development plan.

Taking all of the above into account, I recommend:

- ***Policy LE2, change wording to "Proposals for the mixed use development of the Newburgh site must be supported by a comprehensive master plan for the whole of the site. The Neighbourhood Plan supports proposals that provide a mix of different uses and which conserve and enhance landscape character. Small starter business units providing opportunities for smaller businesses are particularly encouraged. The comprehensive master plan for the whole of the site will be subject to an environmental impact assessment. Proposals that result in significantly increased levels of HGV traffic leaving the site via the centre of the village will be resisted."***

Subject to the above, Policy LE2 meets the basic conditions.

Policy LE3: Support efforts to provide a high quality communications infrastructure

This is a positive Policy that supports the delivery of a high quality communications infrastructure. It has regard to national policy which recognises a high quality communications infrastructure as essential for sustainable economic growth (National Planning Policy Framework Para 42). Consequently, Policy LE3 contributes to the achievement of sustainable development and meets the basic conditions.

Transport

- **NB, delete Objective/Policy Index box**

The introductory text refers to an Appendix and part of the final paragraph reads as a Policy, which it is not. I also note that an hourly bus service in a rural community is not especially “infrequent.” I recommend:

- **Second para, page 27, change to “Bradwell village is relatively isolated, although it is served by an hourly bus service.”**
- **Third para, page 27, Delete last sentence and replace with “A separate Cycle Paths and Access Routes Study (available on the Parish website) has been undertaken in support of this.”**
- **Fourth para, line four, replace “must” with “is to”**

Policy T1: Provision of Footpaths and Cycle Ways

This Policy supports the provision of footpaths and cycle ways. It contributes to the achievement of sustainable development and meets the basic conditions.

For clarity, I recommend:

- **Policy T1, change first line to “This Plan supports *the provision* of footpaths and...”**

Policy T2: Retention of Car Parking

Policy T2 effectively supports the retention of car parking spaces, to maintain the viability of Bradwell. This has regard to Chapter 3 of the National Planning Policy Framework, which supports a prosperous local economy. The Policy meets the basic conditions.

Policy T3: Parking for New Housing

Core Strategy Policy T7 requires residential parking to be kept to the minimum required for operational purposes. Policy T3 seeks to establish its own residential parking standards but is not supported by any detailed background information relating to why the proposed standards are relevant or necessary. In this regard, I note that the proposals would introduce high levels of new car parking – for example, requiring two spaces for one bedroom flats, three spaces for two bedroom flats, five spaces for a four bedroom house, etc.

Taking the above into account, I find that Policy T3 would not be in general conformity with the strategic policies of the development plan and that insufficient evidence is provided to justify its approach. The Policy would fail to meet the basic conditions. I recommend:

- **Delete Policy T3**

Policy T4: New Car Parking facilities

As well as limiting residential parking (see above) Core Strategy Policy T7 restricts non-residential parking “in order to discourage car use.” Policy T4 supports the provision of new car parking.

Core Strategy Policy T7 states that “New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere.” This is in contrast to the approach of Policy T4, which simply supports the provision of new car parking, subject to meeting various criteria.

As with Policy T3, I find that Policy T4 is not in general conformity with the strategic policies of the development plan. No substantive justification is provided to account for this conflict.

Policy T4 does not meet the basic conditions.

- **Delete Policy T4**
- **Delete the third paragraph of supporting text on page 28**

Health, Education and Well Being

- **NB, delete Objective/Policy Index box**

The table on page 30 generally provides descriptions of various sites. However, Number 5, Soft Water Lane, is worded like an allocation, which it is not. I recommend:

- **5, Soft Water Lane, delete second sentence “Proposed to...area”**
- **Third paragraph, last line, page 30, capital I in “Infant”**

Policy HEW1: Provide allotment space

Policy HEW1 supports the appropriate development of allotments. This Policy has regard to national policy, which promotes healthy communities (National Planning Policy Framework Chapter 8). The Policy contributes to the achievement of sustainable development.

The Policy includes an unnecessary reference to another Policy in another Plan. I recommend:

- **Policy HEW1, change end of Policy to “...the *landscape character or other valued characteristics of the National Park.*”**

Subject to the above, Policy HEW1 meets the basic conditions.

Policy HEW2: Protect Local Green Spaces

Policy HEW2 seeks to designate Local Green Spaces. The Local Green Space designation is an important one. It affords protection consistent with policy for Green Belts (National Planning Policy Framework Para 78).

Neither the Policy nor the supporting text names or identifies the proposed Local Green Spaces. This is inappropriate. No detailed boundaries of Local Green Spaces are provided and again, given the importance of the designation, this is inappropriate. I do note, however, that an Appendix to the Neighbourhood Plan contains the relevant information and consider that modifications can address these matters.

Policy HEW2 attempts to introduce its own version of Local Green Space policy. This is highly inappropriate. National policy is explicitly clear with regards Local Green Space policy. It is not the role of neighbourhood plans to designate Local Green

Spaces and then apply a completely different policy regime for them to that set out in national policy.

To address all of the above and ensure that Policy HEW2 has regard to national policy and meets the basic conditions, I recommend:

- **Policy HEW2, re-word policy as: “The areas shown together in Figure 3, and identified individually on the plans below Figure 3, are designated as Local Green Spaces, where new development is ruled out other than in very special circumstances.”**
- **Take the plan from Appendix 4, remove label and create a new Figure 3 titled “Local Green Spaces”**
- **Separately from Figure 3, clearly show the precise boundaries of each Local Green Space on accurate, individually titled plans, the individual titles to correspond to the name of each Local Green Space (taken from the descriptions provided in Appendix 4**
- **Delete all of the supporting text and replace with: “Bradwell is a rural parish primarily defined by its open spaces, surrounding fields and panoramic views.**

The Neighbourhood Plan designates all of the areas shown in Figure 3 as Local Green Spaces. All of these Local Green Spaces are in close proximity to Bradwell and are demonstrably special to the local community.

Each of the Local Green Spaces holds a particular local significance. Amongst other things, the Local Green Spaces are significant for their beauty, historic significance, recreational and wildlife value.”

Subject to the above, Policy HEW2 meets the basic conditions.

Policy HEW3: Protect schools

This Policy refers to matters that are the responsibility of another authority and that are outside the scope of the Neighbourhood Plan. I recommend:

- **Delete Policy HEW3 and supporting text**

Environment

- **NB, delete Objective/Policy Index box**

Policy E1: Applications for new development must meet the local drainage requirements

The majority of Policy E1 refers to matters under the control of, and requiring approvals by, the Local Planning Authority and the Environment Agency. It is not the role of a neighbourhood plan to introduce requirements that relate to the responsibilities of others.

Much of the Policy is concerned with sustainable urban drainage systems (SUDs). The introduction of SUDs, where appropriate, contributes to the achievement of sustainable development and, in this way, this part of the Policy meets the basic conditions. A Ministerial Statement⁶ establishes that, generally, SUDs should be a requirement for developments of 10 dwellings or more, or equivalent non-residential or mixed development.

I recommend:

- **Delete current wording of Policy E1 and replace with *“A Sustainable Urban Drainage system (SUDs), as an alternative to conventional drainage, will be required for developments of ten dwellings or more, and on equivalent non-residential or mixed schemes, unless it can be demonstrated that a SUDs system would not be suitable for the intended location.”***
- **Delete the third sentence of the first paragraph of supporting text to Policy E1 on page 33. The dates are not included and the information is unnecessary.**
- **Delete the second, third and fourth paragraphs of supporting text to Policy E1 on pages 33 and 34. These include detailed technical references that add little to the revised Policy.**

Policy E2: Local Design Policies

As set out above, good design is recognised by national policy as comprising a key aspect of sustainable development, indivisible from good planning. National policy requires good design to contribute positively to making places better for people (National Planning Policy Framework Para 56). Whilst Policy H5 sets out detailed design criteria for housing, Policy E2 sets out more general requirements. In this

⁶ Ref: House of Commons: Written Statement (HCWS161), 18 December 2014

way, Policy E2 contributes to the achievement of sustainable development and meets the basic conditions.

The first paragraph of Policy E2 refers to other policies and documents, controlled by the Peak District National Park Authority and is unnecessary. The third paragraph requires all new housing development to be accompanied by a Building for Life Assessment and sets out a vague requirement that development “must achieve as many “Greens” as practically possible.” It may be unduly onerous for a single house to undergo a Building for Life assessment and the requirement for “achieving Greens” is unclear. I am also mindful that, generally, Building for Life is a helpful guide for good residential development, rather than a policy requirement.

The fourth paragraph of Policy E2 relates to heritage assets. National and local planning policy and guidance clearly establish the detailed manner in which development relating to heritage assets should be controlled. In preventing any development that diminishes significance or affects setting, Policy E2 introduces a completely different approach to national and local policy. No substantive reasoning is provided as to why a new and fundamentally different approach to that set out in national and local policy should be adopted. I am also mindful that no clarity is provided with regards the definition of “diminishes” or what would comprise a development that “affects” setting.

I also note that a tree management plan may include the appropriate removal of trees, rather than the maintenance of poor quality trees; and that a reference to “significant views available to the general public” may not provide sufficient detail for decision makers to consider development proposals against.

Taking all of the above into account, I recommend:

- **Policy E2, change wording to “*New development must contribute to local character by retaining a sense of place appropriate to its location. Developers are strongly encouraged to support proposals with a Building for Life assessment. Development proposals must be designed to retain, or where appropriate, replace, dry stone walls and trees and hedgerows. Where development will affect trees and/or hedgerows, proposals should be accompanied by a survey which establishes the health and longevity of affected trees and/or hedgerows and an appropriate management plan.*”**

Policy E3: Climate Change

Policy E3 supports development that generates energy from renewables or low carbon energy sources. As such, it has regard to national policy, which supports the delivery of renewable and low carbon energy and associated infrastructure (National Planning Policy Framework Para 93).

For clarity, I recommend:

- **Policy E3, first bullet, second line, change to “...building *and is as close as practicable...*”**
- **Policy E3, first bullet, fourth line, change to “...public safety *and should allow continued...*”**
- **Policy E3, third bullet, change to “*The energy generating infrastructure is removed as soon as reasonably practicable...*”**
- **First paragraph, last line of supporting text to Policy E3 on page 36, change to “...respect the *National Park’s* landscape character.”**

Policy E4: Conversion of Buildings to Residential and Holiday Accommodation

Policy E4 is a positive policy that supports conversions to residential and tourist accommodation, subject to their being appropriate to the character of the Peak District National Park.

The Policy has regard to Chapter 3 of the National Planning Policy Framework “Supporting a prosperous rural economy” and is in general conformity with Core Strategy policies RT2 and HC1, which allow for sensitively designed conversions.

Policy E4 meets the basic conditions.

7. Summary

I have recommended a number of modifications further to consideration of the Bradwell Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Bradwell Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Bradwell Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

8. Referendum

I recommend to the Peak District National Park Authority that, subject to the modifications proposed, the **Bradwell Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Bradwell Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Bradwell Neighbourhood Area as approved by the Peak District National Park Authority on 8 March 2013.

Nigel McGurk, July 2015
Erimax – Land, Planning and Communities

www.erimaxltd.com

| | | |
|-------------------|--|--|
| Appendix 2 | List of modifications proposed to be made to the Examination Draft Version of the Bradwell Neighbourhood Plan |  PEAK DISTRICT NATIONAL PARK |
|-------------------|--|--|

In the table below, modifications to policies or small modifications to supporting text are expressed by showing deleted text with ~~strike-through~~, new text as underlined and specifying modifications using words in *italics*, as well as by reference to page and paragraph numbers in the draft plan and the examiner’s report. Large modifications (eg deletion of appendices or pages of background information) are shown only by the specified modifications in *italics* and reference to page and paragraph numbers of the draft plan and examiner’s report.

Where recommendations have been made to delete or amalgamate policies, should these recommendations be agreed, the final version of the Neighbourhood Plan will show remaining policies numbered consecutively.

Changes will be made to the contents page & referencing as necessary.

| Modification number & page reference in examiner’s report | Page reference in draft plan | Proposed Modification | Reason |
|---|--|--|--|
| M1 Page 4 Neighbourhood Plan Period Bullet 1 | Page 7 Introduction Para 2 | <i>Add to end of second paragraph <u>“The Neighbourhood Plan covers the period from 2015 to 2030.”</u></i> | For clarity & to satisfy the legal requirement |
| M2 Page 6 Basic Conditions Bullet 5 | Page 14 Para 1 | <i>First sentence add “. . . general conformity with <u>strategic</u> local policies.”</i> | For accuracy |
| M3 Page 11 Section 5: The Neighbourhood Plan Introductory Section Bullet 1 | Page 38-74 Appendices | <i>Remove the Appendices from the Neighbourhood Plan.</i> | Do not form part of the Neighbourhood Plan |
| M4 Page 11 Bullet 2 | Page 2 Amendments (Page 3 Contents) | <i>Delete Amendments page</i> (Delete ‘amendments’ from contents) | Not necessary |
| M5 Page 11 Bullet 3 | Page 3-6 Contents | <i>Delete all Individual Policy references in Contents and just show Section Headings instead.</i> | Not necessary |
| M6 Page 11 Bullet 4 | Page 3-6 Contents | <i>Delete all references to Appendices</i> | Not necessary |
| M7 Page 12 | Page 7 | <i>Delete “What is this document. . .” heading, text and Content reference.</i> | Not necessary |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|--|---|---|--|
| Bullet 1 | (Page 3 Contents) | | |
| M8 Page 12 Bullet 2 | Page 7 Introduction Para 4 | <i>Delete fourth paragraph of introduction</i> | Not necessary |
| M9 Page 12 Bullet 3 | Page 8 Introduction Section 2 | <i>Section 2 first paragraph, last line, change to ". . . are captured in the a Community Plan (Appendix 2)."</i> | Does not form part of the Neighbourhood Plan |
| M10 Page 12 Bullet 4 | Page 8 Introduction Section 2 | <i>Delete second paragraph of Section 2</i> | Not necessary |
| M11 Page 12 Bullet 5 | Page 10 Introduction Section 4 (Page 3 Contents) | <i>Delete Section 4 heading, text and Contents reference</i> | No longer relevant |
| M12 Page 12 Bullet 6 | Page 12 Introduction Section 5 Para 2 | <i>Delete incorrect reference to "(Kelly, 1912)"</i> | Incorrect reference |
| M13 Page 12 Bullet 7 | Page 13 Introduction Section 6 | <i>Section 6, first line, include comma after . . "consultations",</i> | For clarity |
| M14 Page 12 Bullet 8 | Page 14 Introduction Section 7 Para 2&3 | <i>Delete second and third paragraphs of Section 7</i> | Not necessary |
| M15 Page 13 Bullet 1 | Page 14 Introduction Section 7 Para 5 | <i>Section 7, final paragraph, first line, delete ". . . are in general conformity with national and local policies . . ."</i> | For clarity |
| M16 Page 13 Bullet 2 | Page 14 Introduction Section 8 | <i>Delete current paragraph and re-write as follows: "The Neighbourhood Plan has emerged from significant background work. As part of the evidence base for the Neighbourhood Plan, a series of Appendices were produced and in line with the legislative requirements, a Consultation Statement and a Basic Conditions Statement were submitted for examination alongside the Neighbourhood Plan. All of this and other relevant information is available and can be viewed on the Parish Council website at http://bradda.org/N_Plan.htm"</i> | For clarity |
| M17 Page 13 | Page 15-16 Introduction | <i>Delete Section 9</i> | Not necessary |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|--|---|-------------------------------|
| Bullet 3 | Section 9 (Page 3 Contents) | (Delete 'consultation method' from contents) | |
| M18 Page 14 Bullet 1 | Page 17 Introduction Summary of Policies | <i>Change Objective for Policy H3 to "Encourage housing needs to be met in the built area" Ensure that development to meet housing need is carried out as infill within the village built area before using green field sites.</i> | To reflect change to policy |
| M19 Page 14 Bullet 2 | Page 17 Introduction Summary of Policies | <i>Change Policy Index for Policy H3 to "Establish Bradwell built area". Develop infill sites in favour of green field development".</i> | To reflect change to policy |
| M20 Page 14 Bullet 3 | Page 17 Introduction Summary of Policies | <i>Change Objective for Policy H4 to "Provide broad mix of housing types." which includes affordable, smaller starter, family (3 to 4 bedrooms) and retirement units.</i> | To reflect change to policy |
| M21 Page 14 Bullet 4 | Page 18 Introduction Summary of Policies | <i>Delete second paragraph of Objective for Policy T4, which is unnecessary. Peak Park policies will attract more visitors to an increasing number of events within the Parish and the National Park. There is a lack of parking space for tourists and visitors.</i> | Not necessary |
| M22 Page 14 Bullet 5 | Page 18 Introduction Summary of Policies | <i>Change Objective for Policy HEW2 to "Designate Local Green Spaces". Designate and protect local green spaces.</i> | To reflect change to policy |
| M23 Page 14 Bullet 6 | Page 18 Introduction Summary of Policies | <i>Change Policy Index for HEW2 to "HEW 2: Local Green Spaces". HEW 2: Protect Local Green Spaces"</i> | To reflect change to policy |
| M24 Page 14 Bullet 7 | Page 18 Introduction Summary of Policies | <i>Delete Policy Index and Objective for Policy HEW 3</i> | To reflect deletion of policy |
| M25 Page 14 Bullet 8 | Page 18 Introduction Summary of Policies | <i>Delete Policy Index and Objective for Policies T3 and T4.</i> | To reflect deletion of policy |
| M26 Page 15 Bullet 1 | Page 19 Housing Page 24 Local Economy Page 27 Transport Page 31 Health Education & Wellbeing Page 33 Environment | <i>Delete all of the Objective/Policy Index tables in each Policy topic section</i> | Not necessary |
| M27 | Page 20 | <i>I recommend the following changes to the</i> | For clarity |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|--|--|--------------------------|
| Page 15 Bullet 2 | Housing Policy H2 supporting text | <i>background text: First para, third line, re-word "...which are now underutilised. An overwhelming..." "which are now underutilized (see Appendix 9."</i> | |
| M28 Page 15 Bullet 3 | Page 20 Housing Policy H2 supporting text | <i>I recommend the following changes to the background text: Second para, delete final sentence, from "This would prevent..." "This would prevent good housing stock either lying idle or being filled with candidates from further afield, restricting their availability for future occupation by local people"</i> | For clarity |
| M29 Page 15 Bullet 4 | Page 20 Housing Policy H2 supporting text | <i>Fourth para, second line, add "Park" after "National"</i> | For clarity |
| M30 Page 17 Bullet 1 | Page 21 Housing Policy H2 | <i>Policy H2, re---word to read: "This Plan supports the development of the Newburgh site for the provision of open market homes as part of a mixed use development to enhance the character of Bradwell, subject to the number of open market dwellings not exceeding 40; and the provision of local needs affordable housing at a level in accordance with a financial viability assessment and an up to date housing needs survey. Where possible, the affordable dwellings will be delivered by Bradwell Community Land Trust. The development of the site for housing alone is not acceptable but must form part of a mixed use development."</i> Policy H2: This Plan supports proposals to develop the Newburgh site for the provision of a maximum of 40 open market homes, as part of a mixed use development to enhance the character of Bradwell subject to the following criteria : 1. The level of open market housing shall not exceed 40, and there will be a requirement to provide local needs affordable housing at a level in accordance with a financial viability assessment and a current housing needs survey. 2. The affordable dwellings will be delivered by a Community Land Trust, which will receive a commuted sum from the developer commensurate with the provision of the agreed level of affordable housing. It is necessary for the developer to provide land within the site in addition to the commuted sum, in order to allow provision | To meet basic conditions |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|---|--|--------------------------|
| | | <p>of phased affordable housing provision, either on or off site. The commuted sum will equate to the full build cost of the provision of affordable housing as identified in Appendix 8a</p> <p>3. The affordable housing may be provided on the site or appropriate alternative sites within the built area</p> <p>4. Proposals for housing development must be considered in the context of a mixed use plan for the whole of the Newburgh site – also see Policy LE2.</p> | |
| M31 Page 18 Bullet 1 | Page 21 Policy H3 title | <i>Change the title of Policy H3 to “Bradwell Built Area” Develop ‘in-fill’ sites in favour of ‘green-field’ development</i> | To meet basic conditions |
| M32 Page 18 Bullet 2 | Page 21 Policy H3 supporting text | <i>Delete final sentence of the second paragraph of the supporting text to Policy H3, on page 21.</i> | To meet basic conditions |
| M33 Page 18 Bullet 3 | Page 22 Policy H3 | <p><i>Change Policy H3 to read: “The Plan encourages development to meet Bradwell’s housing needs to be located within the built area of Bradwell, as shown in Figure 2.” Priority will be given to sites within the built area of Bradwell (Appendix 1) or conversions of existing stone buildings within farmyards. Development will not be allowed on greenfield sites outside the built area when any of the following criteria apply :</i></p> <ul style="list-style-type: none"> • <i>There are available in-fill sites within the built area of Bradwell village</i> • <i>There is a loss of a recreation facility, which is in regular use</i> • <i>The development will cause harm to its ecology or heritage assets</i> • <i>The development is unacceptable in terms of the PDNP Design guide and design policies in this plan</i> • <i>The development will have an adverse impact on residential amenities or traffic safety</i> | To meet basic conditions |
| M34 Page 28 Bullet 4 | Page 22 & page 40 Policy H3 & Appendix 1 | <i>Create a new Figure 2, using the Bradwell Built Area plan from Appendix 1 (and remove the unnecessary date reference).</i> | To meet basic conditions |
| M35 Page 19 Bullet 1 | Page 22 Policy H4 | <i>Re-word Policy H4 to read: “New housing developments for schemes of more than 3 dwellings must provide a mix of different housing types. Where practical and viable, such</i> | To meet basic conditions |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|---|--|--------------------------|
| | | <p><i>developments should include a mix of starter homes, family sized homes with 3 or more bedrooms and homes suitable for older people.”</i></p> <p>New housing developments for schemes of more than 3 dwellings must provide an overall balanced mix of different housing types, including starter homes, family sized 3 and 4 bedroom homes and homes/units suitable for the older.</p> <p>Homes for older people could be in the form of Residential Institutions, including sheltered accommodation, independent living and care homes.</p> | |
| M36 Page 19 Bullet 2 | Page 23 Policy H5 supporting text | <p><i>First paragraph of supporting text, change to “Bradwell has ... status. It is the intention of the Plan to ensure that proposals for new housing are of a must be of high quality ... Area Appraisal. To achieve this, development proposals will be expected to actively must actively ...</i></p> | For clarity |
| M37 Page 19 Bullet 3 | Page 23 Policy H5 supporting text | <p><i>Second paragraph of supporting text, change to “Whilst all-development will be ... Local Plan and Core Strategy, .In addition there are specific design issues ...”</i></p> | For clarity |
| M38 Page 19 Bullet 4 | Page 23 Policy H5 supporting text | <p><i>Third paragraph of supporting text, change to “ ...is particularly evident. It is important necessary that this eclectic ...”</i></p> | For clarity |
| M39 Page 19 Bullet 5 | Page 23 Policy H5 | <p><i>Policy H5, bullet 3, change to “Land must be provided allocated to be used for garden ...”</i></p> | For clarity |
| M40 Page 19 Bullet 6 | Page 23 Policy H5 | <p><i>Policy H5, bullet 5, delete last sentence (County Highways matter)</i></p> | County Highways matter |
| M41 Page 20 Bullet 2 | Page 25 Policy LE1 | <p><i>Policy LE1, change to “non-employment uses will only be supported where.” will not be supported unless</i></p> | To meet basic conditions |
| M42 Page 20 Bullet 3 | Page 25 Policy LE1 | <p><i>Policy LE1, bullet 1, delete “by an independent assessment”</i></p> | To meet basic conditions |
| M43 Page 20 Bullet 4 | Page 25 Policy LE1 | <p><i>Policy LE1, add new bullet “OR, 4. Permitted Development Rights allow for such changes”</i></p> | To meet basic conditions |
| M44 Page 21 Bullet 1 | Page 25 Policy LE2 | <p><i>Policy LE2, change wording to “Proposals for the mixed use development of the Newburgh site must be supported by a comprehensive master plan for the whole of the site. The Neighbourhood Plan supports proposals that provide a mix of different uses and which</i></p> | To meet basic conditions |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|--------------------------------------|--|--------------------------|
| | | <p><i>conserve and enhance landscape character. Small starter business units providing opportunities for smaller businesses are particularly encouraged. The comprehensive master plan for the whole of the site will be subject to an environmental impact assessment. Proposals that result in significantly increased levels of HGV traffic leaving the site via the centre of the village will be resisted.</i>” This plan supports proposals which either propose industrial development, including business (B1) and/or general industry (B2) for the entire site; or provide a mix of different uses, including housing as specified in policy H2.</p> <p>Small "starter" business units offering opportunities for smaller businesses to locate their operations within the Parish, with the associated employment opportunities are particularly encouraged. The acceptability of the above uses are subject to a full environmental impact assessment and consideration in relation to adopted development management policies. Proposals, which result in significant levels of HGV traffic leaving the site via the centre of the village, will be resisted. Proposals for major development must be considered in the context of a comprehensive plan for the whole of the Newburgh site.</p> | |
| M45 Page 22 Bullet 2 | Page 27 Transport supporting text | <p><i>Second para, page 27, change to “Bradwell village is relatively isolated, although it is served by an hourly bus service.” and although it benefits from a public bus service, this is infrequent (hourly.)</i></p> | For clarity |
| M46 Page 22 Bullet 3 | Page 27 Transport supporting text | <p><i>Third para, page 27, Delete last sentence and replace with “A separate Cycle Paths and Access Routes Study (available on the Parish website) has been undertaken in support of this.” Our suggested areas for consideration are included in Appendix 3.</i></p> | For clarity |
| M47 Page 22 Bullet 4 | Page 27 Transport supporting text | <p><i>Fourth para, line four, replace “must” with “is to”.</i></p> | For clarity |
| M48 Page 22 Bullet 5 | Page 28 Policy T1 | <p><i>Policy T1, change first line to “This plan supports the provision of footpaths and ...” This plan supports all initiatives which seek to provide footpaths and</i></p> | For clarity |
| M49 Page 23 Bullet 1 | Page 28 Policy T3 | <p><i>Delete Policy T3</i></p> | To meet basic conditions |
| M50 | Page 29 | <p><i>Delete Policy T4</i></p> | To meet basic |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|---|---|--------------------------|
| Page 23 Bullet 2 | Policy T4 | | conditions |
| M51 Page 23 Bullet 3 | Page 28 Policies T2, T3 & T4 supporting text | Delete the third paragraph of supporting text on page 28. Opportunities must be taken, in appropriate cases, to provide more car parking where appropriate by requiring a legal agreement under the term of the Town and Country Planning Act 1990 to allow wider public use of private car parks when these are not in use for their primary purpose. | For clarity |
| M52 Page 24 Bullet 2 | Page 30 Table in Health, Education & Wellbeing supporting text | 5, Soft Water Lane, delete second sentence "Proposed to ... area" Proposed to become a car park and small allotment area | For clarity |
| M53 Page 24 Bullet 3 | Page 30 Health, Education & Wellbeing supporting text | Third paragraph, last line, page 30, capital I in "Infant" | For clarity |
| M54 Page 24 Bullet 4 | Page 31 Policy HEW 1 | Policy HEW 1, change end of Policy to "<u>... the landscape character or other valued characteristics of the National Park</u>" as identified in Core Strategy policy GSP3 | To meet basic conditions |
| M55 Page 25 Bullet 1 | Page 32 Policy HEW 2 | Policy HEW 2, re-word policy as: "The areas shown together in Figure 3, and identified individually on the plans below Figure 3, are designated as Local Green Spaces, where new development is ruled out other than in very special circumstances." The Parish Council has designated areas shown in Appendix 4 as Local Green Space. Proposals for redevelopment of land identified as Local Green Space should not be supported unless: <ul style="list-style-type: none"> • an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or • the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or • the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss <p>Development of ancillary buildings to serve</p> | To meet basic conditions |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|---|--|--------------------------|
| | | the needs of users of local green space will be supported provided there is a proven need, the scale and design are acceptable in terms of the relevant policies and their use relates to the recreational use of the land. | |
| M56 Page 25 Bullet 2 | Pages 32 & 54 Appendix 4 Plan 'Bradwell's Green Spaces' | <i>Take the plan from Appendix 4, remove label and create new Figure 3 titled "Local Green Spaces"</i> | To meet basic conditions |
| M57 Page 25 Bullet 3 | Page 32 & 53 Appendix 4 | <i>Separately from Figure 3, clearly show the precise boundaries of each Local Green Space on accurate, individually titled plans, the individual titles to correspond to the name of each Local Green Space (taken from the descriptions provided in Appendix 4</i> | To meet basic conditions |
| M58 Page 25 Bullet 4 | Pages 31 & 32 Local Green Spaces supporting text | Delete all of the supporting text and replace with: <u>"Bradwell is a rural parish primarily defined by its open spaces, surrounding fields and panoramic views. The Neighbourhood Plan designates all of the areas shown in Figure 3 as Local Green Spaces. All of these Local Green Spaces are in close proximity to Bradwell and are demonstrably special to the local community. Each of the Local Green Spaces holds a particular local significance. Amongst other things, the Local Green Spaces are significant for their beauty, historic significance, recreational and wildlife value."</u> Bradwell is a rural parish primarily defined by its open spaces, surrounding fields and panoramic views. The Parish Council has designated the areas shown in Appendix 4 as Local Green Space. The NPPF in paragraphs 76-77 recommends local communities seek to protect these spaces. These open spaces include children's playgrounds and areas of passive recreation as well as places, which contribute to the open and pleasant ambience of the area. Residents use them for exercise and children for play, but they also contribute to wildlife biodiversity and habitat and to the setting of the Conservation Area and listed buildings. The village has historically resisted any development of these areas. This plan supports that position and opposes any development in these areas. Maintaining | To meet basic conditions |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|---|---|---------------------------------|
| | | <p>existing green spaces encourages biodiversity and reinforces the village identity.</p> <p>The PDNP policies in the Core Strategy and saved Local Plan protect these areas but they are not defined. This Plan intends to apply specific protection to these defined areas.</p> | |
| <p>M59 Page 25 Bullet 5</p> | <p>Page 32 Policy HEW 3 and supporting text</p> | <p>Delete Policy HEW 3 and supporting text.</p> <p>Policy HEW 3: Protect schools</p> <p>Schools are a vital part of ensuring Bradwell remains a sustainable village.</p> <p>Developments which develop and improve facilities for primary and junior schools in Bradwell, will be supported.</p> <p>The PDNP Core Strategy offers protection to schools as community facilities. In view of the scope for development at Newburgh it is necessary to safeguard the level of education provision.</p> <p>Policy HEW3:</p> <p>Proposals for open market housing must contribute to the provision of any extra education facilities required as a result of the demand generated by the development.</p> <p>Extra facilities or a commuted sum to pay for such facilities will be required on the basis of advice from the County Council.</p> | <p>To meet basic conditions</p> |
| <p>M60 Page 26 Bullet 2</p> | <p>Page 34 Policy E1</p> | <p>Delete current wording of Policy E1 and replace with <u>"A Sustainable Urban Drainage system (SUDs), as an alternative to conventional drainage, will be required for developments of ten dwellings or more, and on equivalent non-residential or mixed schemes, unless it can be demonstrated that a SUDs system would not be suitable for the intended location."</u></p> <p>No development shall commence until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The concept of Sustainable Urban Drainage Systems (SuDS)¹² as an alternative to conventional drainage will be required when it can be shown to be suitable for the intended location. No development shall commence until full details of the design, implementation, maintenance and management of the SuDs system is set out in a site-specific maintenance manual which has been submitted to and approved in writing by the Local Planning Authority in</p> | <p>To meet basic conditions</p> |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|--|---|----------------------|
| | | <p>consultation with the Environment Agency. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers' recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual. No development shall commence until full details of the proposed foul water drainage scheme, to include details of its routing, design, and subsequent management/maintenance, have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.</p> | |
| <p>M61 Page 26 Bullet 3</p> | <p>Page 33 Policy E1 supporting text</p> | <p><i>Delete the third sentence of the first paragraph of supporting text to Policy E1 on page 33. The dates are not included and the information is unnecessary. The most serious event was in (insert date) and the most recent occurred in (insert date) resulting in the flooding of residential homes and businesses, surcharging of the local foul sewer network and disruption of the local transport infrastructure.</i></p> | <p>Not necessary</p> |
| <p>M62 Page 26 Bullet 4</p> | <p>Pages 33 & 34 Policy E1 supporting text</p> | <p><i>Delete the second, third and fourth paragraphs of supporting text to Policy E1 on pages 33 and 34. These include detailed technical references that add little to the revised Policy. Development is required to follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of "The SuDS manual 2007"¹⁰ produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE Digest 36511, or similar future approved standards, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. The manual recommends details of financial management and arrangements for the replacement of major</i></p> | <p>Not necessary</p> |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|------------------------------|--|---------------------------------|
| | | <p>components at the end of the manufacturers' recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual. It is important to ensure that the environment and water quality of the river system within the catchment is either maintained or improved to its highest possible level including seeking to enforce riparian responsibilities.</p> | |
| <p>M63 Page 27 Bullet 1</p> | <p>Page 36 Policy E2</p> | <p>Policy E2, change wording to "<u><i>New development must contribute to local character by retaining a sense of place appropriate to its location. Developers are strongly encouraged to support proposals with a Building for Life assessment. Development proposals must be designed to retain, or where appropriate, replace, dry stone walls and trees and hedgerows. Where development will affect trees and/or hedgerows, proposals should be accompanied by a survey which establishes the health and longevity of affected trees and/or hedgerows and an appropriate management plan.</i></u>" All new development should take into account PDNPA development plan policies, the PDNPA Design Guide and the Landscape Character Assessment and Landscape Strategy and Action Plan 2009 or any plans or policies, which supersede these documents. New development must contribute to local character by creating and retaining a sense of place appropriate to its location. All proposals for new residential development must be accompanied by a current Building for Life assessment and must achieve as many "Greens" as practically possible. Compliance with Building for Life will be taken into account in viability assessments when these are required. Development within the Conservation Area which affects listed buildings and other heritage assets will not be allowed where it diminishes their architectural or historical significance or affects their setting. Development will be assessed in relation to the PDNPA Conservation Area Appraisal and Landscape Character Assessment and</p> | <p>To meet basic conditions</p> |

| Modification number & page reference in examiner's report | Page reference in draft plan | Proposed Modification | Reason |
|---|---|--|-------------|
| | | <p>Landscape Strategy and Action Plan. Development proposals must be designed to retain dry stonewalls and trees and hedgerows of amenity value. Development proposals should be accompanied by a survey which establishes the health and longevity of any affected trees or hedgerows and by a management plan to demonstrate how they will be so maintained. Development should be designed to retain and respect significant views available to the general public.</p> | |
| M64 Page 28 Bullet 1 | Page 37 Policy E3 | <i>Policy E3, first bullet, second line, change to "<u>...building and is as close as practicable ...</u>"</i> It shall be located | For clarity |
| M65 Page 28 Bullet 2 | Page 37 Policy E3 | <i>Policy E3, first bullet, fourth line, change to "<u>...public safety and should allow continued ...</u>" allows</i> | For clarity |
| M66 Page 28 Bullet 3 | Page 37 Policy E3 | <i>Policy E3, third bullet, change to "<u>The energy generating infrastructure is removed as soon as reasonably practicable ...</u>"</i> There is agreement with the local planning authority to remove | For clarity |
| M67 Page 28 Bullet 4 | Page 36 Policy E3 supporting text | <i>First paragraph, last line of supporting text to Policy E3 on page 36, change to "<u>...respect the National Park's landscape character.</u>"</i> national parks | For clarity |

This page is intentionally left blank

14. MAKING OF CHAPEL NEIGHBOURHOOD PLAN (AM)

Purpose of the report

1. To note the positive outcome of the community referendum held on the Chapel-en-le-Frith Neighbourhood Plan and to enable the formal “making” (adoption) of the Neighbourhood Plan.

Key issue

2. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to “make” (adopt) the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area.

3. **Recommendation**

- (i) **That Members confirm the making of the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 as part of the Peak District National Park Authority’s development plan for the part of the designated Neighbourhood Area that lies within the Peak District National Park.**

How does this contribute to our policies and legal obligations?

4. This is a legal obligation under the Localism Act 2011.

5. This proposal contributes to Corporate Objectives:

3. Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.

5: Work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.

Background

6. Following the successful examination of the Chapel-en-le-Frith Neighbourhood Plan in January 2015, the plan was the subject of a community referendum held on 16 July 2015. The Neighbourhood Plan received a majority “yes” vote, 96% of people voting “yes”, on a turn-out of 32%.

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to “make” (adopt) the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

High Peak Borough Council (HPBC), at its meeting of 9 March 2015, and the Authority, at the Planning Committee on 13 March 2015, confirmed their satisfaction that the Chapel-en-le-Frith Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights and complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Plan.

Since HPBC and the Authority are satisfied that the making of the plan would not breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights; and the Neighbourhood Plan was endorsed by a majority “yes” vote in the community referendum, the final stage is for the HPBC and the Peak District National Park Authority to formally “make” the Neighbourhood Plan, following which, it becomes part of the development plan for the parish.

The making of the Neighbourhood Plan will also be considered at a meeting of HPBC on 5 August 2015. HPBC members will be asked to “confirm(s) the making of the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 as part of the High Peak Borough Council’s development plan for the part of the designated Neighbourhood Area that lies within the High Peak plan area.”

7. **Are there any corporate implications members should be concerned about?**

Financial

9. None.

Risk Management:

10. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

Sustainability:

11. Sustainability issues have been addressed in the neighbourhood plan making process and outlined in the report to planning committee (Item 27/15) on 13 March 2015.

Background papers (not previously published)

12. None.

Appendices

None.

Report Author, Job Title and Publication Date

Adele Metcalfe, Villages and Communities Officer, 30 July 2015

15. LOCAL DEVELOPMENT PLAN ANNUAL MONITORING REPORT FOR 2013/14-2014/15 (BJT)

Purpose of the report

1. To agree the Annual Monitoring Report for the Local Development Plan covering the years 2013/14 and 2014/15.

Key issues

1. To observe the early application and delivery of the Core Strategy
2. To observe emerging trends

Recommendations

2. **1. Members agree the Annual Monitoring Report for 2013/14 – 2014/15 (Appendix 1)**

How does this contribute to our policies and legal obligations?

3. The Local Development Plan is a portfolio of documents setting out the planning policies for an area and is a key component for achieving the aspirations of the National Park Management Plan and the Authority's Corporate Objectives. The ability of the Authority to monitor and review the policies and objectives of our strategic planning and business documents is therefore crucial to ensure we reflect our statutory purposes and the needs of communities.
4. Section 113 of the Localism Act amends section 35 of the Planning and Compulsory Purchase Act 2004 and retains an overall duty to monitor. This requires local planning authorities to make monitoring information available to the public at least yearly in the interests of transparency. The local planning authority is no longer required to send a report to the Secretary of State. Local Planning Authorities can now choose which targets and indicators to include in the report as long as they are in line with the relevant UK and EU legislation. Guidance from Planning Advisory Service (an advisory agency for the department of Communities and Local Government) confirms that in future the report's primary purpose will be to consider the performance and achievements of the planning service locally and with the local community.

Background

5. This is the second full report to have been completed since the adoption of the Core Strategy in 2011.
6. Other than in 2013/14 the Authority has produced a full monitoring report every year since 2005 and uses it to report on data flowing from our planning decisions. Planning policy indicators are used to tell us how many approvals are made for particular types of development, thus revealing whether the strategic plans are guiding and directing development as intended. They can also tell how much development has been completed as an indicator of what policy has actually achieved on the ground.
7. Individual cases have unique circumstances and individual merits which are judged against policy. It is not correct to trigger a review of policy on the back of individual planning applications, but the AMR can be used to consider trends in decision making.
8. In 2013/14 officers undertook a review of all indicators. This work identified many areas where the monitoring process would benefit from revised indicators in order to

improve the capture of data. However these improvements were reliant upon changes to the central planning database known as M3. Over the past year the Authority's database manager post has remained vacant while attempts have been made to recruit a new member of staff. As such the required changes have not been made and this has led to gap in data in some areas. The gaps are not considered so significant as to prevent a report being prepared.

Issues

9. The AMR offers an executive summary of key issues. These are set out below:
10.
 - A higher than expected number of planning approvals have been observed in the Natural Zone. A small research project will be organised in order to check the nature of these developments;
 - Continued fluctuations are observed in housing completions data with below average figures in 2013/14 and above average (28 net completions) in 2014/15;
 - Both monitoring years highlight both losses and gains in community facilities, principally to residential use. Higher figures were observed in 2014/15 with 17 losses and 9 gains.
 - A noticeable increase in barn conversion applications have been received testing the basis for policy and encouraging greater scrutiny of the core approach to heritage and landscape planning;
 - A series of refusals for wind turbines in the White Peak in the context of positive activity generally regarding applications for low carbon and renewable energy technologies. 24 permissions for such technology over the previous 2 monitoring periods;
 - Solar arrays, both on farm shed roofs and ground based are becoming more popular as discrete alternatives to the wind turbines, while a number of turbines have now been approved, particularly in the more varied topography of the South West Peak. Positive action regarding a rebranded Climate Change SPD, web-based case studies and a farm based renewables project are assisting take up. In mid-2015 the Authority has received its first application for an Anaerobic Digester, on a farm in the White Peak;
 - The Authority has engaged closely with transport and utilities bodies in discussions regarding the undergrounding of high voltage electricity lines in the Longdendale Valley (Woodhead Pass), and re the scope for passing loops on the Hope Valley railway line;
 - Ongoing success with cycling bids has led to the roll out of planned links to gateway towns during 2015/16;
 - The need for high quality, distinctive building stone in support has been boosted during the period with approvals at Once a Week Quarry and Burntwood Quarry whilst raising the difficult balance that must be made

with biodiversity objectives. Furthermore on going quarrying applications at Stanton Moor have sought to balance the need for stone with the need to protect the special archaeological value and tranquility of the natural environment.;

- An open market house approved in open countryside near Meerbrook is approved on the basis that there is no other way to address a family's needs. This raises issues for the spatial strategy in the South West Peak which is challenged by the lack of distinct settlements across the area. A new project for the South West Peak aims to respond to the particular issues of this "landscape at a crossroads";
- Significant progress now being made with neighbourhood planning across the whole National Park and involving all 3 distinctive character areas;
- The Duty to Cooperate in plan making is active right across the National Park with constituent authorities. In Derbyshire a spatial statement is being drafted in support of the emerging Combined Authority (CA). The National Park Authority has observer status to the CA and is able to input key messages regarding the National Park;
- 2 new SPD's with a technical design focus have been adopted. These cover Alterations and Extensions, and Shopfronts.
- Some gaps in data remain owing to a lack of specialist resource able to make the necessary planned changes to the M3 planning database.

Conclusions

11. Progress on plan making has been good with the strong basis of an adopted strategy and a very constructive period of debate on development management policy with the local community.
12. Two new design documents have been produced and the Supplementary Planning Document for Climate Change and Sustainable Building has been redesigned and promoted.
13. Performance in planning decisions in years 2 and 3 reveal continued good progress with the implementation of the Core Strategy with a range of cases involving housing, renewables and economic uses raising interesting test cases which are both recorded in the AMR and which in some cases have triggered the need for closer debate to aid interpretation and consistent application.
14. On-going measures to improve data capture and data quality will continue in order to properly assess the direction of travel for the performance of planning policy and planning decisions over the coming years.
15. The moves towards a more integrated planning directorate and the close working relationship between officers and members during the review period have been very positive in terms of realising a mature and accountable planning office which is displaying a growing culture of self-awareness and performance improvement.

Are there any corporate implications members should be concerned about?

16. **Financial:**
None

17. **Risk Management:**

There is a cross-functional characteristic to monitoring that needs careful management. Various teams have responsibility for data management and ensuring data quality, including data entry, maintaining and updating data dictionaries, and undertaking qualitative checks of the state of the park, to inform data. If this does not meet the desired standard, then the quality of the monitoring can be undermined. There is an onus on all Heads of Service to ensure that data capture is sound so that the whole cycle of Authority work can be achieved competently.

18. **Sustainability:**

The AMR is an important means of testing whether the LDF policies and objectives are achieving their stated aims for the sustainability of the area in the context of National Park purposes.

19. **Consultees:**

Research and Monitoring Team, Director of Planning

20. **Background papers** (not previously published)

None

Appendices

Appendix 1 – Annual Monitoring Report 2013/14-2014/15

Report Author, Job Title and Publication Date

Brian Taylor, Policy Planning Manager, 30 July 2015

Peak District National Park Authority Local Development Plan

Annual Monitoring Report

2013-2015

Planning Committee 7 August 2015 – Part A Item 15 Appendix 1

Contents

Executive Summary

1. Introduction
2. Spatial Portrait
3. Progress in plan making
4. Policy Monitoring
 - 4.1 General Spatial Policies
 - 4.2 Landscape and Conservation
 - 4.3 Recreation and Tourism
 - 4.4 Climate Change and Sustainable Building
 - 4.5 Homes Shops and Community Facilities
 - 4.6 Supporting Economic Development
 - 4.7 Minerals
 - 4.8 Accessibility Travel and Traffic
5. Improvements to the Annual Monitoring Report

Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE
Tel: (01629) 816 200
Text: (01629) 816 319
Fax: (01629) 816 310
Email: customer.service@peakdistrict.gov.uk
Website: www.peakdistrict.gov.uk

Your comments and views on this Monitoring Report are welcomed. Comments and enquiries can be directed to Research Team ResearchTeam@Peakdistrict.gov.uk This report is accessible from our website, located under 'publications'.

We are happy to provide this information in alternative formats on request where reasonable, so please contact us by phone on 01629 816200, by text phone on 01629 816319 or by email at customer.services@peakdistrict.gov.uk

Executive summary

- A higher than expected number of planning approvals have been observed in the Natural Zone. A small research project will assess the nature of these developments;
- Continued fluctuations are observed in housing completions data with below average figures in 2013/14 and above average(28 net completions) in 2014/15;
- Both monitoring years highlight both losses and gains in community facilities, principally to residential use. Higher figures were observed in 2014/15 with 17 losses and 9 gains.
- A noticeable increase in barn conversion applications have been received testing the basis for policy and encouraging greater scrutiny of the core approach to heritage and landscape planning;
- A series of refusals for wind turbines in the White Peak in the context of positive activity generally regarding applications for low carbon and renewable energy technologies. 24 permissions for such technology over the previous two monitoring periods;
- Solar arrays, both on farm shed roofs and ground based are becoming more popular as discrete alternatives to the wind turbines, while a number of turbines have now been approved, particularly in the more varied topography of the South West Peak. Positive action regarding a rebranded Climate Change SPD, web-based case studies and a farm based renewables project are assisting take up. In mid-2015 the Authority has received its first application for an Anaerobic Digester, on a farm in the White Peak;
- The Authority has engaged closely with transport and utilities bodies in discussions regarding the undergrounding of high voltage electricity lines in the Longendale Valley (Woodhead Pass), and the scope for passing loops on the Hope Valley railway line;
- Ongoing success with cycling bids has led to the roll out of planned links to gateway towns during 2015/16;
- The need for high quality, distinctive building stone in support has been boosted during the period with approvals at Once a Week Quarry and Burntwood Quarry whilst raising the difficult balance that must be made with biodiversity objectives. Furthermore on going quarrying applications at Stanton Moor have sought to balance the need for stone with the need to protect the special archaeological value and tranquility of the natural environment;
- An open market house approved in open countryside near Meerbrook is approved on the basis that there is no other way to address a family's needs. This raises issues for the spatial strategy in the South West Peak which is challenged by the lack of distinct settlements across the area. A new project for the South West Peak aims to respond to the particular issues of this "landscape at a crossroads";
- Significant progress now being made with neighbourhood planning across the whole National Park and involving all 3 distinctive character areas;
- The Duty to Cooperate in plan making is active right across the National Park with constituent authorities. In Derbyshire a spatial statement is being drafted in support of the emerging Combined Authority (CA). The National Park Authority has observer status to the CA and is able to input key messages regarding the National Park;
- 2 new SPD's with a technical design focus have been adopted. These cover Alterations and Extensions, and Shopfronts.
- Some gaps in data remain owing to a lack of specialist resource able to make the necessary planned changes to the M3 planning database.

1. Introduction

The National Park Authority adopted the LDF Core Strategy in October 2011. The Annual Monitoring Report (AMR) from this point forward will monitor policies in the Core Strategy. This involves monitoring National Park Planning Policy with a focus on the longer-term direction of travel for spatial development with the National Park (see page 157 of the Peak District National Park Authority Core Strategy for the Monitoring Framework).

This Annual Monitoring Report (AMR) relates to the period from 1 April 2013 to 31 March 2015. Its purpose is to monitor progress on preparing documents in the Local Development Plan, and the extent to which policies in the current Development Plan, (which during that period comprised the adopted Core Strategy and saved policies of the Local Plan adopted 2001), are being achieved.

Following the Localism Act in March 2012 the statutory requirement for local planning authorities to produce an Annual Monitoring Report was removed, while retaining the overall duty to monitor. Authorities can now choose which targets and indicators to include in the report as long as they are in line with the National Planning Policy Framework and relevant UK and EU legislation. Guidance from Planning Advisory Service (an advisory agency for the department of Communities and Local Government) confirms that in future the report's primary purpose will be to consider and share the performance and achievements of the Planning Service with the local community.

Although the AMR will have a greater focus on local issues and data, monitoring will continue to be aligned with the [National Park Management Plan](#) and other district, county and national monitoring indicators to highlight how delivery in the National Park contributes to both the socio-economic welfare of the wider Peak District and to a range of local and national priorities for action (such as social housing and health issues).

In accordance with government intentions in the Localism Act 2011, the East Midlands Regional Plan has now been revoked. Since this development, the AMRs have continued to provide information on policies and indicate where monitoring systems are still required. However, to commence the transition from top down to locally responsive monitoring, various indicators required previously by government have now been removed. These national and regional indicators were not applicable to the National Park and the data has consistently been unavailable to monitor in a systematic way.

The boundary of the Peak District National Park (PDNP) does not align to other administrative boundaries. Data to fit the Park boundary has been used where available. In other cases, a 'best fit' geography has been used based on the smallest geographical areas for which data is available. The National Park Authority (NPA) continues to press for data available to Local Authorities from government related sources to be made available to National Park Authorities (NPAs) on the same basis, to avoid the additional costs currently incurred.

AMRs will be structured to reflect the policies and objectives of the Core Strategy. It will begin to consider delivery at a spatial scale, addressing the 3 broad areas set out above. Moreover, in addition to the normal collection of data it will utilise qualitative descriptions to reflect on the "direction of travel" for Core Policy and the Plan as a whole, as well as recording particular planning cases that have tested the intent of policy. A first review will take place into the achievement of policies upon completion of the Development Management Policies document, anticipated for 2016. The Core Strategy will have operated for 5 years in October 2016.



2. Spatial Portrait

The National Park is a complex tapestry of different landscapes but there are three distinct areas: the less populated upland moorland areas and their fringes (the Dark Peak and Moorland Fringes); the most populated lower-lying limestone grasslands and limestone dales and the Derwent and Hope Valleys (the White Peak and Derwent Valley); and the sparsely populated mixed moorland and grassland landscapes of the south west (the South West Peak). The challenges for spatial planning in the National Park broadly fall into seven closely related themes:

- Landscapes and conservation
- Recreation and tourism
- Climate change and sustainable building
- Homes, shops and community facilities
- Supporting economic development
- Minerals
- Accessibility, travel and traffic

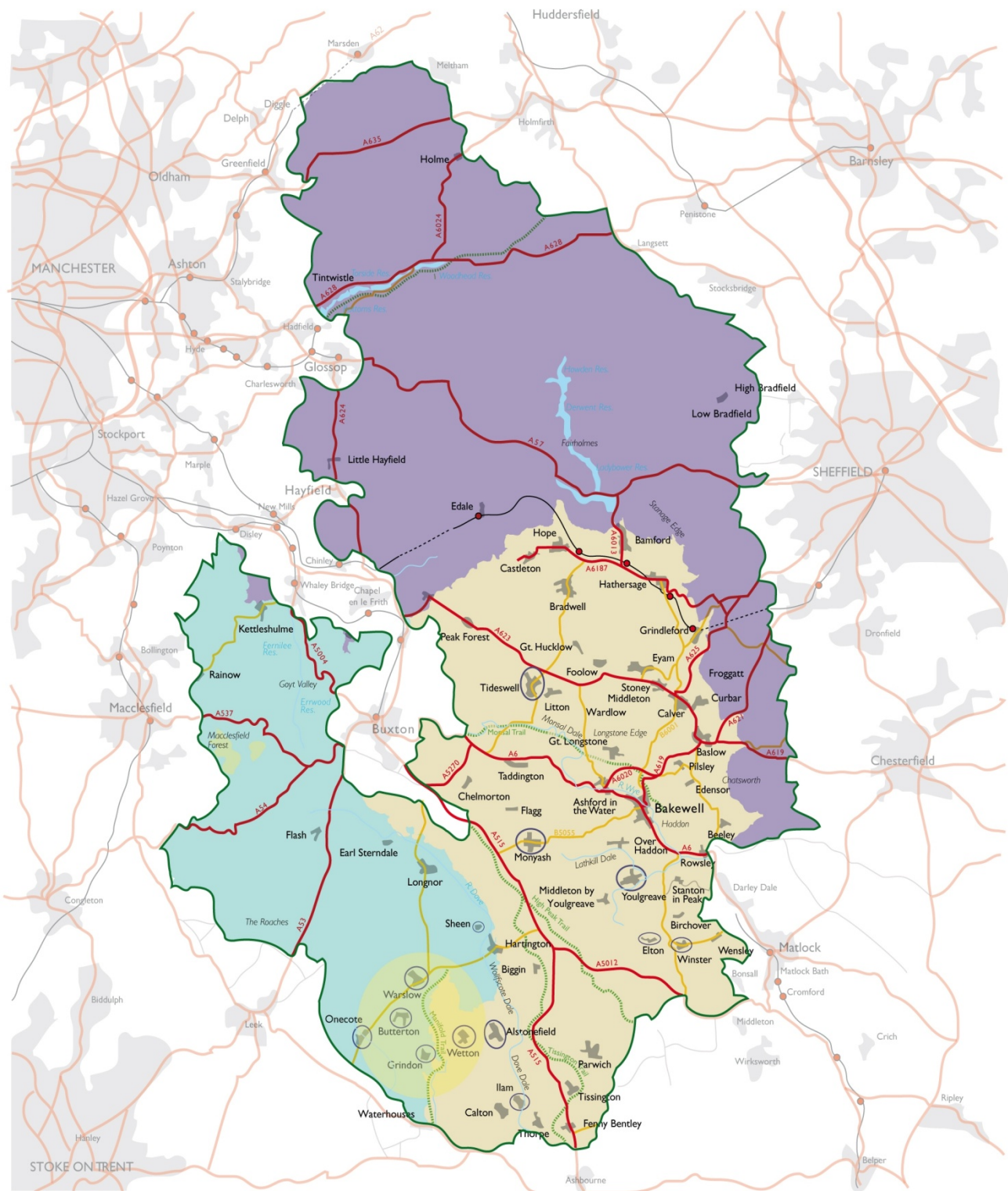
A full spatial portrait was included in the adopted Core Strategy to describe the spatial issues affecting the National Park at the time of production. This provides a baseline set of conditions and background against which Core Policies were developed. Policies may then be viewed as a strategic response to help achieve the statutory purposes of the National Park and in doing so to also provide a framework for the delivery of sustainable forms of development.

For the purposes of effective monitoring the Authority is keen to record annually the contextual changes occurring around the National Park and its Core Strategy so that a proper consideration may be given to the performance of policies and their relevance to the National Park and the issues facing it.

Hence this section provides an update of spatial issues and challenges across the 7 themes highlighted above.

During this period the Authority also began the production of a set of development management policies which will work alongside and in support of the Core Strategy. The process not only helps in the positive management of development but also maintains the dialogue on planning issues with communities, businesses, land owners and statutory bodies to ensure that policies are relevant and as consistent as possible with the National Planning Policy Framework.

Spatial Portrait



- Dark Peak and Moorland Fringes (DSI, LI)
- White Peak and Derwent Valley (DSI, LI)
- South West Peak (DSI, LI)
- Poorest overall access to services
- Wards with highest level of second and holiday homes

2.1 Spatial Vision

Early in the process of developing the LDF Core Strategy, the consultation around issues was closely entwined with the developing National Park Management Plan. The result was broad support to use the same vision for the Management Plan and Core Strategy documents. The vision in the spatial plan should always be based on the NPMP.

This principle was retested during the examination into the Core Strategy. The key issue was that over time, should the Management Plan Vision change, would this leave the spatial strategy vision out of date. As such explanation was included in the Core Strategy to say:

“This Core Strategy is the principal document of the Local Development Framework (LDF), and provides the spatial planning expression of the National Park Management Plan (NPMP) 2006-2011 and its successors. The NPMP established a vision, which the Core Strategy builds upon in the spatial vision and outcomes at Chapter 8. At the time of adoption of the Core Strategy, the NPMP is being reviewed, taking account of the new influences on the overall vision. Further reviews will take place during the life of the Core Strategy. The revised Management Plan vision should be read in conjunction with this Core Strategy. The National Park Authority is confident that an enduring relationship between the LDF and the NPMP (and its successors) is a sound approach to maintaining a relevant spatial vision and strategy”

The Vision for the National Park was developed in the current National Park Management Plan for 2012-17 and reads as follows:



During consultation on the Core Strategy, several detailed suggestions were made to amend the spatial objectives. The overriding advice from the Government and Planning Advisory Service has been the need to develop an increased spatial, “place-based” approach to developing objectives and ultimately, policies. Consideration of this and comments by stakeholders has led to the development of more area based spatial objectives for the Core Strategy.

2.2 Spatial Outcomes and Objectives

The spatial outcomes for the Peak District National Park are that by 2026:

- Landscapes and Conservation

The valued characteristics and landscape character of the National Park will be conserved and enhanced.

- Recreation and Tourism

A network of high quality, sustainable sites and facilities will have encouraged and promoted increased enjoyment and understanding of the National Park by everybody including its residents and surrounding urban communities.

- Climate Change and Sustainable Building

The National Park will have responded and adapted to climate change in ways that have led to reduced energy consumption, reduced CO₂ emissions, increased proportion of overall energy use provided by renewable energy infrastructure, and conserved resources of soil, air, and water.

- Homes, Shops and Community Facilities

The National Park's communities will be more sustainable and resilient with a reduced unmet level of affordable housing need and improved access to services.

- Supporting Economic Development

The rural economy will be stronger and more sustainable, with more businesses contributing positively to conservation and enhancement of the valued characteristics of the National Park whilst providing high quality jobs for local people.

- Minerals

The adverse impact of mineral operations will have been reduced.

- Accessibility, Travel and Traffic

Transport sustainability for residents and visitors will have been improved in ways that have safeguarded the valued characteristics of the National Park.

Area-based Spatial Objectives have then been drawn up to highlight the way that Core Policies are expected to lead to a different outcome in different areas of the National Park to reflect the variety of landscape types, community characteristics and local priorities.

The Authority is keen to develop the capacity to monitor at this spatial scale and will be working with partners as part of the review of the landscape Strategy and Action plan. The recent acquisition of the Earthlight GIS tool by the Authority will greater assist the aspiration to monitor and present information spatially.

Dark Peak and Moorland Fringe

Landscapes and Conservation policies will:

- Protect the remoteness, wildness, open character and tranquillity of the Dark Peak landscapes
- Protect and manage the Eastern Moors upland landscapes including through the promotion of the Moors for the Future Project
- Seek opportunities to manage and enhance cultural heritage, biodiversity, recreational opportunities and tranquillity whilst maintaining the open character
- Manage the landscapes to mitigate the impacts of climate change
- Seek opportunities to protect and manage the tranquil pastoral landscapes and the distinctive cultural character of the Dark Peak Yorkshire Fringe
- Seek opportunities to enhance recreation opportunities, woodlands, wildness, and diversity of more remote areas
- Protect and manage the settled, cultural character and the biodiversity and recreational resources of the Dark Peak Western Fringe whilst maintaining strong cultural associations with the Dark Peak landscapes

Recreation and Tourism policies will:

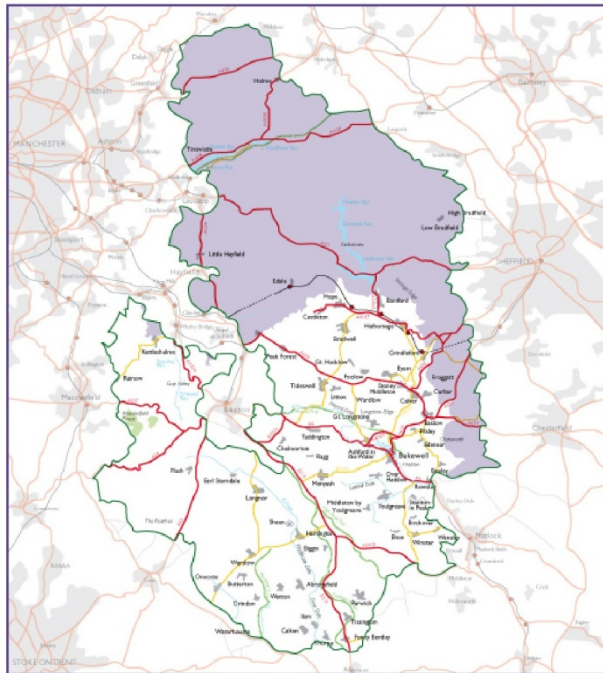
- Enable development of appropriate sites and facilities at key sites such as the Hope Valley, Stanage Edge, the Upper Derwent, Langsett and Longshaw
- In countryside locations between the remoter moorlands and surrounding urban areas, limit development to appropriate signage and interpretation, in line with the Recreation Strategy, Interpretation Plan and Working with People and Communities Strategy
- Help constituent councils to use the potential for activity that addresses poor health and improves equality of opportunity
- Support tourist accommodation that is particularly suited to the wilder and quieter areas, such as back-pack or farm-based tent and caravan sites

Climate Change and Sustainable Building policies will:

- Support work to protect peatland and promote its role as a carbon sink
- Support work to manage floodplain landscapes to increase flood storage and enhance biodiversity
- Protect open skylines, long views and semi-natural moorland expanses Support work to protect peatland and promote its role as a carbon sink

Homes, Shops and Community Facilities policies (in the context of the Development Strategy (DS1)) will be able to support:

- The provision of affordable homes for local need and consolidate services in the following settlements Edale,



Hayfield, High Bradfield, Holme, Little Hayfield, Low Bradfield, and Tintwistle

- The provision of between 35 and 75 homes in Edale, Hayfield, High Bradfield, Holme, Little Hayfield, Low Bradfield and Tintwistle (depending on identified capacity) with perhaps an additional 35 outside these settlements, agricultural dwellings and change of use or conversion.

Economy policies will:

- Support agricultural and land management businesses that conserve and enhance the valued characteristics of the landscape.
- Support diversification of agriculture and land management businesses
- Encourage the effective re-use of traditional buildings of merit

Minerals policies will :

- no specific outcomes for this area

Accessibility, Travel and Traffic policies will seek to ensure:

- The Woodhead route will be safeguarded but without accepting the principle of a new or reinstated railway
- Opportunities will be taken to increase public transport, particularly if they are integrated with recreational and leisure activities
- The TransPennine Trail will be retained
- The A628 Tintwistle bypass route will not be protected

White Peak and Derwent Valley

Landscape and Conservation policies will:

- Protect and manage the distinctive and valued historic character of the settled, agricultural landscapes of the White Peak, while seeking opportunities to enhance the wild character and diversity of remoter areas
- Protect and manage the settled, agricultural character of the Derwent Valley landscapes, seeking opportunities to enhance wooded character, cultural heritage and biodiversity
- Manage floodplain landscapes to increase flood storage and enhance biodiversity
- Protect and manage the tranquil pastoral landscapes and distinctive cultural character of the Derbyshire Peak Fringe through sustainable landscape management, seeking opportunities to enhance woodlands, wetlands, cultural heritage and biodiversity

Recreation and Tourism policies will:

- Support the development of appropriate facilities in recognised visitor locations such as Bakewell, Castleton, the Hope Valley, Dovedale, Chatsworth and Ilam
- Support work that maintains and fills gaps in the rights of way network
- Protect the recreational value of the Manifold, Tissington, and High Peak trails
- Retain the continuity of the Monsal Trail and explore its further potential
- Consolidate Bakewell's role as a tourist centre and a hub from which to explore other attractions
- Support the change of use of traditional buildings to visitor accommodation
- Enable a new hotel in Bakewell

Climate Change policies will:

- Support work to manage floodplain landscapes and enhance biodiversity

Homes and Communities policies (in the context of the Development Strategy (DS1)) will be able to support:

- The provision of between 550 and 890 homes, affordable homes for local need and consolidate services in the following settlements Alstonefield, Ashford, Bakewell, Bamford, Baslow, Beeley, Biggin, Birchover, Bradwell, Calver, Castleton, Chelmorton, Curbar, Earl Sterndale, Edensor, Elton, Eyam, Fenny Bentley, Flagg, Foolow, Froggatt, Great Hucklow, Great Longstone, Grindleford, Hartington, Hathersage, Hope, Litton, Middleton by Youlgrave, Monyash, Over Haddon, Parwich, Peak Forest, Pilsley, Rowsley, Stanton in Peak, Stoney Middleton, Taddington, Thorpe, Tideswell, Tissington, Wardlow, Wensley, Wetton, Winster, and Youlgrave (depending on identified capacity)



with perhaps 125 outside these settlements, agricultural dwellings and change of use or conversion

Economy policies will:

- Support business start-up and development particularly where it creates high skill - high wage jobs in the places shown on the key diagram
- Retain and enhance the role of Bakewell as a market town and centre for agricultural business
- Safeguard employment sites in sustainable locations such as Bakewell, Tideswell and through the Hope Valley, but consider redevelopment of lower quality employment sites in less sustainable locations for other uses including mixed use
- Support agricultural and land management businesses that conserve and enhance the valued characteristics of the landscape
- Support diversification of agriculture and land management businesses;
- Encourage the effective re-use of traditional buildings of merit

Minerals policies will:

- Allow the underground working of fluorspar ore from Watersaw and Milldam Mines whilst resisting proposals for fluorspar working by opencast methods

Accessibility, Travel, and Traffic policies will seek to ensure:

- The line of the Bakewell relief road will not be safeguarded
- Opportunities will be taken to enhance services on the Hope Valley Railway Line, particularly if they demonstrate a lasting decrease in private cars on adjacent roads
- The Matlock to Buxton route will be safeguarded but without accepting the principle of a new or reinstated railway
- The Monsal Trail will be retained

South West Peak

Landscape and Conservation policies will:

- Protect and manage the distinctive historic character of the landscapes
- Seek opportunities to celebrate the diverse landscapes
- Enhance recreation opportunities, woodlands, wildness and diversity of remoter areas

Recreation and Tourism policies will:

- Manage off-road recreation so that legitimate uses and users can enjoy the area without damaging the landscape or other peoples' enjoyment of it
- Support measures to improve visitor access into and around the area

Climate Change policies will:

- Support work to manage floodplain landscapes and enhance biodiversity
- Support work to protect peatland and promote its role as a carbon sink

Homes and Communities policies (in the context of the Development Strategy (DS1)) will be able to support:

- The provision of affordable homes for local need and consolidate services in the following settlements Butterton, Calton, Flash, Grindon, Kettleshulme, Longnor, Rainow, Waterhouses, and Warslow
- The provision of between 30 and 130 homes in Butterton, Calton, Flash, Grindon, Kettleshulme, Longnor, Rainow, Sheen, Waterhouses and Warslow (depending on identified capacity) with perhaps an additional 30 outside these settlements, agricultural dwellings and change of use or conversion.

Economy policies will:

- Seek to retain an appropriate range of employment sites in sustainable locations such as Longnor and Warslow
- Support agricultural and land management businesses that conserve and enhance the valued characteristics of the landscape
- Support diversification of agriculture and land management businesses
- Encourage the effective re-use of traditional buildings of merit

Minerals policies will:

- No specific outcomes for this area

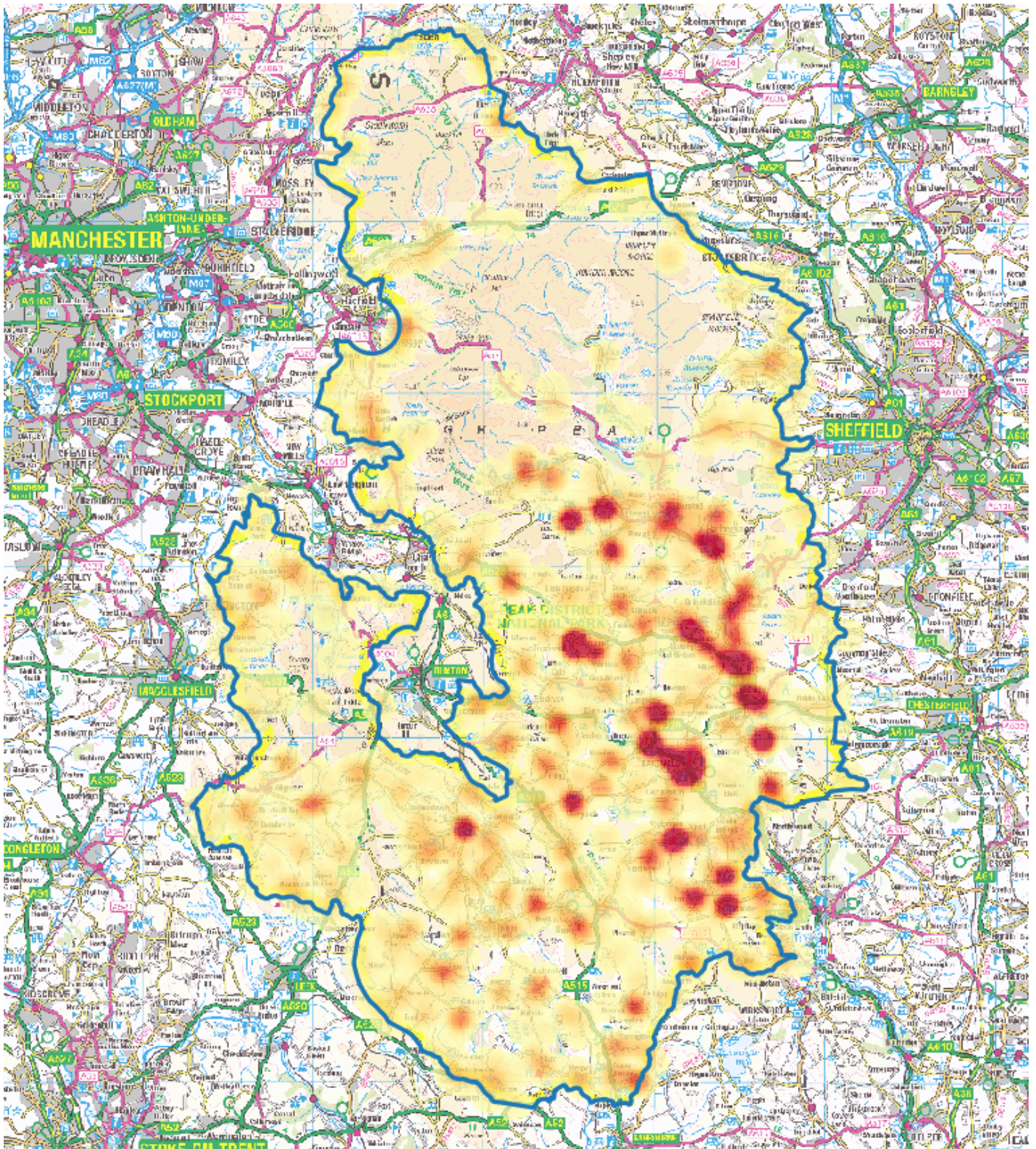
Accessibility, Travel and Traffic policies will seek to ensure:

- Increasing sustainable access for residents and visitors to key services, facilities and visitor places of interest



2.3 Progress at a Spatial Scale

Heat map to show the location of all permitted applications during the monitoring period. This highlights the spatial differences across the 3 areas.



© Crown copyright and database rights 2015. 100005734.

The Dark Peak and Moorland Fringe

The Natural Zone designation features strongly in this area and continues to be an effective tool in landscape protection, ensuring that the development is limited to development essential to the area and focussed predominantly on the few existing properties already within the area, thus maintaining scenic value, tranquillity and the largely undeveloped character of these wilder and more natural areas. This policy framework also provides an effective context for the extensive landscape partnership projects operating across the dark Peak and moorland Fringes, namely Moors for the Future and the Eastern Moors Partnership. These projects have wide ranging benefits including peatland restoration, water capture and a focus on birdlife in areas that have European protection for their landscape importance.

Development is predominantly focussed into the fringe landscapes and supported through close working with High Peak Borough Council and local communities e.g. in Hayfield and Edale to enable affordable housing. A growing number of communities have received support from the Authority and constituent councils in preparing neighbourhood plans. Plans are at various stages of development from the early attempts to designate an area in Saddleworth to the near adoption of the plan at Chapel-en-le-Frith. Other active communities include Whaley Bridge, Holme and Dore with their Neighbourhood Plan. Also in this area officers have worked closely with Sheffield and Barnsley councils to agree a methodology for greenbelt review ensuring that the quality and integrity of fringe landscapes are conserved.

Through the monitoring period, officers have also worked closely with neighbouring authorities as they prepare their own Local Plans. Concern over the proximity of large new housing allocations in the High Peak led the Authority to carefully consider its position regarding the potential for future harm. A jointly signed memorandum of understanding has now been prepared to agree areas of policy where close working is needed to ensure the right kind of development is achieved, reflecting landscape character and traditional building styles.

In the Longdendale Valley, the Authority has engaged closely with the National Grid as they explore proposals for undergrounding significant tracts of high voltage power lines. This could result in significant landscape enhancement. Moreover the government has tabled early proposals for road improvements on the A628 with the aim of improving travel times between Sheffield and Manchester. Long term plans also indicate the possibility of a tunnel underneath the National Park.

Other transport initiatives in the area include discussions with Network Rail regarding the scope for and potential impacts arising from passing loops on the Hope Valley line to improve train speeds and capacity between Sheffield and Manchester.

The Authority's recreation and sustainable transport objectives have been greatly bolstered by the second successful bid for funds to improve cycling infrastructure across and into the national park from a range of gateway sites, such as Langsett in the eastern fringe.

Recreation and Tourism policy has also been used to guide improvements to key visitor sites with an extension to the National Trust car park at Longshaw, and the improvement of facilities at the North Lees campsite, including the introduction of 2 camping pods to enable all year round camping. This follows advice given at the Crowden campsite to ensure that any permanent wooden structures are approved as an exception where there is minimal landscape impact. Delivery of these projects is likely to take place during the 2015/16 year.

White Peak and Derwent Valley

The White Peak and Derwent valley represents the most populated parts of the National Park and across the many villages, farms and individual properties lies the greatest potential for development in the National Park.

Policies seek to manage the impact of development carefully so as to protect the valued character of the area. Through 2013-2015 the Government proposed a raft of changes to national policies with of aim of freeing up the planning system and creating more freedom for development without the need for planning permission. This is known as permitted development. Some of the changes have now been enacted and have greatest potential for impact in the open farmed landscapes of the White Peak. Changes include the ability for farm buildings to be converted to a range of commercial uses. Following a firm lobbying campaign by the family of National Parks a proposal to allow farm buildings to change to residential use without the need for planning permission was amended in 2014 in order to exempt National Parks. As such all applications must go through the full planning route making them subject to local policy requirements. As such the Authority has been working to complete its Development Management Policies which will bring greater clarity and detail to this issue.

The long term sustainability of White Peak farms has also been emphasised through this period with discussions centering on farmer succession and the further scope for farm diversification with its interrelations to other rural business and land management. The expansion of a large manufacturing business in open countryside near Bradwell again highlighted the need for strong principles in policy for sustainable land management practices which do not sever the link between economy and environment. Plus the landscape based approach leads us to consider the appropriate threshold for large buildings and operations in areas of landscape that require protection in order to achieve statutory conservation objectives.

During the monitoring period a series of applications have begun to test the scope for open market housing to be realised through the barn conversion route and as such issues such as building quality and their significance as a heritage asset have been developed further along with the need to carefully consider the impact of domestication and urbanisation on the historic farmland setting which is so valued as a characteristic of the White Peak.

The Climate Change SPD has been redesigned and promoted in 2015 to encourage such developments. Wind turbine applications have continued to test core policies and led to a series of important decisions which have confirmed the land-scape first principle, particularly in the open setting of the White Peak plateau. The take up of solar panels on farm shed roofs and other technologies such as ground and air source heat pump systems highlights the scope for more appropriate alternatives that respect the particular landscape characteristics of this area. Further efforts have been made to engage with the farming community, encouraging a range of renewable and energy efficiency measures. Looking into 2015/16 the Authority has received its first application for a farm based anaerobic digester (AD). This is on one of the larger dairy farms in the White Peak. The Authority will monitor this case closely in the next AMR to consider the impact and operation of core policy CC4 which focusses specifically on this issue.

Neighbourhood plans are progressing in Bakewell and Hartington. Particular strides have been made in Bakewell to support early stages of consultation. Debate continues on the future of existing employment areas in the town. Following the approval of a former factory site to a supermarket, interest now lies in the future of the Riverside Business Park and the need to achieve the right mix of development both to support the d employment needs of the town and also to facilitate a bridge into the site to allow appropriate improvements and optimum take up of businesses into the future. Such considerations go hand in hand with the impact such changes may have on the health and viability of the town centre. As such it will be vital for the Authority to work closely with the community to see the best possible policy outcome for the National Park's main town.

In terms of tourism and recreation policy the main focus has been on developing cycling initiatives. Significant improvements have been made along the Monsal Trail between Bakewell and Woo Dale and further consideration is being put to improvements at the Authority owned assets at Millers Dale and Parsley Hay. Further links are progressing at the southern tip of the White Peak at Waterhouses with links to the Manifold Valley and at Rowsley where a route is planned to connect with the Monsal Trail at Bakewell.

South West Peak

The South West Peak was recognised during this period as a landscape at a crossroads. A project supported by the Heritage Lottery fund has been set up to support community projects and consider the role of the area as a historic landscape with a huge array of heritage assets in need of protection, repair and re-use as part of a sustainable package.

Work continues in partnership with English heritage to bring forward a package of character statements relating to the historic farmsteads of the Peak District. It is hoped this could guide the management and protection of a range of farmsteads, and more remote barns across areas like the South West Peak.

The scattered nature of settlement in the South West with its relative lack of defined villages and the related difficulties in accessing affordable housing and essential services has been identified as challenges to the implementation of the spatial strategy for this area. A case near Meerbrook highlighted this issue with an approval for a new house in the open countryside, an approach that was clearly contrary to the development plan and the National Planning Policy Framework.

Neighbourhood planning is are being supported at Leekfrith (including Meerbrook and Upper Hulme) and Onecote. The Authority will consider innovative local policies that can address the spatial issues associated with the South West Peak within the overall spatial objectives and statutory purposes of the National Park.

Further cycling initiatives are being supported in this area including links from Leek towards the Roaches.

With regard to climate change policies the more varied topography and mosaic of landscape types has demonstrated greater potential for renewable energy development with a number of small scale wind turbine developments, and an innovative approach to harvesting solar energy using a ground mounted array at a farm near Meerbrook.

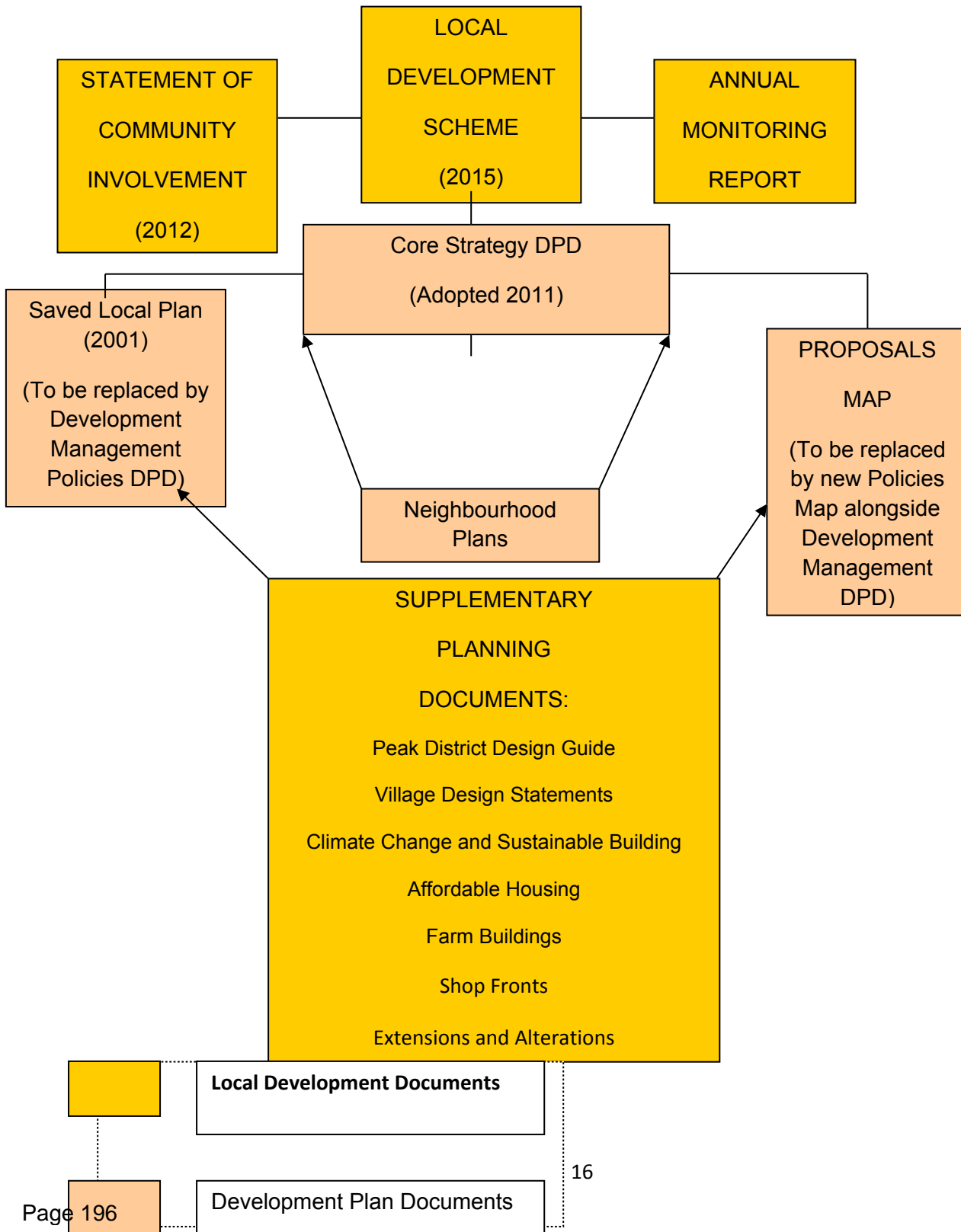
Duty to Cooperate discussions continue with constituent authorities in Staffordshire Moorlands and Cheshire East.

3.0 Progress in Plan Making

The Local Development Scheme (LDS) sets out the various documents that comprise the Local Development Plan for the area. It establishes profiles describing the role of each document and details the timetable for their preparation. The Authority approved a revised LDS in March 2015 to update the position with regard to plan making since the adoption of the Core Strategy in 2011.

The diagram below details the Local Development Plan, and the relationship between Local Development Documents and Development Plan Documents. The agreed timescales for producing the Local Development Plan are set out in the [Local Development Scheme](#).

SUMMARY DIAGRAM OF THE PEAK DISTRICT NATIONAL PARK LOCAL DEVELOPMENT SCHEME



Local Development Scheme Timeframe

| Document title | Status | Role and content | Geographical coverage | Chain of conformity | Pre-production survey and involvement | Date for pre-submission consultation | Date for submission to Secretary of State | Proposed date for adoption |
|--|--------|--|---------------------------------|--|---------------------------------------|--------------------------------------|---|----------------------------|
| Revised Statement of Community Involvement | LDD | Describes how stakeholders and the community will be involved in the LDF and planning applications. | Whole National Park | N/A | | Feb 2012 | N/A | Adopted May 2012 |
| Core Strategy (Part 1) | DPD | Sets the vision, objectives and spatial strategy for the National Park, and the primary policies for achieving the vision. | Whole National Park | Consistent with National Planning Policy | | September – October 2010 | December 2010 | Adopted October 2011 |
| Development Management Policies (Part 2) | DPD | Policies which will ensure that development meets certain criteria and contributes to the achievement of the Core Strategy. | Whole National Park | Consistent with the Core Strategy and national policy. | From October 2011 | October – November 2015 | January 2016 | July 2016 |
| Policies Map | DPD | Illustrates the spatial application of LDF policies & proposals on an Ordnance Survey base map. Prepared with DPDs which identify policy areas or have site allocations. | Whole National Park | Consistent with the Core Strategy and Development Management DPD's | From Feb 2014 | October - November 2015 | January 2016 | July 2016 |
| Recreation Hubs Area Action Plan | DPD | Contains policies to improve the quality of visitor facilities and sustainability of built fabric at key | Specific sites across the whole | Consistent with the Core Strategy | From June 2014 | June - July 2017 | November 2018 | May 2018 |

| | | | | | | | | |
|--|-----|--|--|---|------------------------|---|---|---|
| | | visitor hub sites | National Park | | | | | |
| Neighbourhood Plans | DPD | Policies to manage development, exploring settlement capacity, opportunities for affordable housing, businesses and community facilities as well as seeking opportunities to conserve and enhance and features of local value. | Parishes across the National Park. 7 communities with designated areas at time of writing (see map on page 12) | To conform with the Core Strategy | On-going from Jan 2013 | On-going with communities at different stages | On-going with communities at different stages | On-going with communities at different stages |
| Barn Conversions SPD | SPD | Guidance to support the re-use of traditional barns and their role as heritage assets in a historic landscape, through high quality design and consideration of landscape setting. | Whole National Park | To conform with Core Strategy and Development Management Policies | From mid 2014 | October 2016 | N/A | March 2017 |
| Addressing the Local Need For Affordable Housing | SPD | Updated guidance and definitions to support the delivery of affordable housing in the National Park with an explanation of terms such as need and eligibility, and setting out the requirements for planning obligations | Whole National Park | To conform with Core Strategy and Development Management Policies | July 2016 | February 2017 | N/A | July 2017 |
| Annual Monitoring Report | N/A | Sets out progress in producing DPDs & SPDs and implementing policies, action needed to meet targets, and any changes needed. | Whole National Park | N/A | | N/A | July each year | N/A |

4. Policy Monitoring

4.1 Measuring performance

Each indicator has been assigned a colour based on a status of;

- **Green – Indicator on track** - indicator target achieved and/or within acceptable limits and/or on trend
- **Amber – agreed targets or measures of performance are not being achieved but not a recurring trend or concern** - Reasonable progress towards success factor anticipated
- **Red – agreed targets or measures of performance are not being achieved and it is unlikely that this will be addressed without specific interventions**

The targets below are based on a direction of travel and in most cases a numeric target has not been applied. Other indicators are based on a textual format, where progress is measured by a qualitative review of action and monitoring of Policy.

4.1 General Spatial Policies



4.1.1 Policy Objectives

General Spatial Policy (GSP) 1 sets the distinctive context for a sustainable approach to development in the context of its statutory purposes to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of these areas by the public. GSP 2 provides a particular focus on the need to enhance as well as conserve the National Park by seeking to understand the particular valued characteristics that may be affected as part of any development and exploring ways of enhancing these characteristics as far as possible. GSP 3 provides a set of Development Management Principles in order to ensure an appropriate level of sensitivity to the finer level details that cumulatively make a National Park stand out as being a landscape of high quality. GSP4 provides a framework for the consideration of the use of Planning conditions and legal agreements and explains the relationship to infrastructure priorities of constituent local authorities which the National Park must take account of.

The Development Strategy (DS1) provides an overarching framework for all decisions. DS1 sets out the principles and expectations for development across the whole National Park, in effect providing a spatial hierarchy to direct particular forms and scales of development to the most appropriate places, predominantly driven by the statutory conservation purpose but also to promote a sustainable pattern of development within this protected context.

63 settlements are identified as places where new buildings are acceptable for affordable housing, small shops, community and business uses. In the countryside scope is limited to agricultural and land management uses, with a preference for the re-use of traditional buildings. Economic uses are particularly supported as they require less change to the character of buildings and the surrounding landscape. Some parts of the countryside continue to be defined as Natural Zone. These are the wildest, most remote and least developed parts of the Park where the presumption is against all forms of development, except where it might support the management of the area, or by overridden by nationally significant development considered to be more important in the public interest.

4.1.2 Policy Monitoring

| Policy DS1 | Development Strategy |
|------------|---|
| Indicator | New development occurring outside of named settlements |
| Target | 80% - 90% of new build development inside named settlements |

Policy:

An over-supply of new development outside named settlements would adversely affect the sustainability of the area. It would exacerbate problems for service providers, and potentially place more people in remote locations where social interaction and service provision is more difficult, particularly for less mobile members of society, both young and old. It is estimated that the outcome of the strategy will be to direct 80% to 90% of all new development towards the named settlement.

Indicator:

There were only 3 new build applications for housing in 2014-2015 all of which were inside named settlements.

Changes to M3 system are required to collect data for applications and permissions.

Discussion:

While this indicator does appear to be on track the value of it is under review as it clear that a very large proportion of development overall does take place outside named settlements. Consideration will be given to reviewing the value and proportion set out in the indicator.

| | |
|--------------------|---|
| Policy GSP1 | Securing National Park Purposes and sustainable development |
| Indicator | Applications granted contrary to Policy |
| Target | contrary to policy principle - tolerance of 3 per year harm/judgement based cases raising significant policy issues – tolerance of 10 per year |

Policy:

General spatial policies (GSPs) provide overarching principles for spatial planning in the National Park and relate closely to the delivery of national park purposes. Policy GSP1 seeks that any development proposal will comply with core policies so that any development in the National Park must satisfy the statutory purposes of national park designation. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation of the National Park will be given priority.

A proactive response is required to manage either consequence for all policies and understand the cumulative impacts of these decisions.

Indicator:

Granted Contrary to Policy

Target: Reducing with a tolerance of 3

Achieved:

2013/14 2 applications granted contrary to Policy

2014/15 4 applications granted contrary to Policy

| Year | Application Description | Policies involved | Comments |
|---------|---|--|---|
| 2013/14 | NP/DDD/0413/0248 Change of Use of Cattle Barn to Camping Barn, Without Section 106 Obligation, Stoke Farm, Grindleford | Core Strategy policies GSP1, E2 and RT2 and saved Local Plan policy LC14 | Scheme already approved as a departure from policy in previous AMR. The removal of the requirement for a legal tie means that separation of the holiday accommodation from the farm business can now occur unhindered with no means to guarantee income returning to the farm business. This poses a longer term threat to the viability and sustainability of the farm business which is essential to local land management. |
| 2013/14 | NP/DDD/1213/1075 Erection of a single affordable dwelling – land adjacent to Thorneycroft, Summer Cross, Tideswell | Core Strategy policies GSP1, DS1, HC1 and LH1 | Application not supported by an eligible need and applicant already in home ownership. Also applicant did not comply with the occupancy criteria defining people with a local qualification for an affordable |

| | | | |
|---------|---|---|---|
| | | | <p>Proposed dwelling also separated from edge of village causing concern the proposal would be tantamount to an open market house in the open countryside.</p> <p>Members remained concerned about the affordability of existing property and as such viewed the scheme as a good solution close to a named village in the Core Strategy.</p> <p>Raises issues about the means of defining housing need and where flexibility lies in judging local occupancy criteria as well as scope to understand how broadly village edges may be defined.</p> |
| 2014/15 | NP/DDD/0414/0348 Change of Use From a Single Domestic Dwelling to 2 Domestic Flats, Alterations to Rear Porch and the Addition of a New Shed in the Rear Yard at Glenholme, Buxton Road, Bakewell. | Core Strategy policies GSP1, HC1 and saved Local Plan policy LH1 | <p>Concern that the proposals would not achieve any meaningful enhancements to the site or its setting within Bakewell's Conservation Area or evidence that the houses were needed to address the local need for affordable housing. Not demonstrated that the subdivision of the existing house into two separate flats is required in order to achieve the conservation or enhancement of a vernacular building.</p> <p>Raised issues regarding the need for policy on subdivision of properties.</p> |
| 2014/15 | NP/SM/0514/0468 Renovation and Change of Use of Former Shippon to Detached Dwelling, Bleak House, Newtown, Longnor | Core Strategy policies GSP1, GSP2, HC1 | <p>Building not valued vernacular, therefore no justification for open market housing.</p> <p>Members considered the proposed enhancement was sufficient in this case by ensuring the removal of other eyesore buildings</p> |
| 2014/15 | NP/DDD/1213/1144 Erection of Agricultural Building on Land off Bramley Lane, Hassop Common, Calver | Core Strategy policies GSP1, 2, 3 and L1 Saved Local Plan policies LC4 LC13 | <p>Concern over siting and scale. The scheme would have a substantial adverse visual impact and would significantly harm the scenic beauty of the National Park.</p> <p>Submission failed to demonstrate that the benefits of granting permission for the revised application would significantly and demonstrably outweigh any adverse impacts of doing so when assessed against the policies in the Development Plan and National Planning Policy.</p> |

| | | | |
|---------|--|--|---|
| | | | Members believed proposal was justified and benefits outweighed harm. |
| 2014/15 | NP/SM/0814/0847 Erection of local needs dwelling on land north of Lapwing Farm, Across the Lea, Meerbrook | Core Strategy policies DS1, GSP1, L1 HC1 | The application site is not within or on the edge of a named settlement as defined in Core Strategy policy DS1 and therefore the proposals would represent an unsustainable form of development contrary to the aims and policies of the development plan and national policy. Members concerned that there was no other way to address the needs of the family. There is no village close by named within the Core Strategy (DS1) as such this case raises issues for spatial planning in the South West Peak |

Raised significant policy issues

Target: Reducing with a tolerance of 10

Achieved:

2013/14 5 applications raised significant policy issues

2014/15 3 applications raised significant policy issues

| Year | Application Description | Policies involved | Comments |
|---------|---|--|---|
| 2013/14 | NP/DDD/0912/0899 Reconstruction And Extension of Building to Form Local Need Dwelling, at The Fold, Little Hucklow | Core Strategy DS1, HC1 plus detailed design matters from LC4 and LC8 | Prior demolition of existing property raised technical principle of new build house in open countryside, contrary to Core Strategy DS1, HC1. Hamlet setting mitigated any landscape harm and amended plans improved the massing and external appearance. As such principle accepted and did not raise fundamental conflict with policy. |
| 2013/14 | NP/HPK/0812/0791 Change Of Use Of Vacant Barn To Holiday Cottage Including New Septic Tank Installation, Higher Barmoor Farm, Doveholes, Peak Forest | Core Strategy policies GSP 1,2,3 L1, RT2 and saved local Plan policies LC4 and LC8 | Some concerns regarding the qualities of the building. However Members content That building was of sufficient vernacular merit and the development did not cause unacceptable landscape harm |
| 2013/14 | NP/DDD/0413/0276 Proposed Erection of Local Need Affordable House, Chapel Street, Monyash | Core Strategy policies DS1 GSP3 L3 and | Concern that a newly built house would fail to conserve the significance of the designated Monyash Conservation Area. Proposed on an important open green space within the Conservation Area, development would undermine the |

| | | | |
|---------|--|--|--|
| | | saved Local Plan policies LC4 LC5 LC6 LH1 | valued characteristics of the village centre. Members required to balance harm with the local need for an affordable home in an appropriate village location (policy DS1). Final siting and design provides positive contribution to street scene with rural setting maintained |
| 2013/14 | NP/DDD/0613/0542 Extension of existing manufacturing business and diversion of existing public footpath at Buxo Plas, quarters Farm, Hazelbadge | Core Strategy Policies L1 E2 | Potential for inappropriate development in the open countryside. Policy E2 requires proposals for growth and intensification to be considered carefully against impact on landscape character. Determined the site was well hidden and that the business was environmentally responsible but raises issues concerning isolated development and relationship to land management of businesses no longer in agriculture |
| 2013/14 | NP/DDD/0713/0582 Re-Development of Business Park to Create Heritage Centre With Craft Shop/Café With Associated Retailing, Two Tied Worker Accommodation Units, Tourist Accommodation Space, Training Room/ Community Facility, Café And Office Space at Rockmill Business Park, The Dale, Stoney Middleton | Core Strategy policies GSP1, GSP2, GSP3, L1, RT1 And Local Plan policies LC4 and LE4. | Outline consent already granted but detailed matters raised further concern on landscape grounds: the increased above-ground car parking requirement would require significant excavation works which could seriously detract from the character and setting of this part of The Dale. Members considered that benefits of development outweighed the localised harm. Development would represent an enhancement and create a gateway for the village. |
| 2014/15 | NP/SM/1014/1087 Change of Use of Barn to Local Needs Person Dwelling, Bassetts Building, Longnor | Core Strategy policies GSP1, GSP3 and L1, saved Local Plan policies LC4 and LC8, | The barn occupies a prominent and exposed hillside position and presently contributes positively to the character and setting of the wider landscape of this part of the National Park. The proposed residential conversion of the barn would spoil the character and setting of the barn by the introduction of a domestic use and associated developments in this sensitive location. Policy allows greater freedom for conversions to local needs housing, but landscape impact and cultural heritage issues remain central to National Park purposes. Members considered impact acceptable in this case. |
| 2014/15 | NP/DDD/0814/0879 Erection of Two Affordable | Core Strategy policies | Concern that the site was not in or on the edge of Litton. Proposed site would be in an open and prominent position with a |

| | | | |
|---------|---|--|---|
| | Dwellings, The Croft, Litton Dale, Litton | DS1, GSP1, GSP3, HC1 and saved Local plan policies LC3, LC4 and LH1 | <p>harmful landscape and visual impact. Proposals could represent an unsustainable form of development that may lead to pressure to fill the intervening gaps in ribbon form out and away from the village.</p> <p>Alternative sites identified within Litton and Tideswell, therefore, the case was recommended for refusal.</p> <p>However members considered the application to be in an appropriate location close to the village, addressing a local need and as such the concerns were outweighed.</p> <p>Raises issues about the definition of village edges and how such sites can be accommodated. Such schemes require case by case assessment.</p> |
| 2014/15 | NP/SM/1114/1132 Conversion of a redundant stone agricultural building into a residential dwelling to fulfil an affordable local needs housing requirement at Gollin Gate Farm, Quarnford | Core Strategy policies GSP1, GSP3 and L1, saved Local Plan policies LC4 and LC8, | <p>The barn occupies a prominent and exposed position and presently contributes positively to the character and setting of the wider landscape of this part of the National Park. The proposed residential conversion of the barn could spoil the character and setting of the barn by the introduction of a domestic use and associated developments in this sensitive location.</p> <p>Members felt that there was a clear need for the dwelling and that it would not harm the landscape.</p> <p>Raises issues about the need to understand impact to heritage and historic landscape features from domestic conversions.</p> |

Discussion

Indicator highlighted as amber as there are slightly more cases breaking policy principles than targeted. Work progressing on development management policies aims to improve this figure by giving greater guidance and clarity on policy.

| | |
|--------------------|--|
| Policy GSP1 | Securing National Park Purposes and sustainable development |
| Indicator | All Policies to be read in combination |
| Target | No numeric target applied |

Policy:

A planning recommendation and subsequent decision must be made based on concatenating the policy principles in the strategy. This approach will help ensure that all recommendations and decisions secure national park purposes, sustainable development and that the *'conservation and enhancement of the National Park will be given priority'*.

All policies must be read in combination to further the National Park's legal purposes and duty as established in the Environment Act 1995.

This contextual indicator will provide the raw data to examine policy use/citation over time.

Indicator:

Data not available (currently no system in place to monitor this).

Data for Policy codes needs to be collected in M3.

| | |
|--------------------|--|
| Policy GSP2 | Achieving enhancement of the National Park |
| Indicator | Permissions granted for removal of undesirable features or buildings |
| Target | No numeric target is applied |

Policy:

Planning powers can provide an effective mechanism to realise other enhancements to the built and natural environment. Development decisions and other tools may allow opportunities to remove or treat undesirable features or buildings, but works must be undertaken in a sympathetic manner so as not to harm other valued characteristics which may exist on or surrounding a site. This aims to develop an understanding of the cumulative effect of proscriptions for removal/treatment of undesirable features. Inform the use of these powers in the protection/enhancement of valued characteristics of the park. Communicate the effect of these powers.

Indicator:

Data not available (currently no system in place to monitor this).

| | |
|--------------------|--|
| Policy GSP3 | Development Management Principles |
| Indicator | Applications granted contrary to specialist (internal advice) and statutory consultee advice |
| Target | 0 |

Policy:

It is essential that the standard of design and landscape aspects of new development conserve and enhance the valued characteristics of the National Park. The Authority's specialist fields of knowledge in landscape, biodiversity and cultural heritage are underpinned by high quality guidance notes and appraisal documents.

We are also reliant on technical/regulatory guidance provided by external statutory consultees.

The main consequence of applications granted contrary to specialist advice is that they may, by definition, be at risk of being contrary to the statutory purposes. A proactive response is required to manage and mitigate for this consequence for all policies. The implication being that specialist advice is not followed in rare circumstances to facilitate significant enhancement(s)/protection and that 'harm' in one characteristic sphere is therefore mitigated by enhancement in another.

Indicator:

Data not available (currently no system in place to monitor this).

| | |
|--------------------|---|
| Policy GSP4 | Securing planning benefits |
| Indicator | Number and type of Section 106 agreements or infrastructure secured through other mechanisms including any introduced Community Infrastructure Levy |
| Target | No numeric target is applied |

Policy:

Planning consents commonly make use of conditions and legal agreements about specific matters related to development to provide a wider benefit. In the National Park it would be appropriate to include requirements that aid the implementation of national park purposes, for example to make provision for landscaping, or to develop in such a way that species such as bats are able to make use of the new structure. In pursuing national park purposes it would also be appropriate to use conditions/legal agreements to ensure sustainable development e.g. through design and/or measures to improve energy conservation or renewable energy generation.

Indicator:

2013/2014 26 Section 106's made, split into the following:

| Type of 106 | Number |
|---|--------|
| Affordable occupancy | 12 |
| Farm workers occupancy | 4 |
| Minerals relating to what can be extracted and for what use | 2 |
| Restoration and aftercare (one was for quarry, one was for a reservoir) | 2 |
| Work relating to an open market house / affordable occupancy | 1 |
| Affordable occupancy / farm workers occupancy | 1 |
| Tying extension to existing work buildings | 1 |
| Highways | 1 |
| Tied to main house | 1 |
| Community benefits / highways / occupancy restrictions | 1 |

2014/2015 27 Section 106's made, split into the following:

| Type of 106 | Number |
|--|--------|
| Affordable occupancy | 14 |
| Farm workers occupancy | 5 |
| Split house after first occupancy and affordable occupancy | 1 |
| Restricting use to ancillary holiday accommodation | 1 |
| Retention of tree plantation and landscape scheme | 1 |
| Remove static caravan fencing prior to development | 1 |
| Schedule of works to be implemented | 1 |
| Remove business use and change to residential use | 1 |
| Unilateral agreement regarding use and development of the land | 1 |
| Replace a community facility | 1 |

Discussion

The proportion of s106 use is broadly consistent with previous years but does indicate a broadening of the use of s106 into a wider set of legal matters. The Authority will monitor closely the reasons why s106 are being used over and above planning conditions.

4.1.3 Statement of Progress

The distribution and quantum of permitted applications reflects the landscape characteristics and settlement pattern of the 3 spatial areas defined in the plan.

New build housing has been focussed into named settlements but a large proportion of other development is permitted outside of named settlements in policy DS1. Closer investigation is needed in order to review the current indicator target set out for policy DS1.

Applications raising significant policy issues are running within the tolerance level while schemes recorded as contrary to policy have emerged slightly over the target level. Overall this highlights that the vast majority of cases approved support National Park purposes with only a few cases testing fundamental principles. Several cases test the threshold on design quality and the desired levels of enhancement to the Park's valued characteristics used to justify development.

It is anticipated that revised development management policy and new design guidance will bring about greater consistency and design quality.

An inability to make desired changes to the M3 Planning database has resulted in some gaps in data. These issues aimed to be resolved for the next AMR.

Nevertheless in a bid to assist the quality and consistency of specialist input into planning decisions 2 new technical design guides have been adopted as supplementary planning documents. These cover extensions and alterations and shopfronts.

4.2 Landscapes and Conservation



4.2.1 Policy Objectives

Allied with the development strategy new policies for Landscapes and Conservation aim to ensure proper regard is always had for Natural Beauty, Wildlife and Cultural Heritage assets in any development proposal in accordance with the statutory purposes of national parks.

L1 clarifies the strict control to be applied in the Natural Zone while development in the remainder of the countryside requires close consideration of the particular landscape characteristics with reference to the adopted Landscape Strategy and Action Plan.

L2 requires that development must conserve and enhance any sites, features or species of biodiversity and geodiversity importance. Other than in exceptional circumstances development policy aims to resist development where it is likely to have an adverse impact on such sites.

The focus of L3 is on the need for development to conserve and where possible enhance, or reveal the significance of archaeological, architectural, artistic or historic assets and their settings.

Just as with general spatial policies and the development strategy these policies must always be considered alongside other policies when determining planning applications in order to have proper regard to National Park purposes.

4.2.2 Policy Monitoring

| | |
|------------------|--|
| Policy L1 | Landscape character and valued characteristics |
| Indicator | Number of planning permissions for development in the Natural Zone |
| Target | None |

Policy:

Alongside the adopted Landscape Strategy, legislation requires the National Park Authority to identify areas which it considers are particularly important to conserve. These areas are largely underpinned by Natura 2000 sites and for spatial planning purposes the Authority calls these areas the Natural Zone. The consequence of development in the natural zone is therefore damage or loss of particularly important natural resources.

Indicator:

| Row Labels | 2013-14 | 2014-15 | Total |
|---|---------|---------|-------|
| Advertisement Consent | 0 | 1 | 1 |
| Full Minerals Application | 0 | 1 | 1 |
| Full Planning Application (EIA) | 1 | 0 | 1 |
| Full Planning Applications (Major Applications and 13 week deadlines) | 0 | 1 | 1 |
| Full Planning Permission | 24 | 28 | 52 |
| GDO Application extended | 0 | 1 | 1 |

| | | | |
|---|-----------|-----------|-----------|
| Listed Building Consent (alter or extend) | 1 | 2 | 3 |
| Renewal | 0 | 1 | 1 |
| Section 73 | 1 | 1 | 2 |
| Total | 27 | 36 | 63 |

There have been a significant number of permissions in the Natural Zone. However, the impact of these permission are negligible in terms of no new housing or business developments.

| | |
|------------------|--|
| Policy L2 | Sites of biodiversity or geo-diversity importance |
| Indicator | Number of permissions granted with conditions Landscape treatment and habitat creation |
| Target | None |

PPS1 requires local policies that conserve and enhance wildlife species and enhance as well as protect biodiversity and natural habitats. The emerging PPS: Planning for a Natural and Healthy Environment states that planning should conserve and enhance biodiversity and geodiversity and ensure that the natural environment is integrated into the strategic vision of communities. Policies and decisions should ensure that construction, development and regeneration enhances biodiversity wherever possible and that there is no net loss to biodiversity.

Indicator:

Data not available (currently no system in place to monitor).

| | |
|------------------|--|
| Policy L2 | Sites of biodiversity or geo-diversity importance |
| Indicator | Losses in areas of biodiversity importance as listed in Policy |
| Target | None |

Policy:

Proposals likely to affect designated or candidate sites of international importance known collectively as Natura 2000 sites, comprising Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are subject to separate statutory procedures such as the Appropriate Assessment under the Habitats Regulations designed to provide the highest levels of safeguarding. Specific policies are not included for these sites, but the Authority will consider these internationally important sites under L2 and show them on a subsequent proposals map with associated Development Management policies.

The sites, features and species covered by this policy include;

- Sites of Special Scientific Interest (SSSIs);
- National Nature Reserves (NNRs);
- Species listed under the schedules 1, 5 or 8 of the Wildlife and Countryside Act
- 1981 or subsequent legislation or reviews;
- Local Nature Reserves;
- Local Wildlife Sites or their equivalent;
- Regionally Important Geological Sites, or their equivalent;
- National, regional or local Biodiversity Action Plan priority habitats or species;
- Significant populations of national or local Red Data Book or Notable species.

Indicator:

Data not available (currently no system in place to monitor).

| | |
|------------------|---|
| Policy L3 | Cultural heritage assets of archaeological, architectural, artistic or historic significance |
| Indicator | Losses to designated cultural heritage assets of archaeological, architectural, artistic or historical significance |
| Target | None |

The following policy covers all cultural heritage assets including, but not exclusively, those assets already subject to development management policies. Cultural heritage assets that are of particular relevance to the planning process in this National Park include Listed Buildings, other buildings of historic or vernacular merit, Conservation Areas, important parks and gardens including those on the national register, and archaeological sites including Scheduled Monuments, features and landscapes. Detailed policy criteria relating to cultural heritage assets will be provided in the Development Management Policies DPD.

Indicator:

Data not available (currently no system in place to monitor this).

4.2.3 Statement of Progress

An inability to make desired changes to the M3 Planning database has resulted in some gaps in data for landscapes and conservation. These issues aimed to be resolved for the next AMR.

Overall the integrity of the Natural Zone has been retained with low development levels in these areas and important projects covering the Dark Peak, Eastern Moors and South West Peak assisting the pursuit of conservation objectives.

A landscape character led approach embedded by policy L1 has ensured close consideration of the wider scenic qualities of the National Park.

4.3 Recreation and Tourism



4.3.1 Policy Objectives

Policies for recreation and tourism set out a positive approach to encourage in accordance with the Landscape Strategy and Action to enable such development in support of the second statutory purpose of national parks.

Policy RT1 supports proposals for recreation, environmental education and interpretation, including facilities and businesses which encourage understanding and enjoyment of the National Park, appropriate to and not in conflict with its valued characteristics and which encourage opportunities for access for sustainable means.

Attractions or facilities such as theme parks and larger holiday parks with swimming pools, restaurants, cinemas and sports equipment that are unrelated to the National Park will be strictly resisted in favour of facilities that both conserve and the National Park and encourage the enjoyment and understanding of it.

RT2 and RT3 provide scope for tourism accommodation with particular emphasis on bed and breakfast and self-catered holiday cottages, along with small-scale caravan and camping sites, all of which provide locations and experiences of the park landscapes and its villages to support enjoyment and encourage spend close to service centres, or as a diversified income to the farming community.

4.3.2 Policy Monitoring

| | |
|-------------------|--|
| Policy RT1 | Recreation, environmental education and interpretation |
| Indicator | Number of applications granted and completions for development to promote recreation / Understanding |
| Target | No numeric target applied |

Policy:

The policy supports the provision of recreation, environmental education and interpretation developments which encourage the sustainable enjoyment of the National Park. To reflect its special status, developments should be appropriate to the valued characteristics. For example, proposals which do not reflect, explore or depend on characteristics such as the natural beauty, wildlife, historic buildings, customs or quiet enjoyment will not be acceptable. Factors such as landscape impact, environmental capacity, scale and intensity of use or activity will be important considerations. Some parts of the National Park are particularly valued for the wilderness and solitude they offer, which must be maintained.

Indicator:

| | 2013-2014 | 2014-2015 |
|---|-----------|-----------|
| Permissions for to promote recreation / Understanding | 17 | 14 |

Although no numeric target is applied to this indicator the level of permissions each year suggests this indicator is on trend. It is difficult to understand the Indicator without monitoring completions and currently there is no resource to collect completions data for recreation / understanding developments.

| | |
|-------------------|--|
| Policy RT3 | Caravans and camping |
| Indicator | Caravan & Camping site Permissions and Completions |
| Target | 0 new static caravans, chalets or lodges |

Policy:

Camping and caravanning is the most popular type of holiday accommodation in the Peak District. The following policy will enable a range of sizes and types of site to cater for holidaymakers, provided there is no adverse impact on landscapes and valued characteristics. Policies will particularly encourage well located sites where there are currently gaps in provision.

Indicator:

| | 2013-2014 | 2014-2015 |
|---|------------------|------------------|
| Permissions for static caravans, chalet or lodges | 0 | 0 |

4.3.3 Statement of Progress

Policies aim to support the pursuit of National Park purposes. Good progress has been made in permitting facilities and information which support and encourage a high quality visitor experience. A small research project will investigate further the nature of these developments. Early in 2015/16 a small scheme for 2 camping pods have been permitted on the National Park camp site at North Lees. Such developments are an exception under policy RT3 where they realise only minimal impact to the landscape.

4.4 Climate Change and Sustainable Building



4.4.1 Policy Objectives

Policy CC1 states that the highest possible standards of carbon reductions are required and in new housing nationally recognised standards must be applied. The energy hierarchy is strongly promoted to ensure that the best possible advantage is sought from within the fabric of a building before we alter the external character.

Policy CC2 ensures that a wide range of renewable energy solutions are encouraged through policy where they integrate well and do not harm the character of the landscape. A Supplementary Planning Document was adopted in 2013 to specifically support this aim.

Policies CC3 and 4 support sustainable means of managing waste in the National Park that deal with the issue at a local scale, e.g. for domestic and farm based waste. Policies do not support the importation of waste from outside a community, to ensure that strategic streams of waste intended for treatment at approved County Council sites outside the National Park are not diverted to small communities within the protected area with clear issues for landscape, traffic and other environmental impact with knock on consequences for the enjoyment of the National Park by the public.

Policy CC5 provides a sustainable basis for managing flood risk and water conservation as part of development proposals by steering development away from flood risk areas, the encourage of sustainable drainage schemes and making connections between flood management schemes and wider environmental benefit such as habitat creation or landscape enhancement.

4.4.2 Policy Monitoring

| Policy CC1 | Climate Change mitigation and adaptation |
|-------------------|---|
| Indicator | Proportion of new residential development meeting the standard required by government for affordable housing provided by Registered Social Landlords in the Code for Sustainable Homes / & Other Environmental Management Schemes |
| Target | 100% |

Policy:

All development, including replacement and enhancement schemes will need to demonstrate how it has had regard to the energy hierarchy. In addition, all housing, other than privately built affordable housing development of one and two units, will be required to achieve higher sustainability standards as a means of adapting to and mitigating climate change.

Indicator:

Between 2013-15 all new residential development provided by Registered Social Landlords and by replacement dwellings have met the code for sustainable homes. Other developments have been encouraged to increase the sustainability credentials of the scheme.

| | |
|-------------------|---|
| Policy CC2 | Low Carbon and renewable energy development |
| Indicator | Standalone Applications granted and completed for other low carbon developments and for renewable energy generation |
| Target | No numeric target applied |

Policy:

The purpose of this policy is to reduce carbon emissions. The 2010 National Parks Circular requires a renewed focus on achieving National Park purposes and leading the way in adapting to, and mitigating climate change as a key outcome of the next five years.

Indicator:

| | 2013-2014 | 2014-2015 |
|--|------------------|------------------|
| Permissions for low carbon developments and for renewable applications | 13 | 11 |

| | |
|-------------------|--|
| Policy CC2 | Low Carbon and renewable energy development |
| Indicator | Objections on consultations and district authority responses |
| Target | None |

Policy:

The National Park Authority's policies for landscape and conservation are set out in policy L1. Development must conserve and enhance landscape character, natural beauty, wildlife, cultural heritage and valued characteristics in accordance with the statutory purposes under the Environment Act 1995. The valued characteristics include the flow of landscape character across and beyond the National Park boundary; which provides a continuity of landscape and valued setting for the National Park. This is a special value attached to the National Park by surrounding urban communities.

Indicator:

There were 2 applications

| | |
|-------------------|---|
| Policy CC3 | Waste management - domestic, industrial and commercial waste |
| Indicator | Applications for waste management |
| Target | None |

Policy:

The purpose of this policy is to achieve more sustainable use of resources. There can be an inter-relationship between energy production and waste development, with waste being used as a source of energy production. In any proposal for energy from waste development the Authority will consider the proposal against all relevant policies including CC2 on low carbon and renewable energy development; however policies CC3 or CC4 will be primary considerations.

Indicator:

| | 2013-2014 | 2014-2015 |
|----------------------------------|------------------|------------------|
| Permissions for waste management | 0 | 0 |

There were 0 applications for waste management sites in the Peak District National Park during this time.

| | |
|-------------------|--|
| Policy CC4 | Waste management - on-farm anaerobic digestion of agricultural manure and slurry |
| Indicator | Number of small-scale community waste management facilities granted (excluding on- farm manure and slurry development (see CC4)) |
| Target | None |

Policy:

Agricultural waste is a particular issue given the rural nature of the National Park and the fact that it is a Nitrate Vulnerable Zone (NVZ). Policies seek to protect the environment and help farmers to manage agricultural waste. Small-scale waste management facilities on farms may be permitted provided that waste arises from the farm or farms concerned, and provided that any development can be accommodated without harm to the valued characteristics or other established uses of the area.

Indicator:

| | 2013-2014 | 2014-2015 |
|---|-----------|-----------|
| Count and type of waste management facilities | 0 | 0 |

There were 0 applications for Count and type of waste management facilities in the Peak District National Park during this time.

| | |
|-------------------|---|
| Policy CC4 | Waste management - on-farm anaerobic digestion of agricultural manure and slurry |
| Indicator | Number of new on-farm anaerobic digestion waste management facilities permitted |
| Target | None |

Policy:

Anaerobic digestion can protect the environment by processing animal faeces, urine, manure, slurry and spoiled straw into digestate for spreading on the land. Single on-farm units are more likely to be acceptable in terms of scale in the designated landscape. However, policy CC4 recognises that farms in close proximity may wish to group together to achieve functional and economic viability and ensure that there is sufficient feedstock for the digestion process. This will be permitted provided that a comparative analysis of single on-farm proposals shows that a shared facility is beneficial. The National Park Authority would expect to see individual waste management plans or NVZ records. Anaerobic digestate produced from waste material from individual farms or from groups of farms, where environmental impact is satisfactorily addressed, can also generate biogas for use as a fuel.

Indicator:

| | 2013-2014 | 2014-2015 |
|---|-----------|-----------|
| Count and type of waste on farm anaerobic digestion | 0 | 0 |

There were 0 applications for on-farm anaerobic digestion waste management facilities in the Peak District National Park during this time.

| | |
|-------------------|--|
| Policy CC5 | Permissions for new build in flood zone |
| Indicator | Permissions for new build in flood zone |
| Target | No development in mapped zone flood risk areas |

Policy:

This policy seeks to safeguard floodplains, secure a net reduction in overall flood risk, encourage Sustainable Drainage Systems (SuDS), and reduce water consumption. The policy mirrors the expectations of PPS25 on

Development and Flood Risk. It reflects the strategic need to understand flood risk, and to reduce those risks. It recognises the need to avoid flood risk areas and protect functional flood plains (and water storage/conveyancing corridors). It recognises that where options to limit or avoid flood risk are few, there is a need to reduce the risk, especially for the most vulnerable types of development such as sheltered housing, schools, and sources of potential contamination. In some cases, because of the lack of appropriate 'safe' options, development in areas of risk may be allowed, but only where adequate levels of mitigation and flood protection can be secured. Where practicable, areas of flood plain may be re-established where they have been previously developed or protected by flood defenses.

Indicator:

Number and Application type of permissions granted within the flood zone (2013/14-2014/15):

| Application Type | 2014 | 2015 | Grand Total |
|---|-------------|-------------|--------------------|
| Advertisement Consent | 4 | 3 | 7 |
| Full Minerals Application | 0 | 1 | 1 |
| Full Planning Application (EIA) | 1 | 0 | 1 |
| Full Planning Applications (Major Applications and 13 week deadlines) | 0 | 1 | 1 |
| Full Planning Permission | 42 | 58 | 100 |
| GDO Application extended | 1 | 0 | 1 |
| Listed Building Consent (alter or extend) | 16 | 14 | 30 |
| Section 73 | 3 | 5 | 8 |
| Waste Application | 1 | 1 | 2 |
| Grand Total | 68 | 83 | 151 |

Between the financial years 2013 – 2015 there were 151 applications granted on the flood zone. Of these, only 20 made a significant impact the footprint of a building or developed an impermeable structure over the ground. The majority of these developments were extensions to dwellings or erection of agricultural buildings. The largest development (NP/DDD/0311/0150) for 3 local needs houses. The Environment Agency were consulted and no objection was listed (<http://hub/index.cfm/document/view/documentid/24625703>).

There were 2 applications which enhanced the flood protection in the enhancement.

| Application Number | Application Type | Development Description |
|---------------------------|--------------------------|--|
| NP/DDD/1014/1086 | Full Planning Permission | Creation of swale along Agricultural Way, Bakewell to alleviate flooding problems. |
| NP/DDD/0714/0752 | Full Planning Permission | River bank reinforcement and stabilisation, installation of safety barriers and resurfacing of sections of track |

There has been development in the flood zone.

4.4.3 Statement of Progress

The Authority's Climate Change SPD has been redesigned and promoted with case studies, videos and business cards produced pointing to the guidance and good practice. In addition 2 farm advisors are working closely with a range of farms to promote and encourage the use of energy efficient practices and renewable energy to help cut costs and carbon emissions. Free planning advice is being given to ensure good quality schemes that fit well with local landscape and heritage considerations.

Good numbers of approvals are demonstrated by the data, i.e. 24 instances of stand-alone renewables and low carbon development supported. The Authority has refused a series of wind turbine applications predominantly in the more open landscapes of the White Peak plateau but used policy to encourage alternatives that integrate more effectively, such as solar arrays on farm shed roofs and ground arrays.

Through the Authority's corporate performance monitoring there has been an additional push to ensure the Authority take s a proactive stance re sustainability. The following data has been taken as a snapshot of two months to analyse the impact of policy through the decision making process:

| | March 2015 | May 2015 |
|---|------------|----------|
| Total number of planning applications | 70 | 84 |
| Percentage of planning applications that could incorporate energy efficiency and micro renewables | 53% | 65% |
| Percentage incorporating energy efficiency and micro renewables at application stage | 32% | 27% |
| Percentage of approved permissions incorporating energy efficiency and micro renewables at decision stage | 39% | 40% |

Further work will be done to assess the credibility of this data but indications are that in both sample months planning officers have been able to utilise policy to encourage a greater proportion of developments to incorporate sustainability measures.

During the monitoring period many changes to national policy have been brought forward with the general aim of reducing the perceived burden on developers. As such many planning gains, e.g. the requirements for affordable homes and increased sustainability standards have been removed.

In future Authorities will no longer be able to require development to meet the Code for Sustainable Homes and as such the ability to negotiate will be even more important.

During 2015/16 the Authority has received its first application for an Anaerobic Digester at a farm in the White Peak. Progress on this application will be recorded in the next AMR.

4.5 Homes, shops and community facilities



4.5.1 Policy Objectives

There remains no target to provide open market housing in the National Park, leaving three main ways to justify new homes via policy HC1. Firstly where they address the local need for affordable housing, secondly where they provide for key workers in agriculture and other rural enterprises (policy HC2 also applies), and thirdly where they are justified to achieve the conservation or enhancement of a building of character or a settlement listed in the plan.

In the last of these approaches contributions are also sought for the provision of affordable housing where it does not undermine the conservation objectives.

Policy HC3 provides limited provision for gypsy and traveller sites where there are exceptional circumstances of proven need for a small site that can be met without compromising national park purposes

Policies HC4 and 5 support the provision of new community facilities and to protect existing ones, as well as looking at the important role shops play in Bakewell and the villages as well as supporting small scale trade on farms and other countryside businesses where they are ancillary to other businesses to relate directly to recreation and tourism in the area and take account of the impact on local centres.

4.5.2 Policy Monitoring

| | |
|---------------------------|-------------------------------------|
| Policy HC1 and HC2 | New Housing |
| Indicator | Permissions and completions by type |
| Target | N/A |

Policy:

New housing in the National Park is not required to meet open market demand. The limited number of opportunities for new residential development emphasises the importance of concentrating on the need within the National Park for affordable (including intermediate) homes, rather than catering for a wider catchment area.

Indicator:

Between 1991-2015 there were on average, 17 new build Open Market new build and 16 Local Needs new build completions per annum. There are large fluctuations in the housing stock completions levels with no trend.

| Type | Gross 2013/14 | Net 2013/14 | Gross 2014/15 | Net 2014/15 |
|------------------------|---------------|-------------|---------------|-------------|
| Open Market | 1 | 0 | 27 | 23 |
| Local Needs | 2 | 2 | 1 | 1 |
| Agricultural | 1 | 1 | 1 | 1 |
| Ancillary | 0 | 0 | 3 | 3 |
| Agriculture or Holiday | 0 | 0 | 0 | 0 |
| Ancillary or Holiday | 0 | 0 | 0 | 0 |
| Holiday | 0 | 0 | 23 | 19 |
| Total | 4 | 3 | 55 | 47 |

Between 1991-2015 there were on average, 21 Holiday and 81 Residential (not including Holiday) Local Needs Net completions per annum.

| Open Market Completions | | | | |
|---|---------------|-------------|---------------|-------------|
| Type of Application | 2013/14 Gross | 2013/14 Net | 2014/15 Gross | 2014/15 Net |
| New | 1 | 0 | 3 | 3 |
| Conversion | 1 | 1 | 2 | 1 |
| COU | 6 | 6 | 20 | 17 |
| LDCE | 0 | 0 | 2 | 2 |
| Var. of Cond | 0 | 0 | 0 | 0 |
| Total | 8 | 7 | 27 | 23 |
| Local Needs Completions | | | | |
| Type of Application | 2013/14 Gross | 2013/14 Net | 2014/15 Gross | 2014/15 Net |
| New | 2 | 2 | 1 | 1 |
| Conversion | 0 | 0 | 0 | 0 |
| COU | 1 | 1 | 0 | 0 |
| LDCE | 0 | 0 | 0 | 0 |
| Var. of Cond | 0 | 0 | 0 | 0 |
| Total | 3 | 3 | 1 | 1 |
| Agricultural Completions | | | | |
| Type of Application | 2013/14 Gross | 2013/14 Net | 2014/15 Gross | 2014/15 Net |
| New | 1 | 1 | 1 | 1 |
| Conversion | 0 | 0 | 0 | 0 |
| COU | 1 | 1 | 0 | -1 |
| LDCE | 0 | 0 | 0 | 0 |
| Var. of Cond | 0 | 0 | 0 | 0 |
| Total | 2 | 2 | 1 | 0 |
| Ancillary Completions | | | | |
| Type of Application | 2013/14 Gross | 2013/14 Net | 2014/15 Gross | 2014/15 Net |
| New | 0 | 0 | 0 | 0 |
| Conversion | 0 | 0 | 0 | 0 |
| COU | 3 | 3 | 3 | 3 |
| LDCE | 0 | 0 | 0 | 0 |
| Var. of Cond | 0 | 0 | 0 | 0 |
| Total | 3 | 3 | 3 | 3 |
| Ancillary or Holiday Completions | | | | |
| Type of Application | 2013/14 Gross | 2013/14 Net | 2014/15 Gross | 2014/15 Net |
| New | 0 | 0 | 0 | 0 |
| Conversion | 0 | 0 | 0 | 0 |
| COU | 0 | 0 | 0 | 0 |
| LDCE | 0 | 0 | 0 | 0 |
| Var. of Cond | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 |
| Holiday Completions | | | | |
| Type of Application | 2013/14 Gross | 2013/14 Net | 2014/15 Gross | 2014/15 Net |
| New | 0 | 0 | 0 | 0 |
| Conversion | 0 | 0 | 1 | 1 |
| COU | 14 | 14 | 21 | 17 |
| LDCE | 0 | 0 | 1 | 1 |
| Var. of Cond | 0 | 0 | 0 | 0 |
| Total | 14 | 14 | 23 | 19 |

Discussion on indicator

A gap in data still exists regarding the number of permissions. This requires a change to the M3 planning database.

| | |
|-------------------|---|
| Policy HC3 | Permission for Gypsy and traveller pitches |
| Indicator | Permissions for Gypsy and traveller pitches |
| Target | No numeric target applied |

Policy:

National policy requires planning authorities to address the accommodation needs of gypsies, travellers and travelling showpeople. The Derbyshire Gypsy and Traveller Accommodation Assessment 2008 did not identify any need for pitches in the National Park. Nevertheless, this Core Strategy retains the approach introduced in the Local Plan, where exceptional circumstances might justify temporary accommodation for gypsies and travellers, adapting it to encompass travelling showpeople.

Indicator:

| | 2013-2014 | 2014-2015 |
|---|-----------|-----------|
| Permissions for Gypsy and traveller pitches | 0 | 0 |

There were 0 applications for Gypsy and traveller pitches during this time

| | |
|-------------------|--|
| Policy HC4 | Provision and retention of community services and facilities |
| Indicator | Applications granted/completed from community facilities or shops by type of provision and by type of development (new build, conversion, change of use) |
| Target | No numeric target applied |

Policy:

There has been a decline in community services over the last ten years, particularly of shops, post offices, healthcare facilities and public houses. The Authority will continue to strongly resist the loss of any facility or service which meets an essential community need that is not available or reasonably accessible elsewhere. In all cases, another beneficial community use should be sought before permission is granted for removal of these facilities. Clear evidence of non-viability will be required, such as marketing the building or facility for a period of time to test whether another community interest, operator or owner could be found.

Indicator:

2013/14:

There were **6** incidents of **losses** of community facilities (0.8% of all planning permissions issued in 2013/14). These were split into:

| | |
|--|---|
| Changing from A4 (pub) use to C class | 1 |
| Changing from D1 (church/Sunday school) to C class | 3 |
| Changing from B1 (bakery/offices) to C class | 2 |

Of these 6 losses to C class use, 5 of them were converted into private dwellings (C3), one of these was to be an affordable home and one was converted into a hotel (C1).

There were **7** incidents of **gains** to community facilities. These were split into:

| | |
|---|---|
| From 'Class C' to offices (B1) *(one of these was from C2 residential, two of them were from C3 private dwelling) | 3 |
| Extend dwelling (C3) to provide commercial dining (A3) | 1 |
| Erection of a new tea room (A3) | 1 |
| From agricultural to farm shop (A1) | 1 |
| From agricultural to education (D1) | 1 |

2014/15:

There were **17** incidents of **losses** of community facilities (2.2% of all planning permissions issued in 2014/2015)

These were split into:

| | |
|---|---|
| Changing from pub/restaurant (A3) to C class | 1 |
| Changing from youth club to C class | 1 |
| Changing from A1 (retail, 2 x post offices, piano salesroom) to C class | 6 |
| Changing from D1 (Sunday School, education centre) to C class | 2 |
| Changing from B1 (offices, retail storage) to C class | 5 |
| Changing from B2 (Mill) to C class | 1 |
| Changing from A2 (bank) to C class | 1 |

Of these 17 losses to C class use, all of them were converted into private dwellings (C3), one of the units was to be an affordable home.

8 of the 17 losses (47%) were in Bakewell, which lost 3 retail units, 1 retail storage area and 4 office areas.

There were **9** incidents of **gains** to community facilities. These were split into:

| | |
|------------------------------------|---|
| From dwelling (C3) to offices (B1) | 2 |
| Nil use to (B1) | 1 |
| B&B (C1) to café (C3) | 2 |
| Agricultural to (B) use | 3 |
| Waterworks to (B1) | 1 |

| | |
|-------------------|--|
| Policy HC5 | Shops, professional services and related activities |
| Indicator | Permissions and completions within Use Class A; and proportion within/on the edge of named settlements |
| Target | No numeric target applied |

Policy:

The following policy supports retail premises and related activities within named settlements in Policy DS1. This includes all other uses within Use Classes A1-5, such as financial services, restaurants and cafes, pubs and hot food takeaways. In Bakewell, the Central Shopping Area will be retained, to continue to consolidate shopping facilities in the town centre. The only exception to the focus on towns and villages is to allow small scale retail provision which is ancillary to a business or relates directly to a recreation or tourism activity, where this is appropriate to the sensitivity of its countryside location. Elsewhere, retail development will not be permitted.

Use Class (A): A1 Shops, A2 Financial and Professional Services, A3 Restaurants and Cafes, A4 Drinking Establishments & A5 Hot Food Takeaways

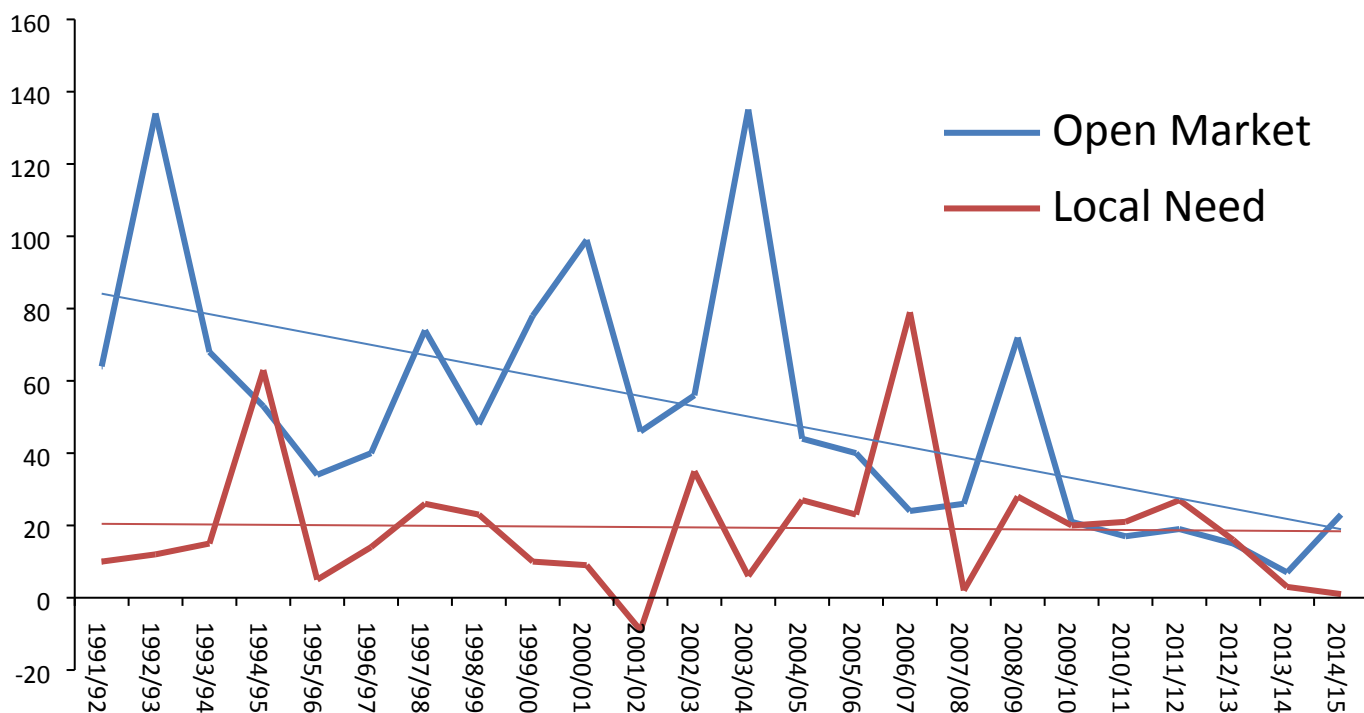
Indicator:

There were 33 applications between 2013-2015 for use class A. However, there were no permissions for a new build development.

4.5.3 Statement of Progress

The monitoring period again demonstrates the fluctuations that occur in housing development. The graph below demonstrates this over a longer time period and also highlights the longer aim of reducing the pressures from open market housing development from the pre-structure plan era to a position today where there is a more acceptable balance of locally needed housing delivery alongside open market development where this helps to enable heritage led planning that supports National Park purposes

NET Open Market and Local Need housing completions 1991-2015



The above graph shows a linear trend for Open Market and Local Need housing. The data shows weak r^2 regression due to the noisy data. Therefore, the trend of decreasing Open Market and increasing Local Need housing is not statistically robust. Due to the low number of completions and large external factors such as the economy, completions data in the National Park will never show correlation. However, over the past 25 years the cumulative levels of average completions do appear to be decreasing for Open Market and remaining level for Local Need.

Early in 2015/16 2 further village developments have been completed in Youlgrave and Birchover offering a range of locally needed affordable housing and open market housing where this has driven the enhancement of a former quarry site. Figures will be reported in the next AMR.

This section also highlights the pressures that arise in retaining community services and the desire of applicants to change such premises into housing. Members have sought tougher tests in Development Management policies to ensure adequate market testing of these important services to ensure that they are only lost after proof is demonstrated that they are no longer needed or viable.

4.6 Supporting Economic development



4.6.1 Policy Objectives

Economic policies E1 and E2 offer scope for new build business premises in Bakewell and villages listed in the plan and offer great scope for the reuse of buildings for business use, including more modern buildings as part of negotiations which seek either greatly enhanced building design or demolition and replacement with a better located and designed building. Existing business land and buildings will be protected unless it is considered that they can be put to more beneficial community use, e.g. for affordable housing or community facilities. Emerging development management policies will consider the need to specifically safeguard those sites (i.e. by identifying these on a proposals map), particularly in Bakewell and the Hope Valley which demonstrate the highest quality and most sustainable locations.

Policy E2 provides particular support for business opportunities in the countryside by making effective use of existing buildings in smaller hamlets and on farms and by ensuring that the links between land management businesses and new business are maintained to enable additional income to support traditional land-based industries. Business growth will be judged carefully in terms of its impact on the appearance and character of the landscapes in which they sit.

4.6.2 Policy Monitoring

| Policy E1 | Business Development in Towns and Villages |
|-----------|--|
| Indicator | Business permissions inside, on the edge and outside of named settlements (loss of business through refusal) |
| Target | No numeric target applied |

Policy:

Policy will allow small businesses to set up within or on the edge of named settlements listed in policy DS1, at a level appropriate for the needs of people living in the immediate local area. Town or village locations are more likely to be served by public transport and allow workers easy access to services and facilities.

Indicator:

Data not fully available (currently no system in place to monitor).

| Policy E1 | Business Development in Towns and Villages |
|-----------|--|
| Indicator | Number of refusals inside named settlements for loss of business use |
| Target | No numeric target applied |

Policy:

The National Park Authority wishes to keep the best business sites and buildings from other development pressures. It will also be important to retain some lower quality sites to offer a range of opportunities for business start-up and growth. The Employment Land Review will be used, together with the consideration of other factors, to assess needs and opportunities and identify the best existing sites to meet the needs of people living in the local area.

Indicator:

Data not fully available (currently no system in place to monitor).

| | |
|------------------|--|
| Policy E1 | Business Development in Towns and Villages |
| Indicator | Applications granted using section 73 to lift business use |
| Target | No numeric target applied |

Policy:

The National Park Authority wishes to keep the best business sites and buildings from other development pressures. It will also be important to retain some lower quality sites to offer a range of opportunities for business start-up and growth. The Employment Land Review will be used, together with the consideration of other factors, to assess needs and opportunities and identify the best existing sites to meet the needs of people living in the local area. Section 73 applications are sometimes used as a means of changing the nature of a development via the conditions.

Indicator:

For 2013/14 there were 10 Section 73 applications granted. None of these removed business use.

For 2014/15 there were 16 Section 73 applications granted. One of these removed business use (ie NP/DDD/0614/0596 – Rutland Works, Coombs Road, Bakewell).

| | |
|------------------|---|
| Policy E2 | Business in the Countryside |
| Indicator | Permissions for business use outside of named settlements |
| Target | No numeric target applied |

Policy:

Government policy recognises the role of agriculture in maintaining and managing the countryside and valued landscapes. Policy E2 seeks to broaden the opportunity for rural business, and offers scope for business enterprise by making positive use of traditional buildings of historic or vernacular merit or modern buildings in some circumstances. Alongside policy E1 this policy gives spatial guidance to direct business development to the best locations and conserve the more sensitive areas. This policy applies to all areas of the National Park outside the Natural Zone and named settlements (see policy DS1). The intention of this policy is to encourage small scale business development within any smaller settlement, on farmsteads, and in groups of buildings in sustainable locations. It will foster rural enterprise and allow farmers and land managers to diversify their income, helping them to maintain their land and buildings sustainably and conform to core policies to protect the valued characteristics of the area.

Indicator:

Between 2013-2015 there were 45 permission relating to B use class (B1 business). Of these, 6 were new build developments 4 of which were inside named settlements. 2 developments were outside a named settlement which was a replacement warehouse & undercover storage area building with a small increase in floorspace from the previous building.

Given this, the indicator is on track as there has been no further new build Business (Use Class B) development outside of named settlements.

4.6.3 Statement of Progress

Despite some gaps in data it is clear that policies have facilitated a high number of businesses overall during the monitoring period. Moreover there is evidence that only a very low number of applications have been used to alter planning conditions through section 73 applications to remove business use. Spatially the highest proportion of new

build development has been focussed into towns and villages, with other development occurring through change of use and conversion.

Instances of large scale growth and intensification are noted through cases taken to planning committee and reported in this AMR. These highlight issues of non-conforming uses and the need to take care with impact on landscape character. Also observed is the changing nature of farming practices into diversified uses and the need to retain a link between new incomes and land management.

4.7 Minerals

4.7.1 Policy Objectives

Minerals development is strongly controlled so that only exceptional cases may be permitted (MIN1) where this provides for fluorspar by underground means (MIN2), or for local small-scale building and roofing stone supplies (MIN3). MIN4 also provides a basis for the safeguarding of the mineral resource, including the mineralised vein structures (fluorspar), very high purity limestone and other limestone.

4.7.2 Policy Monitoring

| | |
|--------------------|-----------------------------|
| Policy MIN1 | Minerals Development |
| Indicator | After care of Mineral site |
| Target | N/A |

Policy:

The restoration of mineral workings is a significant opportunity to achieve National Park Authority outcomes for achieving amenity (nature conservation) after-use for the sites, enhancing landscape and biodiversity and providing recreational opportunities, as well as the objectives of landowners, mineral companies and local people. The National Park Management Plan observes that restored sites may provide opportunities for increased biodiversity, geodiversity and cultural interest.

Indicator:

See statement of progress section

| | |
|--------------------|--|
| Policy MIN2 | Fluorspar proposals |
| Indicator | No permissions for proposals of opencast mining of fluorspar ore |
| Target | N/A |

Policy:

Opencast mining of fluorspar ore will in future be resisted unless the exceptional circumstances tests set out in MPS1 can be demonstrated (see footnote to policy MIN1 for the detail of the exceptional circumstances criteria*). Based upon the understanding of where surface resources are located it is considered to be unlikely that proposals in those locations will be able to comply with all the exceptional circumstances, due firstly to the availability of the option of underground mining which could be expected to have less environmental impact, and secondly to the considerable foreseeable difficulty of working likely sites in an environmentally acceptable manner.

Indicator:

No planning permissions were granted for the open mining of fluorspar ore during 2013/14 or 2014/15.

4.7.3 Statement of Progress

2013/14

Mineral working continues to be one of the most contentious areas of development within the National Park.

A planning application for the winning and working of gritstone at Burntwood Quarry for building and walling stone at Chatsworth House and Estate was received in the financial year (2013-14). In addition, a planning application was received to extend the period of time in which to continue the underground winning and working of fluorspar and associated mineralisation at Milldam Mine for a further 15 year period, on the grounds that no working had taken place at the site between 2000 and 2013 under the previous planning permission issued in 1999.

The applications received in the previous financial year dealing with (i) consolidation and extension of the working area at Birchover Quarry, as an alternative to progressing the stalled review of the old mineral permissions (ROMP) and; (ii) the extension at New Pilhough Quarry, in exchange for relinquishing the rights to work mineral at Stanton Moor Quarry, were still being progressed. A number of other applications were received in connection with mineral sites dealing with other variation of conditions, ancillary mineral development matters and the discharge of conditions.

Planning permissions for the winning and working of mineral at Burntwood Quarry, and for an extension of time in which to complete working and the restoration at Once a Week Quarry, were granted during the financial year.

An appeal was lodged in 2012 against the refusal to grant planning permission for an extension to the working area at New Pilhough Quarry, but the appeal was held in abeyance pending the outcome of whether the Authority would pursue a prohibition order for the old mineral planning permission issued in 1952, at Stanton Moor Quarry. The pursuit of a prohibition order was in connection with the 'stalled' review of the old mineral permission (ROMP) at Stanton Moor Quarry, which had been in suspension for more than 2 years. The Authority decided not to pursue a prohibition order at Stanton Moor Quarry, on the basis that there appeared to be an intention to work the site. Consequently, additional information was sought to potentially enable the stalled ROMP to be determined, and the appeal of the previously refused New Pilhough Quarry application remained in abeyance for the duration of the financial year.

In December 2013/January 2014 the Authority issued a prohibition order against the Longstone Edge East mineral planning permission issued in 1952 that allowed for the winning and working of fluorspar and barytes and the working of lead and any other minerals won in the course of working. No mineral working had taken place at the site since 2009, following the outcome of the Court of Appeal decision linked with an enforcement notice issued by the Authority in connection with the unauthorised winning and working of limestone at the site beyond that permitted, and no information had been provided by the applicant to progress the stalled ROMP. An appeal was subsequently lodged against the prohibition order by the agent acting on behalf of the applicant in January 2014.

British Fluorspar Ltd, who had taken over the interests of the former fluorspar extraction and processing company Glebe Mines Ltd who had closed in 2010, recommenced working at Milldam Mine in 2013, and implemented the working of fluorspar at Tearsall Quarry in 2013, under the mineral permission issued in 2010.

Of the 9 identified stalled ROMP's, work is continuing to take place to either determine them conventionally in line with the ROMP legislation, deal with an alternative mineral development proposal, issue a prohibition order or seeking their resolution via the Secretary of State. In addition to the sites already mentioned above, the Shire Hill ROMP is still being progressed and an alternative development proposal is expected to be received for Topley Pike Quarry in 2014.

The periodic review of the Long Rake mineral permission was not received by November 2013. Consequently, the mineral permission ceases to exist apart from dealing with the restoration and aftercare requirements set out in the conditions attached to the initially reviewed permission.

Restoration works remained ongoing and outstanding at 11 sites, including the Shining Bank Quarry site, which went into the restoration work period in December 2013. The restoration scheme for Shining Bank includes the creation and maintenance of habitat for White Clawed Crayfish, which are a priority BAP species, for an extended duration aftercare period of an additional 10 years secured through a S106 Agreement with the landowner. The 5 year aftercare period of land management was concluded at one site, with 4 other sites remaining in the aftercare phase. This included the Goddards Quarry site, which moved into the aftercare phase in October 2012, after the restoration works, which included wildlife and landscape enhancement works, were concluded.

2014/15

Three planning applications for the winning and working of gritstone at Bretton Edge Quarry for building, walling and roofing purposes, the winning and working of limestone at Topley Pike Quarry for aggregate and non-aggregate purposes and the winning and working of limestone at Once a Week Quarry for building and walling purposes, were received in the financial year (2014-15). The planning applications at Bretton Edge Quarry and Once a Week Quarry sought a working area extension to the existing quarry. The Topley Pike application covered a consolidation/extension proposal as an alternative to dealing with the stalled review of the old mineral permission (ROMP) that was issued in 1966, and the periodic review of the 1947 permission.

The applications received in an earlier financial year dealing with (i) the consolidation and extension to the working area at Birchover Quarry, as an alternative to progress the stalled ROMP, and (ii) the extension at New Pilhough Quarry, in exchange for relinquishing the rights to work mineral at Stanton Moor Quarry; were still being progressed. A number of other applications were received in connection with mineral sites dealing with the variation of conditions, ancillary mineral development matters and discharge of conditions. These included, relocating a building and erecting a building to contain two wire saws at Dale View Quarry, and seeking a 12 month extension of time to finalise the deposit of quarry waste at Blakedon Hollow tailings dam.

A planning permission for a 15 year extension of time in which to continue the winning and working of mineral at Milldam Mine was granted during the financial year. In addition, the Authority granted permission to relocate an ancillary building at Dale View Quarry but refused to grant permission for a building containing the two wire saws at Dale View Quarry. The Authority also resolved to approve the application varying a number of conditions at Dale View Quarry subject to the signing of a S106 agreement, which is still to be signed. Once the S106 is signed the permission will be issued.

The appeal lodged in 2012 against the refusal to grant planning permission for an extension to the working area at New Pilhough Quarry, continues to remain in abeyance pending the receipt of additional information to progress the stalled ROMP at Stanton Moor Quarry. The Authority had earlier decided not to pursue a prohibition order at Stanton Moor Quarry on the basis that at the time there appeared to be an intention to work the site.

In December 2013/January 2014 the Authority issued a prohibition order against the Longstone Edge East planning permission that was issued in 1952, that allowed for the winning and working of fluorspar and barytes and the working of lead and any other minerals won in the course of working. No mineral working had taken place at the site since 2009, following the outcome of the Court of Appeal decision linked with an enforcement notice issued by the Authority in connection with the unauthorised winning and working of limestone at the site beyond that permitted, and no information had been provided by the applicant to progress the stalled ROMP. An appeal was subsequently

lodged against the prohibition order in January 2014. The appeal remained in abeyance pending the outcome of an Oxfordshire prohibition order appeal case.

In November 2014 the Authority issued a prohibition order against the Bakestonedale mineral permission issued in 1954, for the underground working of clay. The 1954 permission had been dormant since 1996. An appeal was lodged against the prohibition order and an inquiry has been arranged for October 2015 to consider the appeal.

Of the 9 identified stalled ROMP's, work is continuing to take place to either deal with them conventionally under the ROMP legislation, deal with an alternative development proposal, issue a prohibition order or seek their resolution via the Secretary of State. In addition to the sites already mentioned above, the Shire Hill ROMP submission was considered by the Authority in October 2014 and issued in November 2014, and the Topley Pike consolidation application was received in August 2014 for consideration as an alternative to dealing with the ROMP.

In May 2014 the owners/operators of Wattscliffe Quarry were notified of periodic review requirement of the mineral permission. The operator requested a postponement of the periodic review for a period of 10 years which was agreed by the Authority in August 2014.

Restoration works remained ongoing and outstanding at 11 sites. The 5 year aftercare period of land management commenced at Hartshead Quarry in November 2014, after the ownership of the site was acquired by Derbyshire Wildlife Trust. The quarry had not been worked for a number of years and natural recolonization had occurred over a large area of the site. Further restoration works had been undertaken and finalised, including wildlife and landscape enhancement. 4 other sites remain in the 5 year aftercare phase.

4.8 Accessibility, travel and traffic



4.8.1 Policy Objectives

Transport policies (T1 to T7) promote more sustainable transport choices while balancing the reality of car use in a rural area. This means a shift away from road building including removal of support for relief roads in Bakewell and Tintwistle with associated policies which resist the growth in cross-park traffic. Allied to this is support for sustainable transport by means of rail, bus, horse riding and pedestrian access. The design of traffic infrastructure such as signs, lighting, barriers are also raised as key matters requiring sensitivity.

4.8.2 Policy Monitoring

| | |
|------------------|--|
| Policy T1 | Reducing the general need to travel and encouraging sustainable transport |
| Indicator | Average annual daily traffic flows |
| Target | Thresholds to be set |

Policy:

The policy aims to deter traffic beyond that which is necessary for the needs of local residents, businesses and visitors. Traffic can harm the valued characteristics of the National Park through noise and gaseous emissions, disturbance and visual intrusion such as car parks. Cross-park traffic will be deterred, modal shift towards sustainable travel will be encouraged, and the impacts of traffic within environmentally sensitive locations will be minimised. There should also be good connectivity with and between sustainable modes of transport to support rural communities and their economy.

Indicator:

2013

Average annual daily traffic flows

- Cross-Park Roads 8,284
- A Roads 6,194
- Recreational Roads 3,319
- Overall Combined Average 5,953

This total is 0.32% lower than the Overall Combined Average for 2012 (5,972)

This decrease in flows should be set against fairly static figures between 2010 and 2013, where the variance between 2010 and 2013 is +2.4%, with the 2012 figure being the highest over this period. Steady 2% growth over this time period would have resulted in average flows for 2014 of 6,047 vehicles.

2014

- Cross-Park Roads 9,103
- A Roads 6,541

- Recreational Roads 3,409
- Overall 6,138

This total is 3.1% higher than the Overall Combined Average for 2013 and 2.8% higher than the Overall Combined Average for 2012.

This increase should be set against fairly static figures between 2010 and 2013 where the variance between 2010 and 2013 is +2.4%. However, the increase for 2014 produces an overall variance between 2010 and 2014 of 5.6%. Steady 2% growth over this time period would have resulted in average flows for 2014 of 6,167 vehicles.

| | |
|------------------|---|
| Policy T2 | Reducing and directing traffic |
| Indicator | Road building schemes number and type of scheme |
| Target | N/A |

Policy:

For road traffic, addressing known and induced demand through road building within the National Park would be difficult to achieve without harm to its valued characteristics. Consequently, government policies seek to route long distance road traffic around the National Park. Nationally, it also aims to reduce the need to travel and to manage traffic growth, including road freight. Additional road capacity will only be accepted as a last resort. Therefore other than in exceptional circumstances, the National Park Authority will oppose transport developments that increase the amount of cross-Park road traffic. Exceptional circumstances, as defined in policy GSP1, may justify a new road scheme but only after the most rigorous examination. The Authority considers that any exceptional circumstances would need to offer a clear net environmental benefit for the National Park and be in the public interest. It follows that transport developments outside the National Park will usually be opposed if they increase traffic on roads inside the National Park or have other adverse impacts on its setting and valued characteristics.

Indicator:

No new roads in 2013-15

| | |
|------------------|--|
| Policy T2 | Reducing and directing traffic |
| Indicator | Changes to road traffic network; number/type of scheme |
| Target | None |

Policy:

To minimise harm by essential road traffic, a hierarchy of roads will form a basis for spatial planning and any road improvements, traffic management schemes, and measures such as advisory route signing. Traffic will be guided first to the strategic road network and only to secondary and other roads as required, continuing the approach in the former Structure Plan. Partnership working is necessary to ensure that the hierarchy reflects not only expert knowledge on highway and traffic matters but also that of the National Park Authority on the character of the roads in terms of the natural features and recreational aspects of the Park. In partnership with constituent Highway Authorities further detail will be brought forward in the Development Management Policies DPD and on the proposals map.

Indicator:

No specific schemes in 2013-14
(2014-15) 1 Safety scheme at junction of A619 and B6050

| | |
|------------------|--|
| Policy T3 | Design of transport infrastructure |
| Indicator | Sympathetic design (taking account of valued characteristics) and decluttering of infrastructure |
| Target | |

Policy:

A high standard of design is needed to ensure that the appearance and maintenance of transport infrastructure, including traffic management measures respects the valued characteristics of the National Park. Specifically, care must be taken to avoid or minimise the environmental impact of new transport infrastructure projects, or improvements to existing infrastructure. Transport should also aim to improve the quality of life and retain a healthy natural environment in terms of the natural and historic features and recreational aspects.

Indicator:

There were no specific schemes during 2013-14

2014-15 consulted on, and able to influence mitigate a number of schemes including: -

- A57 / Mortimer Road Weight Limit Signage Scheme
- Tour de France Grand Depart commemorative signage
- Meerbrook lining scheme.

| | |
|------------------|---|
| Policy T4 | Managing the demand for freight transport |
| Indicator | Permissions granted contrary to policy {Indicator for T1 will provide an indication of freight movements} |
| Target | None |

Policy:

There is not likely to be any significant change in service freight, because the National Park population is static and there is a presumption against large developments. Setting aside the route hierarchy there are remaining issues of location and routeing of freight. The National Park is a convenient base for haulage operations, but they should be located elsewhere unless they service only National Park based industries. Similarly, developments requiring access by Large Goods Vehicles in excess of 7.5 tonnes gross laden weight, including road haulage operating centres, should not be permitted unless they are readily accessible to the Strategic or Secondary Road Network. Weight restriction orders will be sought where it is necessary to influence the routeing of Large Goods Vehicles to avoid negative environmental impacts.

Indicator:

Not monitored

| | |
|------------------|---|
| Policy T5 | Managing the demand for rail, and reuse of former railway routes |
| Indicator | Changes reported in safeguarded rail routes |
| Target | N/A |

Policy:

Existing and former rail routes link the East Midlands to the North West. Evidence suggests a medium term need for improvements to the Hope Valley line and, in the long term, further improvements or re-opening of the Matlock-Buxton line. The business case for the Matlock-Buxton route alone is long term. Re-opening the Woodhead railway is also cited as a long-term option, although its benefits would be reduced cross-Pennine road congestion, rather than the solving of rail network issues. It is appropriate to safeguard land for these purposes, although national policies presume against major transport developments within national parks other than in exceptional circumstances. As with the current approach, the safeguarding of land does not imply in principle support for any rail scheme. Any proposal will be assessed on its own merits, and will need to demonstrate the ability to provide a net positive effect on the National Park environment.

Indicator:

2013-14:

Hope Valley Line: Network Rail announced proposals to enhance capacity of the Hope Valley Line through the installation of passing loops, specifically at Dore and Grindleford, subject to further appraisal.

Monsal Trail: Funding secured through the DfT Linking Communities fund to create a multi-user route along the former Matlock to Buxton railway between Matlock and Bakewell. The section between Bakewell and Rowsley lies within the National Park, with the line of the route safeguarded.

2014-15:

Hope Valley Line: The Network Rail proposals to enhance capacity of the Hope Valley Line through the installation of passing loops, was delayed due to the unsuitability of the Grindleford proposal. Hathersage to Bamford was proposed as an alternative location – further detail expected during 2015.

Monsal Trail: Work is ongoing on the delivery of the Pedal Peak Phase II Project, funded through the DfT Linking Communities fund to create a multi-user route along the former Matlock to Buxton railway between Matlock and Bakewell. The section between Bakewell and Rowsley lies within the National Park, with the line of the route safeguarded.

| | |
|------------------|---|
| Policy T6 | Routes for walking, cycling and horse riding and waterways |
| Indicator | Change in length of network of permissive routes and statutory routes |
| Target | N/A |

Policy:

In accordance with national policies for modal shift and healthier living, developments should have cycle and footpath connections to existing rights of way and to settlements where services and transport interchanges are more likely to be found. Where a development proposal affects a right of way, every effort should be made to accommodate the route, or if this is not possible, to provide an equally good alternative.

Indicator:

2013-14

Funding secured through the DfT Linking Communities fund to create or upgrade a number of multi-user routes to / from / within the National Park. These include: -

- White Peak Loop south, connecting Bakewell and Matlock
- Staffordshire Moorlands Link north, connecting Hurdlow and Buxton
- Little Don Link connecting Stoke-on-Trent to Leek and the Roaches
- Hope Valley Link connecting Sheffield to Stocksbridge, Langsett and the Transpennine Trail

2014-15

Delivery of the multi-user routes to / from / within the National Park, funded secured through the DfT Linking Communities is ongoing. These routes include: -

- White Peak Loop south, connecting Bakewell and Matlock
- Staffordshire Moorlands Link north, connecting Hurdlow and Buxton
- Little Don Link connecting Stoke-on-Trent to Leek and the Roaches
- Hope Valley Link connecting Sheffield to Stocksbridge, Langsett and the Transpennine Trail

| | |
|------------------|--|
| Policy T7 | Minimising the adverse impact of motor vehicles and managing the demand for coach parks |
| Indicator | Report changes to traffic management arrangements |
| Target | N/A |

Policy:

Managing the demand for parking can help to mitigate the more harmful impacts of motor vehicles whilst having regard to the needs of local communities and businesses. Successive local policies have kept operational parking and parking in housing developments to a minimum, and restricted non-operational parking to discourage car use. This principle is retained and amplifies guidance on park and ride. The policy is consistent with regional parking policies, and other planning and transport measures, promoting sustainable transport choices and reducing reliance on the car for work and other journeys. In order to manage demand, coach parking spaces should not be used by cars.

And policy principle C:

Non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere, and wherever possible it will be made available for public use.

Indicator:

2013-14

The NPA were consulted on a number of car park proposals and lining schemes during this year, including at the following locations: -

- Macclesfield Forest (including extensive yellow lining, as part as a wider traffic management scheme)
- Tissington Village (as part of a wider traffic management scheme)

2014-15

Discussions continued on a number of car park proposals and lining schemes during this year, including at the following locations: -

- Macclesfield Forest (including extensive yellow lining, as part as a wider traffic management scheme)
- Tissington Village (as part of a wider traffic management scheme)
- Goyt Valley (lining scheme)
- Litton (as part of a wider traffic management scheme).

| | |
|------------------|---|
| Policy T7 | Minimising the adverse impact of motor vehicles and managing the demand for coach parks |
| Indicator | Number of new off-street parking spaces provided, and proportion/number that replaces on-street parking |
| Target | N/A |

Policy:

Working in partnership, the National Park Authority intends to build on the success of the current traffic management schemes, and modify them to meet the demands of changing visitor travel patterns. This approach will inform future traffic management schemes in environmentally sensitive areas, where travel patterns, including those of visitors, have a clear negative impact on the environment, both natural and built. Care will be required to avoid displacing impact to other sensitive areas and nearby settlements, or creating visitor use beyond environmental carrying capacity even where they use sustainable transport. We will seek to ensure income generated by these schemes will be reinvested to provide maintenance, additional facilities and alternative means of access. All schemes must make the best use of the road network to improve road safety, environmental and traffic conditions, and to reduce conflicts between various user groups.

Indicator:

2013-15

Goyt Valley, there are ongoing proposals to introduce yellow lining throughout the valley and parking charges in the off-road car parks.

4.8.3 Statement of Progress

Overall, traffic levels in the National Park had broadly plateaued from 2010 to 2013, with only minor fluctuations generally attributable to the weather. However, 2014 saw a growth in flows above 2%. This may be due to an upswing in the economy or as a result of more clement weather conditions in comparison with previous years. There have been no major road or rail schemes constructed or implemented, with no consequent effect on the level and direction of traffic in the national park. Furthermore, there have been very few contentious highways infrastructure installations, as opposed to previous years. This is partly down to a reduction in highway authority budgets, and partly as a result of improved understanding and agreements between highway authorities and the National Park Authority.

Cycling infrastructure was given a boost during 2011 with the opening of the Monsal Trail, and work continues to expand and develop new and existing links. The Pedal Peak Phase II Project will result in a number of new or improved multi-user links to / from and within the National Park from 2015/16 onwards. There have been small scale changes to car park provision, along with a small number of requests for new or expanded car parks which have, or are being processed in accordance with policy.

5.0 Improvements to the Annual Monitoring Report

This AMR is the second in a series of new reports formatted under the terms of the LDF regulations. With the commitment of the new Government to free up monitoring and give greater flexibility for local choice under a general 'duty to monitor', this report is the start in a process to improve monitoring systems and refresh the indicators in order to reflect the policies of the LDF Core Strategy. This report has started to tackle issues with the previous AMR's;

- Accuracy and reliability
- Completeness
- Up to date status
- Relevance
- Consistency across data sources
- Appropriate presentation
- Accessibility

The monitoring framework data review and work to improve data quality is currently ongoing. In 2014, a series of meetings were undertaken to develop new indicators to monitor the LDF. This has been completed and indicators are now in place to monitor LDF Policy. However, it is our intention to ensure that all indicators and targets are kept accurate and reflect both availability of high quality data, and a good understanding of the external contextual factors which affect our indicators. This work will therefore be an iterative process to continually review and adapt our monitoring approach, led by the demands of the data and the outcomes we record, rather than a systematic structured annual review of the whole monitoring framework.

It is important to recognise that a large amount can be learned from reviewing historical performance. A number of our indicators, such as those monitoring spatial development in a National Park, will require longer term trend data (5 to 10 years) to be of use in informing judgments on performance and decisions to review policy. Due to our protected area context short term (between year) fluctuations in spatial monitoring indicators, such as those for housing completions, bear little resemblance to actual impacts over periods of a decade or more. This is as a result of the small numbers involved on an annual basis when compared to non-protected areas.

We are continuing to move forward in making changes to the internal planning database M3, to help accuracy and speed of measurements. To enable policy monitoring within the M3, the system will need a series of technical changes in the way we record and report. This is a significant project and will involve a number of large process changes to implement. A number of indicators in this report are reliant on updating the process and technology of data capture

Many areas of data collection will also benefit from small research projects to investigate issues further, e.g. by looking into planning files and reports to analyse the finer nature of cases and issues raised. These are raised throughout the report.

Contextual data which underpin both this monitoring framework and that for the National Park Management Plan now resides within the online State of the Park Report www.peakdistrict.gov.uk/sopr . This is updated on a rolling programme and is refreshed when new data become available.

This page is intentionally left blank

16. HEAD OF LAW - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeals have been lodged during this month.

| <u>Reference</u> | <u>Details</u> | <u>Method of Appeal</u> | <u>Committee/ Delegated</u> |
|-----------------------------|---|-------------------------|-----------------------------|
| NP/DDD/0814/0817 3032540 | Erection of a single wind turbine measuring 24.8m to the top of the tower with a 9m radius triple bladed rotor, together with a control box at the base of the tower on land at Pike Hall Farm, Pike Hall, Near Hartington, DE4 2PH | Written Representations | Committee |
| NP/DDD/0215/0074 3100595 | Change of use of 'croft' to domestic curtilage, erection of gritstone clad retaining wall and associated groundworks at the Former Goldcrest Engineering Works, Main Road, Stanton-in-the-Peak, DE4 2LX | Written Representations | Committee |
| NP/S/1214/1273 3081096 | Erection of 2 agricultural buildings at Cliffe House Farm, High Bradfield, Sheffield, S6 6LJ | Written Representations | Committee |

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

There was one appeal decided during this month.

| <u>Reference</u> | <u>Details</u> | <u>Method of Appeal</u> | <u>Decision</u> | <u>Committee/ Delegated</u> |
|-----------------------------|--|-------------------------|-----------------|-----------------------------|
| NP/DDD/1014/1085 3009444 | Erection of Conservatory at Chapel House Farm, Grindlow, Great Hucklow, SK17 8RJ | Householder | Dismissed | Delegated |

It was felt that the proposal would have had a detrimental effect on the character and appearance of the host building and would have failed to preserve or enhance the character of appearance of the Great Hucklow and Grindlow Conservation Areas. It would have also conflicted with the Local Plan Saved Policies LC4, LC5 and LH4 of the Local Plan, which seek to ensure that, amongst other things, development respects the form, design and detailing of the building to which it relates and where possible enhances the character and appearance of the conservation area. The proposal would have also been contrary to Core Strategy GSP3 which states that schemes must respect, conserve and enhance all valued aspects of the site and buildings. Therefore the Inspector concluded that the Appeal should be dismissed.

| | | | | |
|----------------------------|---|----------------------------|-----------|-----------|
| NP/SM/0113/0066 2215200 | Installation of 1 x 5kw Small Wind Turbine on a 15m Tower at Dale House, Mixon, Onecote, Leek, Staffs, ST13 7SH | Written Representations | Dismissed | Committee |
|----------------------------|---|----------------------------|-----------|-----------|

The Inspector felt that the proposed location of the wind turbine would fall somewhat short of the minimum stand-off distance from the southern boundary hedgerow of the appeal site as advised by NE as being necessary to minimise risk to local bat populations. The absence of further survey information as to the likely effect of the proposal on bats was a very significant disadvantage which could not be mitigated or made acceptable. Therefore, even taking into account the sustainable benefits associated with the proposal, the Inspector considered that they did not outweigh the harm that was identified. Overall, the proposal also conflicted with policy L2 of the Core Strategy and LC17 of the Local Plan. The Appeal was therefore dismissed.

4. **RECOMMENDATION:**

That the report be received.