

Public Document Pack

Peak District National Park Authority

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Our Ref: A.1142/2724

Date: 4 February 2021



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 12 February 2021**

Time: **10.00 am**

Venue: **Webex - Virtual Meeting**

(Joining instructions will be sent to Authority Members separately)

SARAH FOWLER
CHIEF EXECUTIVE



In response to the Coronavirus (Covid -19) emergency restrictions, all meetings of the Authority and its Committees will take place using video conferencing technology.

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Link to meeting papers:

<https://democracy.peakdistrict.gov.uk/ieListDocuments.aspx?MId=2392>

AGENDA

- 1. Roll Call of Members Present, Apologies for Absence and Members Declarations of Interest**
- 2. Minutes of previous meeting of 15 January 2021** *(Pages 5 - 10)*
- 3. Urgent Business**
- 4. 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.
- 5. Full Application - Conversion of Farm Buildings and the Re-Build of a Former Portion to Form Holiday Accommodation. Upper Oldhams Farm, Long Rake, Youlgrave (NP/DDD/1020/1005)** *(Pages 11 - 22)*
Site Plan
- 6. Full Application - Erection of Two Affordable Local Need Dwellings, Land Off Hardy Lane, Tideswell (NP/DDD/1220/1143)** *(Pages 23 - 40)*
Site Plan
- 7. Head of Law Report - Planning Appeals (A.1536/AMC)** *(Pages 41 - 42)*

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 Committee 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 Committee 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 on the website <http://democracy.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 on the Authority's website.

In response to the Coronavirus (Covid -19) emergency our head office at Aldern House in Bakewell has been closed. Therefore all meetings of the Authority and its Committees will take place using video conferencing technology. Public participation is still available and anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Strategy and Development to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website <http://www.peakdistrict.gov.uk/looking-after/about-us/have-your-say> or on request from the Democratic and Legal Support Team 01629 816362, email address: democraticandlegalsupport@peakdistrict.gov.uk.

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

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Chair: Mr R Helliwell
Vice Chair: Mr K Smith

Cllr W Armitage	Cllr P Brady
Cllr M Chaplin	Cllr D Chapman
Cllr A Gregory	Ms A Harling
Cllr A Hart	Cllr I Huddleston
Cllr A McCloy	Cllr Mrs K Potter
Cllr K Richardson	Miss L Slack
Cllr G D Wharmby	

Mr Z Hamid Prof J Haddock-Fraser

Constituent Authorities
Secretary of State for the Environment
Natural England

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MINUTES

Meeting: **Planning Committee**

Date: Friday 15 January 2021 at 10.00 am

Venue: Webex - Virtual Meeting

Chair: Mr R Helliwell

Present: Mr K Smith, Cllr W Armitage, Cllr P Brady, Cllr M Chaplin, Cllr D Chapman, Ms A Harling, Cllr A Hart, Cllr I Huddleston, Cllr A McCloy, Cllr Mrs K Potter, Cllr K Richardson, Miss L Slack and Cllr G D Wharmby

Apologies for absence: Cllr A Gregory.

1/21 **ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST**

Item 5

Cllr Chapman declared a personal and prejudicial interest as the applicant was a friend of his and would leave the meeting during discussion of this item.

Item 6 & 7

All members declared an interest as the applications were on behalf of the Authority.

2/21 **MINUTES OF PREVIOUS MEETING HELD ON 11 DECEMBER 2020**

The Director of Conservation & Planning informed the committee that an email had been received from the applicant for minute number 142/20 of the Planning Committee on 11 December 2020 which was addressed to all Members regarding concerns that the minutes were not an accurate record. The Director of Conservation & Planning clarified that the minutes were not a verbatim record of the discussions at committee but a summary of the discussion and that the details of the decision in the minutes were accurate.

The applicant would be advised of three courses of action open to them as advised by Officers:

- Appeal the refusal decision
- Review their proposal and re-submit following pre-application discussions with Officers
- Apply for leave to judicially review the decision

Further discussions had been offered to the applicant along with pre application advice, which had not been available when the first application had been submitted.

The minutes of the Planning Committee held on 11 December 2020 were approved as a correct record subject to the following amendments:

Corrections were noted to page 6 Minute no.116/20 – replacement of agricultural with arboricultural in the first paragraph of that item.

In relation to Page 26/27 there was discussion on the spelling of the word Menage – however Officers explained that this spelling was consistent with the spelling used by the applicant and therefore should not be amended.

3/21 URGENT BUSINESS

There was no urgent business.

4/21 PUBLIC PARTICIPATION

One member of the public had given notice to make representations to the Committee.

5/21 FULL APPLICATION - PROPOSED NEW BUILD DWELLING TO SATISFY A LOCAL NEED - TOWN END FARM, MAIN STREET, CHELMORTON (NP/DDD/1020/0941, MN)

Cllr David Chapman left the meeting as he had declared a prejudicial interest in this item.

The Chair and Vice Chair of Committee had visited the site on the previous day.

The Planning Officer introduced the report outlining the reasons for refusal as set out in the report.

The following addressed the Committee under the Public Participation at Meetings Scheme:

- Mr Johnathon Devereux – applicant – Statement read out by Democratic Services

Some Members expressed their concerns regarding the requirement the dwelling to be restricted to a single bedroom dwelling of 39m², the need for pre-determination archaeological assessment to be undertaken, and with the concerns raised by the Highways Authority regarding the access to the site.

A motion to defer the item was proposed.

Officers confirmed that the requirement for archaeological assessment was based on the known archaeological significance of Chelmorton, including findings from previous archaeological survey in an area 60 metres from the development site, and noted that Chelmorton was also a designated conservation area. It was also confirmed that this was the second application for the site; the first had been withdrawn before a decision was made, and the house now proposed remained significantly larger than that justified

by the identified need despite advice from Officers being provided prior to the submission being made.

A photo displayed during the Committee meeting of the entrance to the property did not show a hedge outside of the Applicant's control that was now in place and was two metres high and further impacted on the already sub-standard visibility from the access junction. Members discussed that the representation from the Highway Authority objected to the development due to concerns regarding the access and this objection could not be ignored.

A motion to refuse the application in line with the Officer recommendation was moved.

Officers confirmed that there had been a change to housing policy in 2019 which strengthened the requirement for affordable homes of a range of sizes and affordability to be provided in the National Park, to meet the diverse range of housing need that exists.

The motion to defer the application to discuss changes in the size to the proposed building was seconded.

The motion to defer the item was voted on and defeated.

The motion to refuse the application in line with the Officer recommendation was seconded, voted on and carried. Cllr Potter requested that her vote against the refusal was recorded.

RESOLVED:

To REFUSE the Application for the following reasons:

- 1. The proposed dwelling house is larger than the size justified by the identified housing need, and as a result the proposals are contrary to policy DMH1.**
- 2. There is insufficient archaeological assessment of the site to allow an assessment of the archaeological impacts of the development to be made, contrary to policy DMC5 and the provisions of the NPPF.**
- 3. Visibility from the site access that is within the applicants control is substandard, and it is concluded that the intensification of use arising from the proposed development would adversely affect highway safety. The proposal is contrary to policy DMT3 and the guidance within the NPPF.**

Cllr Chapman re-joined the meeting on the conclusion of this item.

The meeting adjourned for a short break at 11.15 and reconvened at 11.25

6/21

FULL APPLICATION - REMOVAL OF EXISTING SHARED SEPTIC TANK SYSTEM AND REPLACEMENT WITH SHARED SEWAGE TREATMENT PLANT - CLOUGH HEAD FARM, LEEK ROAD, WARSLOW (NP/SM/1120/1064, MN)

The Planning Officer introduced the report, advising that the application had been submitted by the National Park Authority. An update was provided on feedback received from Natural England after the report had been written. Natural England had no objections to the application.

A motion to approve the recommendation for approval as set out in the report was moved, seconded, put to the vote and carried.

RESOLVED:

The application was APPROVED subject to the following conditions:

- 1. 3 year time limit**
- 2. In accordance with submitted plans**

7/21 FULL APPLICATION - REMOVAL OF EXISTING SHARED SEPTIC TANK SYSTEM AND REPLACEMENT WITH SHARED SEWAGE TREATMENT PLANT - WOOD COTTAGE, LEEK ROAD, LONGNOR (NP/SM/1120/1066, MN)

The Planning Officer introduced the report, advising that the application had been submitted by the National Park Authority. An update was provided on feedback received from Natural England after the report had been written. Natural England had no objections to the application.

A motion to approve the recommendation for approval as set out in the report was moved, seconded, put to the vote and carried.

Members asked if there was any risk to the system if there was a power cut and Officers gave assurance that the risk is very low to the mechanism of the plant.

RESOLVED:

The application was APPROVED subject to the following conditions:

- 1. 3 year time limit**
- 2. In accordance with submitted plans**

8/21 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JANUARY 2021 (A.1533/AJC)

The item was introduced by the Team Manager – Monitoring & Enforcement who highlighted some specific cases and illustrated some of the successes where breaches had been resolved.

Members discussed the issue with the vacancies within the Monitoring & Enforcement Team and the impact of COVID-19 on the work. Officers confirmed that work had now begun to fill the vacant posts and that targets would be reviewed and based on the resources available.

Members praised the Monitoring and Enforcement Team for their work, especially as all enquires, even those made anonymously, were investigated , a service not offered by many other authorities.

RESOLVED:

To NOTE the report.

9/21 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

The report was introduced by the Head of Planning. Members noted that an application for Solar Panels had not been discussed at Committee. Officers confirmed that a clear view had been identified on the application and it was suitable to be determined in line with the Officer Scheme of Delegation. The Planning Inspectorate had dismissed the appeal. Officers agreed to look at the significance of future applications, which related to environmental credentials and consider if applications should be brought to Planning Committee for determination.

RESOLVED:

To NOTE the report.

The meeting ended at 12.20 pm

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5. FULL APPLICATION – CONVERSION OF FARM BUILDINGS AND THE RE-BUILD OF A FORMER PORTION TO FORM HOLIDAY ACCOMMODATION. UPPER OLDHAMS FARM, LONG RAKE, YOULGRAVE (NP/DDD/1020/1005, MN)

APPLICANT: MR S DICK

Summary

1. The proposed development seeks to convert a range of former agricultural buildings to holiday accommodation, including rebuilding of one building.
2. Core policy RT2 permits the conversion of buildings of historic or vernacular merit to holiday accommodation. Planning policy DMC10 permits the conversion of heritage assets to other uses.
3. It is concluded that the existing buildings have undergone such significant rebuilding and alteration that they retain little historic or vernacular merit, and as such no longer represent heritage assets. Therefore their conversion to holiday accommodation is contrary to policy in principle.
4. In other regards the development would broadly have acceptable planning impacts, subject to matters of detailed design being addressed and to details of the proposed ground source heating being agreed prior to determination.
5. However, the conversion of the buildings remains contrary to policy and would not result in any material planning benefits, other than those associated with the provision of holiday accommodation, which policy makes provision for in different circumstances.
6. Accordingly, the application is recommended for refusal.

Site and surroundings

7. Upper Oldham's Farm is located on Long Rake road, in open countryside approximately 1.5 miles south of Monyash village.
8. The property is a historic farmstead, and as such is recorded on the Derbyshire Historic Environment Record and the Peak District National Park Historic Buildings, Sites and Monuments Record.
9. The farmstead is of late 18th or 19th century date, and was originally of a small L-shaped plan with attached house with one side of the yard formed of agricultural buildings and additional detached elements to the main plan. The farmhouse is attached to the agricultural range, part of which has been converted in to additional living accommodation.
10. The main north-south agricultural range was extended to the south in the late 19th century, elongating the L-shaped range. In the early 20th century an east-west range added to create a U-shaped courtyard. This range has been almost entirely demolished, the north facing elevation wall surviving.
11. The site is outside of any designated conservation area.
12. The scheduled monuments of Arbor Low and Gib Hill are located approximately 150m southeast and 200m south of the site respectively.

13. The property has no immediate residential neighbours, but the adjacent farm buildings and farm business are in separate ownership.

Proposal

To convert a range of former agricultural buildings to holiday accommodation, including re-building one former building.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- **The buildings subject to the proposals have been so substantially altered and partially reconstructed that they are no longer buildings of historic or vernacular merit, and are concluded to no longer be heritage assets. As a result their conversion to holiday accommodation is contrary to policies RT2 and DMC10.**
- **The re-building of the building referenced as ‘Unit 6’ would amount to the construction of new build holiday accommodation, the provision of which is not supported by policy RT2.**

Key Issues

14. The main planning considerations relevant to this application are:

- Whether the buildings constitute heritage assets suitable for conversion to holiday accommodation under the provisions of adopted planning policy
- Whether the proposals would conserve the character and appearance of the buildings
- Whether the highway impacts of the development are acceptable

History

15. 1999 – Planning permission granted for conversion of outbuildings with extension to form additional living accommodation

Consultations

16. Highway Authority – Commented on the application as originally submitted, advising that the applicant should be demonstrating specified visibility splays and parking provision within the site. Further plans have subsequently been submitted that meet the specifications set out in the highway authority response.
17. Parish Council – Middleton and Smerrill Parish Council supports this application and in particular the rebuild of the ruin to re-create the historic C shape as a part of the accommodation. The courtyard created will greatly enhance the appearance of the property and reduce views to the modern farm buildings beyond. None of the buildings in this application would have a practical use in modern farming methods and to be merely reconstructed for agricultural purposes would be of no purpose. This design and use will greatly enhance and improve the site. Council, like the PDNPA, wishes to encourage local enterprise to keep our parishioners livelihoods flourishing and provide sustainable tourism.

18. PDNPA – Archaeology: Due to the importance of the Archaeologist's views on this case, and because their response concisely addresses the matters of the buildings heritage interest, they are reproduced here in full.

The Archaeologist advises that they have reviewed the Historic Buildings Appraisal and various other sources of information available to the Authority and I have a number of concerns about the application:

- 1) *That the buildings that are the subject of this application have been so extensively altered and rebuilt that they are of very little heritage value.*
- *Upper Oldham's Farm is a historic farmstead, and as such is recorded on the Derbyshire Historic*
 - *Environment Record and the Peak District National Park Historic Buildings, Sites and Monuments Record. The farmstead is of late 18th or 19th century date, and was originally of a small L-shaped plan with attached house with one side of the yard formed of agricultural buildings and additional detached elements to the main plan. The farmhouse is attached to the agricultural range. The main north-south agricultural range was extended to the south in the late 19th century, elongating the L-shaped range. In the early 20th century an east-west range added to create a U-shaped courtyard. This range has been almost entirely demolished, the north facing elevation wall surviving.*
 - *The buildings that are the subject of this application are the largely demolished 20th century east-west range and southern part of the north-south range.*
 - *The north-south range has been extensively internally and externally rebuilt, to the extent to which that is almost an entirely new building on the footprint of a building that formed part of a historic farmstead*
 - *Internally all original fixture, fittings, walls and floors have been lost.*
 - *The roof is entirely modern.*
 - *Externally, only very few unaltered historic apertures remain, and new apertures have been recently inserted, and the form of the building has been altered to raise the eaves and alter the roofline at the southern end of the range to form to domestic style gables.*
 - *Before modern unsympathetic alteration this was likely a historic farmstead and building range of medium to high historic and architectural interest, but modern alterations have compromised the significance of the buildings.*
 - *The buildings are now difficult to read with respect to their historic function, and have low historic interest. The agricultural character has been undermined by the insertion of the gables, the alternation of the form and scale of historic openings and the insertion of entirely modern openings.*
 - *Any value that survives relates to a degree of surviving agricultural character (you can still tell these building started as traditional farm building), the historic planform of the farmstead, and its place in and relationship to the historic landscape, its fieldscape etc.*
- 2) *The proposed development will further compromise and dilute the little value that remains.*
- *The proposed development will not harm any historic fabric, features or the historic interest of the building because there is none left to harm.*
 - *The proposed development will further dilute and undermine the surviving agricultural character of the farmstead (number and size of rooflights, some domestic style windows etc).*

Given how little interest remains, and as the east-west range is 20th century and not the original farmstead form, I see little value in it being rebuilt, especially as the development does not propose reinstatement in accordance with the evidence available for the form of the building. It's rebuilding would a lost element of the farmyard plan, but one that relates to the 20th century development of the farmstead and not the original historic L-shaped plan layout. From the limited information available I would attach more significance to the original planform where buildings still occupy the footprint, than the 20th century alteration to the planform where the building has been lost.

A plant room is proposed as an extension to the west elevation of the north-south range. This is shown on the existing plans as a log store, but in the historic buildings appraisal is marked as 'non-longer extant'. This suggests that this structure is a recent addition to the building. This is an inappropriate modern addition, contrary to conversion guidance, and there was not an outshot here historically.

Being so close to Arbor Low and Gibb Hill scheduled monuments, the site does have archaeological interest, and I support the recommendation that any groundworks would need to be the subject of a programme of archaeological monitoring, secured by a condition.

However, with the core significance and interest of the site being so compromised and their being so little value left in these buildings, I question whether these buildings retain enough interest to be worthy of conversion under DMC10, at least in their current form.

Representations

None received at time of writing.

Main policies

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L2, L3, RT2, CC1, CC2
20. Relevant Development Management Plan policies: DMC3, DMC5, DMC10
21. National Planning Policy Framework (NPPF) and National Planning Practice Guidance
22. In the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Local Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Local Plan and government guidance in the NPPF with regard to the issues that are raised.
23. Paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.
24. Part 16 of the NPPF deals with conserving and enhancing the historic environment. Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, and that the level of detail should be proportionate

to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It notes that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It also states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

25. Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It states that authorities should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
26. Paragraph 192 states that local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
27. Paragraph 197 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly 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.

28. Development Plan

29. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
30. Core Strategy policy DS1 outlines the Authority's Development Strategy, and in principle permits the conversion of buildings to provide visitor accommodation.

31. Core Strategy policy RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:
- The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.
 - Appropriate minor developments that extend or make quality improvements to existing holiday accommodation will be permitted.
 - New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
32. Core Strategy policy CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
33. Core Strategy policy L2 states that development must conserve and enhance any sites.
34. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
35. Development Management Policy DMC3 requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
36. Development Management Policy DMC5 provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
37. Development Management Policy DMC10 addresses conversion of heritage assets, permitting this where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character. It also notes that new uses or curtilages should not be visually intrusive in the landscape or have an adverse impact on tranquility, dark skies, or other valued characteristics.
38. The supporting text also discusses the conversion of buildings, other than heritage assets, advising that these buildings will rarely be worthy of conversion to higher intensity uses and as such will not normally be permitted.

39. Development Management Policy DMT8 states that off-street parking for residential development should be provided unless it can be demonstrated that on-street parking meets highways standards and does not negatively impact on the visual and other amenity of the local community. It notes that the design and number of parking spaces must respect the valued characteristics of the area, particularly in conservation areas.

Assessment

40. Principle of development – heritage significance of the buildings

41. Core Strategy policy RT2 supports the change of use of a traditional buildings of historic or vernacular merit to serviced or self-catering holiday accommodation, except where it would create unacceptable landscape impact in open countryside.
42. This position is supported by policy DMC10, which addresses conversion of heritage assets. It permits the conversion of such buildings where the new use would conserve its character and significance, and where the new use and associated infrastructure conserve the asset, its setting, and valued landscape character.
43. The supporting text to DMC10 makes clear that buildings that are of lower quality than heritage assets will usually only be granted permission for conversion to lower-intensity uses. This is to prioritise and encourage the conversion and conservation of those buildings that make a more significant contribution the heritage of the National Park.
44. The heritage significance of the barns is discussed below.

45. Units 1 to 5

46. The application has been accompanied by an Historic Building Appraisal. This identifies the farmstead as a whole as a non-designated heritage asset, and describes the buildings subject of the application as “still extant” whilst noting that “the range has been renovated resulting in a degree of loss to its historic fabric”.
47. It advises that the exterior walling “is still intact”, apart from that of Unit 6, of which it recognises only a length of the north elevation wall containing a window and doorway survives.
48. Whilst it cannot be disputed that exterior walls are currently “intact”, prefacing this with the adverb “still” serves to confuse the Appraisals conclusions in relation to the age of these external walls. The Appraisal does not identify them as historic, but equally does not identify them as modern, instead only places emphasis only on their significance in maintaining the buildings original plan form.
49. It is clear from aerial imagery from 2012 and from historic photographs from the 1990s that much of the external walling has been rebuilt in the last 20 years. This also appears evident around the outside of the building, where pointing and coursing can be seen to alter between historic and more recently rebuilt sections of the barn.
50. Only very few unaltered historic apertures remain, and new apertures have also been recently inserted.
51. Further, east and west facing gables have been built in to the eaves of the building in recent years; these were not present on the barn prior to its reconstruction.
52. In addition, all roofs, including timbers, are entirely modern. They have also been raised around the buildings.

53. Internally, nothing historic remains in the buildings subject to the proposals. New blockwork walls have been constructed, both subdividing the internal space and as an inner skin to outer walls, and new timber floors have been introduced.
54. On the basis of this there can be concluded to be only a limited amount of the original buildings remaining, and the Authority's Archaeologist concludes that they are now difficult to read with respect to their historic function, and that their agricultural character has been undermined by the insertion of the gables, the alternation of the form and scale of historic openings, the insertion of entirely modern openings, and loss of all internal historic features.
55. On this basis we cannot agree with the conclusions of the appraisal, which finds that the buildings are of historical significance.
56. The Appraisal places weight on the value of the buildings in the context of maintaining historic plan form and the relationship of the farmstead to the historic landscape, and the Authority's Archaeologist considers that this is where any limited remaining interest may lie. However, the same could be said of any stone buildings occupying the same footprint; that does not make the buildings themselves heritage assets of historic or vernacular merit that are suitable for conversion under policies RT2 or DMC10.

57. Unit 6

58. The Appraisal states that rebuilding Unit 6, of which just the front wall remains, would ensure survival of the remaining elements of the former cowhouse and return the farmstead to its earlier U-shaped plan. The Authority's Archaeologist advises that this former east-west range is 20th century and not part of the original farmstead form. They see no heritage value in rebuilding it, given that the development does not propose reinstatement in accordance with the evidence available for the form of the building.
59. Given how little remains of Unit 6, it is concluded that the proposals would amount to new build holiday accommodation in this regard, which is not supported by planning policy.
60. Given this, and because the Authority's Archaeologist sees no overriding heritage benefits to allowing its rebuilding that could be weighed against that policy conflict, the rebuilding of this building for holiday accommodation cannot be supported in principle.

61. Heritage significance conclusions

62. In conclusion, the buildings are so altered as to no longer represent heritage assets, with historic and vernacular interest having been so eroded that their conversion to holiday accommodation is contrary to policies RT2 and DMC10.
63. In their consultation response, the Authority's Archaeologist concludes that they question if the buildings "retain enough interest to be worthy of conversion under DMC10, *at least in their current form*" [emphasis added]. Changing the form of the proposed conversion (such as omitting the gables or changing openings) may improve its agricultural character, but it would not alter the fact that the buildings have such diminished historic interest as to no longer represent heritage assets.
64. It is therefore concluded that the scheme cannot be amended in such a manner that it could be supported in principle.

65. Impacts of the proposed works on the significance, character and appearance of the buildings

66. The Authority's Archaeologist advises that the proposed development will not harm any historic fabric, features or the historic interest of the building as there is little left to harm.
67. They do advise however that the proposed rooflights and some new windows would further dilute and undermine the surviving agricultural character of the farmstead.
68. We agree with these conclusions. The buildings have already been altered in such a manner that would appear to have prepared them for residential conversion; as a result, very few changes (aside from the proposed rebuilding of Unit 6) are now required or proposed.
69. The exception is the proposed addition of a rear lean-to to accommodate a plant room. Due to rising ground behind the building this would not be apparent in wider views of the site, but would still be at odds with the general principle of converting buildings within their existing shell. However, given some evidence for an earlier structure and that the space is proposed to support the provision of climate change mitigation and water efficiency, it may have been possible to support it on balance, if the scheme had been otherwise found to be acceptable and was required to conserve a heritage asset.
70. Matters of detail such as reducing the amount of rooflights and changing window fenestration could be addressed by condition, if permission was to be granted.
71. Overall, there would be no objections to the proposed design subject to conditions, if permission was to be granted.

72. Highway impacts

73. The Highway Authority advised that as submitted the application failed to include details to demonstrate that sufficient exist visibility was available at the site access. These have since been provided and meet the visibility requirements in each direction that were requested by the Highway Authority.
74. The Highway Authority also request that parking within the site is demonstrated to be sufficient with a proposed layout provided – whilst recognising that there appears to be sufficient space for parking and turning within the site. These details have since been submitted, illustrating sufficient parking space is available.
75. Overall, subject to the conditions to secure parking and access, the development would conserve highway safety and provide sufficient parking levels in accordance with policy DMT8.

76. Ecological impacts

77. A protected species has not been submitted. Given the extensive recent renovation of the buildings, including their entire re-roofing, one is not required to accord with local validation criteria and the development would not adversely impact upon protected species, according with policy L2.

78. Sustainable building and climate change

79. In addition to typical walling, roofing, and window insulation measures the application also proposes to harness rainwater recycling for flush toilets, installing a water meter, installing a wood burner, and installing a ground source heat pump. Taken collectively these measures would help minimise carbon emissions and reduce water usage, whilst conserving the characteristics of the area, according with policies CC1 and CC2.

80. However, details of the location of the heat pump pipe run have not been provided, and given the archaeological sensitivity of the area this part of the proposal would require archaeological assessment prior to approval being granted, to minimise the risk of harm arising and to ensure that any identified harm is properly mitigated. This assessment has not been requested given the more fundamental concerns arising from the proposals, but would be required prior to determination if a decision to approve the proposals was otherwise reached.

81. Amenity impacts

82. Due to the physical relationship between the development and house of Upper Oldhams it would be necessary to secure the holiday lets within the same planning unit as the house by condition, if permission was granted. This would prevent a loss of privacy and potential conflicts between use of the courtyard area for parking.

83. No other neighbours would be affected and the development complies with policy DMC3 in so far as it relates to amenity.

Conclusion

84. Core policy RT2 permits the conversion of buildings of historic or vernacular merit to holiday accommodation. Planning policy DMC10 permits the conversion of heritage assets to other uses.

85. It is concluded that the existing buildings have undergone such significant rebuilding and alteration that they retain little historic or vernacular merit, and no longer represent heritage assets. Therefore their conversion to holiday accommodation is contrary to policy in principle.

86. In other regards the development would broadly have acceptable planning impacts, subject to matters of detailed design being addressed and to details of the proposed ground source heating being agreed prior to determination.

87. However, the conversion of buildings that do not meet the requirements of policies RT2 or DMC10 to holiday accommodation remains unacceptable in principle. Cumulatively such decisions would undermine the purposes of adopted policy to promote the appropriate re-use and conservation of heritage assets, by reducing demand for such conversions through the over supply of holiday accommodation in the National Park. This over-provision would also be to the detriment of the social and economic wellbeing of local communities in terms of impacts on existing accommodation businesses and vacant premises within settlements.

88. Accordingly, the application is recommended for refusal.

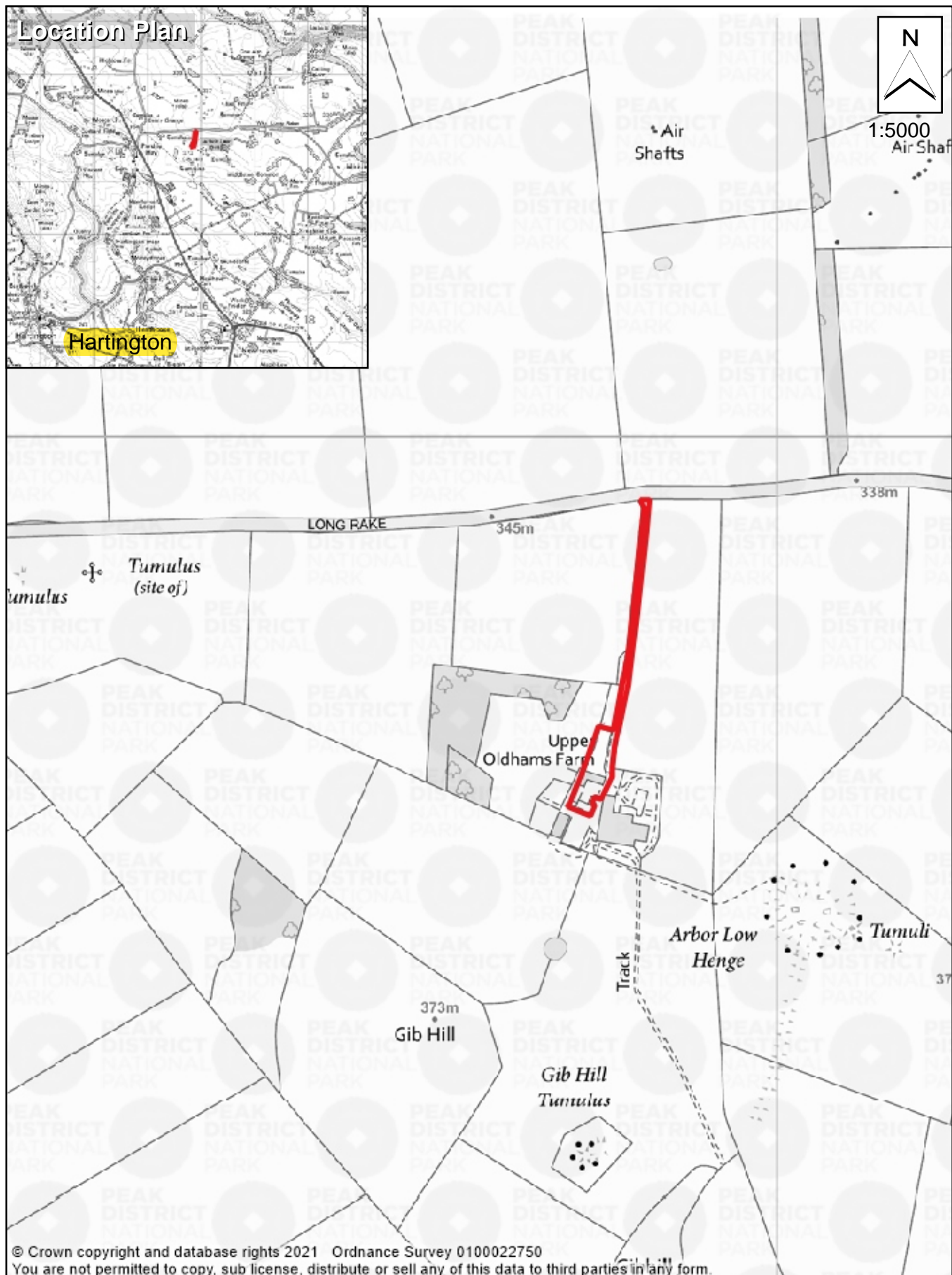
Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author: Mark Nuttall, Senior Planner (South)



Committee Date: 12th February 2021
Item Number: Item 5
Application No: NP/DDD/1020/1005
Grid Reference: 415828, 363680

Title: Upper Oldhams Farm, Long Rake, Youlgrave



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NATIONAL
PARK**

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**6. FULL APPLICATION, ERECTION OF TWO AFFORDABLE LOCAL NEED DWELLINGS
LAND OFF HARDY LANE TIDESWELL NP/DDD/1220/1143 / JK**

APPLICANT: ELLERT

Summary

1. This is a resubmission following refusal of a previous scheme for 3 affordable houses in October 2020 under application No NP/DDD/0620/0548. The refused scheme proposed removal of one tree with a detached house sited near the front of the site and a pair set back in the middle of the site.
2. The site is a rectangular walled area of open green space within Tideswell village and the Conservation Area. It contains six mature trees covered by Tree Preservation Order (TPO) and a small block of dilapidated flat roofed prefab garages.
3. Alongside the open space, the trees are significant structural features in the public realm and together they make a considerable contribution to the special character and appearance of the local streetscene along Sherwood Road and thereby to the significance of the Tideswell Conservation Area.
4. This revised proposal retains all the trees, seeks removal of the garages and the erection of a pair of semi-detached houses with four parking spaces. The houses and parking spaces would still be sited on the root protection areas and underneath the canopies of the trees. This would cause immediate harm to the protected trees through damage and disturbance to their root protection area. It would also be a medium to long term threat to the life of the trees resulting from the inappropriate siting of housing, parking and gardens underneath the canopy of mature trees; such uses being fundamentally incompatible with preservation of the trees.
5. Although of simple traditional design and use of natural materials the layout of the houses within the plot does not reflect the established pattern of development in the immediate locality and would therefore detract from, instead of conserve, the special character and appearance of the local area.
6. There are other more appropriate sites identified within the village for development of affordable housing to meet local needs without the harm identified on this site.
7. The public benefits arising from the provision of affordable housing would not outweigh the loss of biodiversity, the adverse impact on the streetscene and the harm identified to the Conservation Area. The proposal is therefore recommended for refusal.

Site and Surroundings

8. The application site is located within Tideswell Village and forms a roughly rectangular plot of land bounded by stone walls lying on the east side of Sherwood Road at its junction with Hardy Lane. Sherwood Road is a quiet residential street running broadly north-south along the hillside to the west, and parallel with, the main road (B6049) through the village. Hardy Lane is a minor lane which narrows to a footpath after the site entrance which links Sherwood Road down to Fountain Square and the Main Street.
9. The plot of land contains six mature trees covered by Tree Preservation Order along with a small block of three flat roofed sectional precast concrete garages (unused). The garages lie toward the front of the site but are at a lower level than Sherwood Road due to the drop in level from Sherwood Road as the site slopes west to east down the site. Vehicular access is off Hardy Lane, via a gateway located a short distance down from

Sherwood Road, after which Hardy Lane narrows appreciably. A bollard located just past the access, restricts vehicular access after which Hardy Lane is a public footpath.

10. The land is untended which will enhance its biodiversity interest and some sections of the boundary wall need repair. Although the garages are in a dilapidated condition they are not prominent in the street scene being lower than Sherwood Road. The overall appearance of the site is therefore that of a green wooded space with the mature trees adding large structural features which contribute significantly to the special character and appearance of both the streetscene and the Conservation Area.
11. The site is surrounded by residential dwellings with a detached house; Stanley Croft to the immediate north whose large garden about the northern site boundary. To the west across Sherwood Road terraced cottages line the street frontage. Across Hardy Lane to the south sits Hardy House a Grade II Listed Building which also takes access off Hardy Lane opposite the site entrance. To the east, the site backs onto the rear garden of a lower dwelling.

Proposal

12. Full Planning permission is sought for the demolition of the garage block and the erection of two semidetached affordable houses to meet local needs. Vehicular access would remain off Hardy Lane with alterations to boundary walling to provide visibility splays. A parking and turning area for four vehicles is shown.
13. The pair of 3 bed semi-detached houses would be centrally located within the plot and sited with the southern gable end directly fronting onto Hardy Lane. Private amenity space would comprise rear gardens covering the eastern third of the site.
14. The houses would be constructed from natural limestone walls under a blue slate roof with natural gritstone quoins and full stone surrounds to all door and window openings. Windows and doors would be painted timber.
15. The houses would have a floor area of approximately 89.2 sq. metres and are intended to meet the wider community need for affordable housing identified in the 2017 Tideswell Housing Need Survey.
16. All the protected trees on site are shown to be retained.

RECOMMENDATION:

17. That the application be **REFUSED** for the following reasons:
 1. **Significant harm to TPO protected trees from the construction of houses within the root protection areas and underneath canopies resulting in immediate damage to remaining protected trees contrary to Policies DMC13, GSP1-3 & L1. This would be highly likely to result in dieback, or death of the trees along with likely significant pressure from future residents for removal or lopping of trees if the development were to proceed.**
 2. **The proposed layout and the design of the houses, especially the wide gable and steep roof pitch does not adequately reflect the established pattern of development in the locality and would harm the valued character and appearance of the local built environment and the streetscene contrary to Policies GSP1-3 & DMC3.**

- 3. The harm to local biodiversity contrary to Policy GSP1-3, DMC11 from the loss of semi natural green space and the adverse impact of the development on the protected trees which would all suffer immediate and longer term damage from development within their root protection areas which would shorten their lifespan and likely result in pressures for removal and/or significant alteration to their crowns from any future residents were the development to go ahead.**
- 4. Harm to the significance of the Conservation Area from the loss and damage to the protected trees and the poor layout/design which is not outweighed by the public benefit arising from the limited provision of affordable housing contrary to Policies DMC5, 7 and 8.**
- 5. Inadequate information to support the application; the submitted Tree Report is now out of date and contains some inaccuracies/inconsistencies.**

Key Issues

18. The impact of the proposed dwellings upon the valued characteristics of the National Park, in terms of siting, layout, design, amenity and highway safety.
19. The impact upon the Tideswell Conservation Area and the listed Hardy House.
20. The impact of the development upon local biodiversity especially the trees themselves
21. Neighbouring amenity impacts
22. Highway implications
23. Climate change and sustainable building.

History

24. 1977 – Refusal of outline permission for the erection of two dwellings
25. 1978 – Refusal of outline planning permission for one dwelling
26. 1983 – Refusal of Outline planning permission for erection of one dwelling on the then applicable settlement policy ground and also on grounds that if it were possible to erect a house beneath the trees it would result in a cramped relationship with the trees and lead to requests for tree lopping and felling due to the relationship and shading and therefore acceptance of that proposal was not considered to be in the long term interests of protecting the trees.
27. 1994 – Refusal of outline permission for erection of one dwelling.
28. 1994 – Refusal of planning permission for erection of vehicle store building and improvements to access on grounds that it would not preserve or enhance the valued characteristics of the residential area and Conservation Area, as well that it would perpetuate an unauthorised vehicular storage use and cause unacceptable disturbance and loss of amenity to neighbours.
29. 1994 – Appeals against both 1994 refusals dismissed.
30. 2016 – Pre-application advice given that a proposed market dwelling would not be acceptable in policy terms and there would be insufficient enhancement in the removal of the garage to outweigh the policy objection. Cautious advice that affordable housing

could be explored as the only likely policy route, provided conflict with tree protection could be resolved. No further response.

31. 2019 – Land offered for sale which generated a number of enquiries ranging from concerns over mature trees to prospective purchasers interested in developing the site. However no formal paid for pre-application advice requests submitted.
32. 2019 – PDNPA Tree Officer granted approval for minor crown lift to two sycamores on the lower part of the site adjacent the northern boundary.
33. 2020 – Refusal of planning permission for the erection of three affordable dwellings at October 2020 Planning Committee.

Consultations

34. Highway Authority – No objections subject to conditions covering the following;
35. Access onto Hardy Lane, 2m x 2m x 45° pedestrian intervisibility splays be provided either side of the access, the splay area being clear of any object greater than 0.6m in height relative to highway level, together with visibility being taken to the extremities of the site in the westerly direction from a set-back distance of 2.0m at the centreline of the access, the area in advance of the sightline being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation).

Officer Note; The walls are currently 1.24m high so reduction to 0.6m and 1m high will harm valued character - see discussion below

36. Visibility onto Sherwood Road is proposed to be improved with the realignment of the existing boundary wall. Whilst there are no highway objections to this in principle, sightlines should be taken from a setback distance of 2.4m, rather than the 2.0m shown, and across the entire site frontage in order to maximise visibility. This would result in a narrow triangular area, within the site boundary, located in front of the boundary wall, together with a street lighting column being unprotected and liable to be struck by vehicles. It is therefore requested that this fronting area be constructed as footway and dedicated as highway, together with the street lighting column relocated to the rear of the footway and existing kerbing being altered to match. For the avoidance of doubt the above works would require the applicant to enter into a Section 278 Agreement with the Highway Authority.
37. In terms of the internal layout, the widened vehicular access is welcomed, however the re-aligned stone wall should not be constructed to encroach highway limits. Sufficient space has also been demonstrated for two vehicles per dwelling to park together with a shared manoeuvring area, so as to enable vehicles to both enter and exit the site in forward gear.
38. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally, a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.
39. Agree construction management plan.
40. The access to be 5m wide and no steeper than 1 in 15 for the first 10m and measures shall be implemented to prevent the flow of surface water onto the highway.

41. No occupation until space provided for the parking and manoeuvring of residents' vehicles,
 42. Footnotes re; works within the highway, mud not being carried onto the highway, driveway not to be surfaced with a loose material and surface water run-off.
 43. Derbyshire Dales District Council – No response.
 44. Tideswell Parish Council – Support.
 45. PDNPA Conservation Officer – Objects, commenting as follows (summarised);
 46. Any development within a Conservation Area should preserve or enhance the character.
 47. The site is a small green space with an important group of trees adjacent to a public right of way, and contributes to the character of the Conservation Area.
 48. The proposals could affect the trees on the site, although root protection measures are proposed. The trees and the openness of the site contribute to the character and appearance of the Conservation Area. It is important, that whilst there is no removal proposed, that the trees are safeguarded as any loss would harm the character and appearance of the Conservation Area.
 49. The proposals have removed the third house that was on the boundary with Hardy Lane therefore retaining the current sense of open space from this part of the Conservation Area, which is part of the character. Whilst the openness is retained, it is proposed for a large parking area here that will be of hard surfacing although planting is proposed.
 50. The design of the semi's appears not to have been altered, the gable remains wide and the height to the eaves is in excess of 5 metres on the Sherwood Road side, the height on the other side going down the hill is even higher. The design, whilst generally using traditional materials, apart from the proposed uPVC rainwater goods, does not have proportions in line with the local vernacular and also that described within the PDNPA Design Guide.
 51. PDNPA Tree Officer – Objects
 52. The impact of the proposed development on the trees on site will be highly significant and it is not possible to fully mitigate the impact. The main concerns with this proposed development relate to:-
 - the long-term sustainability of protected trees on site alongside development.
 - the practicalities of development on this site, such as the difficulties of developing on a site where the Root Protection Areas (RPAs) of protected trees cover the majority of available land on site, practical implementation of proposed tree protection measures, and locating underground service provision within such a restricted site.
- The officer's detailed comments are incorporated into the section on trees in the assessment section of the report below.
53. PDNPA Ecology - Object

54. Notes tree T3 is now retained under the new proposals. However, the development encroaches into the root zones of the trees and concerned that this will lead to the loss of the trees in the future. This would result in the loss of a bat roost and overall net habitat loss as a result of the development. Given this, I object to the current application, unless the development can be pulled back so it situated outside of the root protection zones of the trees.
55. Surveys have been completed and the recommendations within the two reports (the preliminary ecological appraisal and bat survey) should be followed. [If the development were to go ahead]. The recommendations include incorporating features for bats within the development – I would recommend that two ridge tile access features are incorporated into both properties. The recommendations also include the incorporation of bird boxes into the scheme. I would recommend that two swift boxes are installed in suitable locations on each property

REPRESENTATIONS

56. There have been 9 letters of objection submitted raising a very large number of grounds which are heavily summarised below. The full letters are available to view in full on the Authority's website.
57. This is a protected wooded space in the heart of a village Conservation Area and there is no need for it to be developed.
58. Concerns about affordability of the proposed dwellings and whether these would indeed meet the need for affordable rented housing in the survey
59. Tree report has expired and in any case has inaccuracies.
60. Impact of development on trees – excavation close to bedrock within root protection areas of the trees. Houses and parking spaces under canopies and root compaction – will lead to pressures for trees to be removed.
61. Adverse impact upon the Conservation Area / development among the trees does not enhance, it detracts from their contribution to the valued characteristics of the Conservation Area.
62. The proposed dwellings will be very adversely affected by their proximity to the trees and suffer poor amenity from the outset.
63. There is no pressing need for development that could not have been met with other much more suitable sites in Tideswell.
64. 'Nature' is now acknowledged to be very important for mental health and this green spot is important to the residents of Tideswell.
65. These mature trees provide a magnificent backdrop to one of the main public spaces in our village - Fountain Square. They frame the view of Fountain Square Church from the main road and war memorial below
66. Stand anywhere in the centre of Tideswell village and you can see the majestic beauty of the trees at this location, they are a local feature and part of our heritage
67. The trees and undisturbed ground are hugely important for local wildlife
68. Proposal has not addressed previous reasons for refusal

69. Strong concern over loss of local biodiversity of this rare local habitat, which is a known bat habitat, used by owls and is also frequented by swifts feeding above the trees. Hedgehogs are seen foraging in neighbouring gardens to the site.
70. Concern about surface water run off to the properties below [Note - Application forms state surface water will go to the public sewer]
71. No proposal for foul sewerage shown in the plans [Note - Forms state this is unknown]
72. Access safety and traffic congestion/parking concerns particularly to pedestrian using Hardy Lane
73. Highway Authority not visited site have not fully considered conflicts with pedestrians and that parking on Sherwood Road blocks emerging visibility.
74. The proposed chamfering of the stone wall will do little to improve visibility.
75. Land is not wasteland, it is valuable asset to community rich in biodiversity and one of few natural green spaces left in the village, needs to be retained as such.
76. The ongoing responsibility of owning either one or more large trees by the purchaser of an affordable dwelling is onerous and disproportionate to the size of house and land they purchased. Considerable costs may be incurred in maintaining the trees.
77. Contrary to adopted PDNPA Policies L1, DNC3, DMC11, DMT3, Para 127 and 130 of the NPPF

National Planning Policy Framework (NPPF)

78. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
79. The National Planning Policy Framework (NPPF) has been revised (2019). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
80. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.
81. Para 127 of the NPPF states that - Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

82. Para 175 of the NPPF states; When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

83. Para 193 of the NPPF states; 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

84. Para 196 of the NPPF states; 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, where appropriate, securing its optimum viable use.

85. **Main Development Plan Policies**

86. **Core Strategy**

87. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.

88. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
89. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Tideswell is a named settlement.
90. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
91. L2 says that development must conserve or enhance the biodiversity of the National Park unless there are exceptional circumstances. L3 says that development must conserve or enhance the cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted.
92. HC1 – *New Housing*. Sets out that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted including where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
93. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

94. Policy DMC3 says that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality, and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
95. Particular attention will be paid to siting, scale, form, mass, levels, design, details and materials, landscaping, access, amenity, accessibility and our adopted design guide.
96. DMC5 says that applications for development affecting a heritage asset must clearly demonstrate its significance and why the development is desirable or necessary. DMC7 (Listed Buildings) and DMC8 (Conservation Areas) are relevant for development affecting heritage assets and their settings. These policies require applications to be supported by heritage assessments and for development to be of a high standard of design that conserves the significance of heritage assets and their setting.
97. Development of a designated or non-designated heritage asset will not be permitted if it would harm the significance, character and appearance of a heritage asset unless it is outweighed by the public benefits of the proposal.
98. DMC11 requires proposals to achieve net gains in biodiversity and geodiversity and provide details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance that could be affected by the development. DMC12 is relevant for development affecting sites, features or species of wildlife, geological or geomorphological importance and set out the exceptional circumstances where development will be permitted.

99. DMC11 says that proposals should aim to achieve net gains to biodiversity as a result of development. In considering whether a proposal conserves and enhances all reasonable measures must be taken to avoid net loss by taking into account matters set out in (i) – (v).
100. DMH1 states that Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion provided that there is a proven need for the dwelling(s); and any new build housing is within affordable size thresholds.
101. DMH6 says that re-development of previously developed land for housing is acceptable provided that it conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site and subject to viability includes an element of affordable housing (in accordance with policies DS1, GSP2 and HC1).
102. DMT3 and DMT 6 set out the requirement for safe access and appropriate parking levels.
103. **Principle of Development**
104. The site is located within Tideswell Village which is a named settlement for the purposes of policy DS1. The removal of the garages would be welcomed as they do cause some minor visual harm to the immediate locality and removal would enhance the site. However, this quite modest enhancement would not amount to the ‘significant’ overall benefit to the wider National Park as required by Policy GSP2 and HC1C (II) to warrant exceptional development in the form of market housing.
105. Policies HC1 and DMH1 exceptionally allow for the development of affordable housing in principle within DS1 named settlements where it addresses eligible local needs for homes that would remain affordable with occupation restricted to local people in perpetuity. This is provided there is a proven need for the dwellings and the housing would be within affordable size guidelines.
106. This resubmission now proposes a pair of affordable dwellings which are of an affordable size in terms of our policies and are intended to meet the local needs identified in the 2017 Tideswell village housing need survey. Although the survey is 4 years old, no housing has been provided in the intervening period to meet the needs identified although a large site elsewhere in the village has been earmarked for development. We therefore consider it reasonable to accept that the dwellings would meet the proven need in the Parish for affordable housing and consequently the principle of a development for affordable dwellings is acceptable.
107. The mature protected trees on the site represent a major constraint to development of this site and which formed the key reason for refusal of the last application. This revised scheme still proposes to build houses under the trees. The key issues therefore still relate to whether the proposal is acceptable in terms of the site specific considerations of layout, design, landscape/streetscape impact with particular regard paid to the impact upon the protected trees and the Tideswell Conservation Area, along with consideration of the impact upon local amenity and the highway implications.
108. **Layout, Design and Appearance**
109. **Layout**
110. The arrangement of the houses on the site has changed with the omission of the detached house previously proposed toward the front of the site in the last application. The proposal is now just for the pair of semidetached houses which are of the same

design and siting as in the previous scheme. These are sited down the site, back from Sherwood Road, with the area above forming the parking and tuning area following the removal of the old garaging. As previously, the proposed layout of the houses does not closely relate to the built form of Sherwood Road, and this layout seems to have primarily been generated by a combination of keeping the access point and to use the available space between the existing trees which is extremely limited.

111. The protected trees, due to their size, age and spread across the site, present a major constraint to any development of this site. In this case they have led to a cramped layout and a culs-de-sac style of development in some depth back from the street.
112. Consequently the proposed layout of the buildings would relate poorly to the existing trees and be wholly out of keeping with the established development along Sherwood Road which is characterised by buildings fronting or close to the street with private gardens to the rear running down the slope.
113. The proposed development would not therefore result is a layout that detracts from, instead of respecting the valued character of the local built environment contrary to Policy DMC3.
114. Design
115. The houses reflect a simple traditional style and would be constructed in natural local stone, with natural stone dressings to corners and openings. The roof would be blue slate. The houses are simply fenestrated with doors and window frames in painted timber.
116. The houses would however have a deep plan form with an over-wide gable at just over 8m fronting onto Hardy Lane. Coupled with the steep roof pitch to accommodate bedrooms in the roof space this form results in an over-dominant and uncharacteristic roof in terms of the ratio of roof to wall height which would not reflect the established local building tradition sufficiently. As a result we would have sought amendments to the design to lower the roof pitch and narrow the gable had the development, in other respects, been found acceptance.
117. Impact upon trees
118. The application is supported by an arboricultural survey which identifies the 6 trees on the site, all of which are protected by TPO. The agents supporting statement explains that in the revised scheme, "Alterations to ground levels have also been kept to a minimum to avoid any disturbance to the root protection areas. The proposals have been carefully designed in relation to the trees and strict rules will be set out for the protection of these trees during the construction works. The reduction of the number of dwellings from 3 to 2 means that the impact on the Beech trees which were identified as a concern by the Authority's Tree Officer to the previous application has now been significantly reduced. Trees 1 and 2 would no longer be affected by the proposal. Whilst the proposed dwellings would result in some works within the root protection area of T6, a mature Beech tree, this tree is category B and has lost a major limb leaving a broken stump."
119. We take a different view and our specialist Tree Conservation Officer's detailed comments are incorporated below;
120. "The six trees on site are all covered by TPO046. They are all mature and have significant size girths, with the girth of T6 being large enough to be classed as locally notable and close to being categorised as a veteran tree. The root protection areas (RPAs) for these trees cover the overwhelming majority of the site.

121. The submitted design is incompatible with the protection afforded to the trees on site, and the proposed construction has the potential to damage roots and overall health of the trees, even taking into account the outlined tree protection measures and use of special engineering solutions, such as cellular confinement systems and piled foundations.
122. The additional requirements from the Highways Authority to widen the pavement/footpath at the western end of the site and bring the western boundary wall eastwards, would cause further disruption of the soil within the RPAs of T1 and T2.
123. Three of the trees are beech trees (T1, T2 and T6). Beech trees are particularly intolerant of soil disturbance and compaction within their rooting area and they tend to be fairly shallow-rooted as a tree species. Thus any work within the rooting area of mature beech trees (particularly T6, which has already lost a significant limb, causing damage to a neighbouring wall and neighbouring trees) is not recommended, due to the risk of instability and susceptibility to tree disease when under stress.
124. According to Lonsdale, 'the root system of *F. sylvatica* [beech] does not develop deeply except in well-aerated soil, and therefore tends to become unstable on wet, poorly drained or compacted sites. Instability may also occur on shallow soil over bedrock' (Lonsdale, Principles of Tree Hazard Assessment and Management, 2007, p. 348). There appears to be anecdotal evidence that the soil levels on site are already fairly shallow, with some roots visible above ground level.
125. Given the species make-up of this site and the protected status of the trees, it is therefore not advisable to develop on this land by locating residential properties and the associated hardstanding and facilities in such close proximity to trees that do not respond well to soil disruption and may prove unstable in shallow soil over bedrock.
126. The shallowness of the soil may also present practical difficulties in creating the proposed special engineering solutions for the construction of the properties (namely the use of a cellular confinement system as permanent ground protection with floating slab and pile foundations on top) and may result in instability of trees and impacts on tree health, inevitably leading to applications to have the trees removed.
127. There appears to be some ambiguity in the submitted documents as to whether changes in ground level will be required to implement the proposed development. The Tree survey states at paragraph 6.7 (f). '*no stripping of topsoil, excavations or changing of levels to occur within the RPA of any retained tree*' and at paragraph 6.8 '*to avoid damage to tree roots, the existing ground levels should be retained within the RPAs of all trees*'. However, the Design and Access statement claims that 'alterations to ground levels have also been kept to a minimum' (p.9). Any changes in ground level or disturbance of soil within the RPAs of the protected trees on site will have an adverse effect on their health and condition, particularly the beech trees.
128. The proposed houses are sited partially underneath the canopy of T6, which will make the interiors of both houses dark, as well as interfering with the roof and guttering. In fact, the submitted Tree Survey itself states that 'the proposed development will encounter seasonal nuisance' (paragraph 8.6) from the proximity of the tree canopies to the roofs, inevitably leading to pressure to manage the extent of the tree canopies or to have them removed.
129. The tree survey goes on to state that 'the proposed development will not encounter shading from the trees' (paragraph 8.6). However, the representation of tree shade in Appendix 7 of the submitted tree survey seems inconsistent with tree shade

representations as they appear on aerial imagery of the site, casting doubt on the legitimacy of the content of the tree survey. It is likely that the properties themselves and the entirety of both gardens would be cast in shade, particularly during late spring, summer and early autumn, leading to excessive moss on lawns and outside areas, as well as on roofs and in gutters. This will lead to pressure to have the trees removed and will threaten the long-term sustainability of these protected trees.

130. At this stage, underground service routes have not been outlined, but it is not possible to see where exactly they could be incorporated, if at all, on the site. The Arboricultural Association's latest best practice Guidance Note on the use of cellular confinement systems (Guidance Note 12: The use of Cellular Confinement Systems Near Trees: A Guide to Good Practice, September 2020) states clearly in Section 4.2, paragraph 77 (p. 24) states that 'underground services should not be routed beneath cellular confinement systems because they may need to be accessed in the future, either for repair or for making new connections, which could severely compromise the installation'.
131. The submitted Tree survey also states that 'any digging for services will have to [be] done outside of the RPAs' (paragraph 8.4). It seems very unlikely indeed that service routes for the site can be located outside of these restrictions, given that the RPAs of the existing trees, combined with the extent of the cellular confinement system (permanent ground protection), will cover the vast majority of the site, including all the area in front of both properties.
132. In addition to the points noted above, the submitted BS5837 Tree Survey is dated 30th April 2020 (the plans in the Appendices are dated 04/05/2020) and it states at paragraph 3.6 (page 6) that it 'is valid for six months only'. It is now out of date. As well as being out of date, the submitted tree survey still contains significant errors, mostly of consistency, for instance in 'Table 4: Tree data table' (p.31), T3 is identified for removal, yet in Appendices 1-7, it is shown as being retained. There is also inconsistency in the categorisation of trees throughout the document. These inaccuracies breed confusion and the lack of consistency calls into question the integrity of the Tree Survey as a whole."
133. The layout of the proposed development is therefore clearly incompatible with the protected trees on site.
134. Notwithstanding the initial physical harm from construction, the houses would all be overshadowed by significant, mature trees, casting extensive shade leaving the houses feeling dark and the proposed gardens completely shaded. In future this would be very likely to put pressure on potentially already stressed trees for significant works or removal, due to fears of limb failure and concerns about shade in gardens and lack of natural light in the proposed houses. The likely impact on cars parked underneath, or washing and outdoor furniture from debris and dirt falling from the trees would only add to the pressure.
135. The clear advice from our in house tree specialist is that it is not possible to mitigate these issues with special engineering solutions and the proposed development would leave these mature, protected trees stressed and with their rooting areas significantly disturbed and thus compromised.
136. We therefore conclude that the development would cause immediate severe harm to the protected trees and more than likely lead to their loss in the short to mid-term future. The resulting loss to biodiversity would be contrary to adopted policies DM11 & 13 and represents a significant reason on its own to warrant refusal of the application, irrespective of the other concerns set out elsewhere in this report.

137. Impact upon the Conservation Area and adjacent Listed Building

138. Policy DMC8 requires development to assess and clearly demonstrate how the character and appearance and significance of the Conservation Area would be preserved or enhanced. The loss of the open green space, and the inevitable harm to the trees along with the inappropriate siting/layout of the houses would seriously detract from the valued character and appearance of the street scene along Sherwood Road and erode the special character and appearance, as well as the significance, of the Tideswell Conservation Area.
139. In addition, the development would be sited close to and within the setting of the listed Hardy House which is located just to the south and across Hardy Lane opposite the proposed semi-detached houses. The loss of the green space and the substitution with the proposed layout with its wide gables and tall roof so close to Hardy House would have an inappropriate impact on the setting.
140. With respect to policy DMC7 (Listed Buildings) the harm to Hardy House in itself may be considered, 'less than substantial' however the proposal still represents an adverse impact to its setting. Taken in combination with the harm to the Conservation Area we therefore conclude the proposal would be contrary to policies DMC 5, 7 and 8, owing to the overall harm to the designated heritage asset.

141. Amenity Considerations

142. There are no concerns that the houses would adversely impact upon neighbouring amenity in terms of overlooking given the separation from adjacent houses and their orientation. There are however very substantial concerns about the residential amenity of future residents were the development to go ahead. The main concern is the substantial shading of the houses and gardens from the trees which would make them overly dark inside with a gloomy outlook. There are also very strong concerns about the ability of future residents to enjoy the outdoor amenity space given mature trees dropping large amounts of leaves and other debris, including branches of varying size up to and including that which could seriously harm residents and their property including cars. In the event the development goes ahead, such issues will inevitably result in strong pressure to or severely prune the trees and/or remove them to resolve the inevitable problems that would be caused. For these reasons the proposal does not accord with adopted policy DMC3 which requires all new development to have a high standard of amenity.

143. Highways Considerations

144. The proposed parking layout would utilise the existing access point off Hardy lane. Given the current dilapidated garages this would result in a material increase in traffic using the lane and its junction with Sherwood Road which has substandard emerging visibility; not helped by parked vehicles. However traffic movements would be relatively low and with the appropriate visibility splays being provided the County Council Highway Department have confirmed that, subject to conditions, there would be no objections on highway grounds.
145. Four standard parking spaces are shown. There is no accessible parking provision or visitor parking and therefore, albeit a small development, there would likely be an increase in visitors parking on Sherwood Road close to the junction and contributing to local concerns over parking congestion and highway safety. However, as the Highway Authority has raised no objections we would be unable to sustain any formal objection in this regard.

146. The impact of the proposed highway visibility splay conditions are a concern in terms of their impact upon the boundary walls. These require the setting back of the roadside wall fronting Sherwood Road and the provision of visibility splays at the Hardy Lane access which also requires the walling to be lowered/set back. These changes would adversely affect the valued character and appearance of these local walls which are already quite low but nevertheless provide important visual definition and containment to the streets.

147. **Ecology Impact**

148. This resubmission is accompanied by a 'Preliminary Ecological Appraisal' and a bat survey. These confirmed the presence of a low number of bats roosting in tree T2 and a single occasional day roost in T3

149. Our ecologist objects to the development on the basis that it encroaches into the root zones of the trees and is therefore concerned that this will lead to the loss of the trees in the future. This would result in the loss of a bat roost and overall net habitat loss as a result of the development. Given this, our Ecologist objects to the current application, unless the development can be pulled back so it situated outside of the root protection zones of the trees.

150. Were the development found to be acceptable in other respects, the recommendations within the two reports should be followed. These include incorporating features for bats within the development which our ecologist recommends should comprise of two ridge tile access features being incorporated into both properties. Bitumen felting should also be used in areas where bat access has been created.

151. The recommendations also include the incorporation of bird boxes into the scheme and our ecologist recommended that two swift boxes are installed in suitable locations on each property.

152. These are reasonable requirements necessary to enhance biodiversity on this site and could be conditioned to be provided in any approval. On this basis and with the aforementioned conditions the proposal would accord with policies to DMC11 & 12.

153. **Environmental Management**

154. In order to meet the requirements of Policy CC1 the supporting statement explains that the two dwellings will be built partly on brownfield land and sited within the village boundary. The agent further explains that the houses would be designed to achieve the equivalent of Code Level 3 in the (former) Code for Sustainable Homes, and in addition designed to Lifetime Homes standards. It goes on to set out that the following specific strategies are proposed (summarised):

155. Energy use: The houses will be 'super insulated' to reduce energy use in the simplest and most direct way. The homes will be heated using a high efficient A rated gas condensing boilers. All internal and external lighting will be 100% low energy and any white goods will, where fitted be A rated. Outdoor amenity space is also provided to all dwellings to allow for outside clothes drying

156. Water use: Low water use fittings will be specified and water butts will be provided to harvest rain water for use in the gardens.

157. Materials: The specification of materials will ensure minimum environmental impact. Natural materials which will be sourced locally will be used thus reducing their carbon footprint. All trades people will be local also ensuring that the carbon footprint of the

proposal is minimised (Note; this cannot reasonably form part of a planning condition). Glazing will be high performance double glazing without vents.

158. These energy efficient measures would go some way to meeting the terms of Core Strategy Policy CC1 however if the development were to be approved we would require more certainty as to the proposed specification in order to secure these efficiencies. In addition whilst it is recognised that solar PV or ground source heat pumps would not be appropriate on this site the agent states the applicant is willing to consider and explore the use of air source heat pumps should planning permission be forthcoming. These would make a significant contribution to reducing the carbon footprint of the development and would need to be confirmed via condition to meet CC1 in the event of any approval. However we have not pursued this further given the fundamental objections to the scheme.

159. **Conclusion**

160. The impact of the proposed housing development would be out of keeping with the local built environment, cause immediate and significant harm to protected trees, reduce biodiversity and adversely impact upon the valued character and appearance of Sherwood Road and the special character and significance of the Conservation Area as well as the setting of the listed Hardy House. Furthermore the application contains inadequate supporting information to make full and proper consideration of key planning considerations and consequently the proposal is contrary to adopted policies GSP1-3, L1, DMC3, 5, 7, 8, 11 -13, and is recommended for refusal.

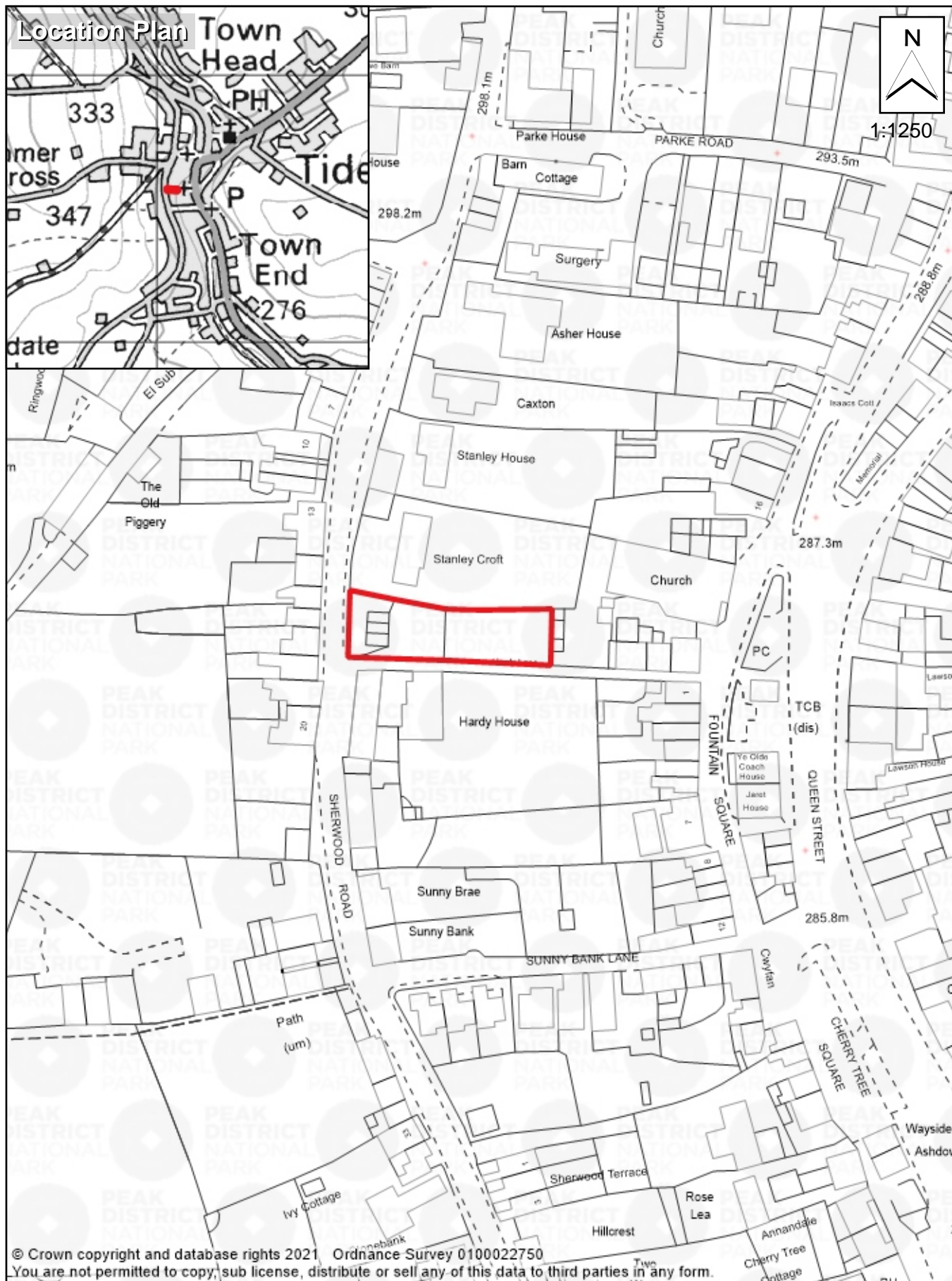
161. **Human Rights**

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

163. List of Background Papers (not previously published)

164. Nil

165. Report author: John Keeley – Planning Manager - North Area Team



Committee Date: 12th February 2021
Item Number: Item 6
Application No: NP/DDD/1220/1143
Grid Reference: 415039, 375572

Title: Land Off Hardy Lane,
Tideswell



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7. HEAD OF LAW REPORT - 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/HPK/0720/0602 3265928	Replacement porch, 2 no. catslide dormers to match adjacent property, 2 no. velux to rear roof slope, removal of render to expose and reinstate original stonework, erection of timber garden shed at Wayside Cottage, Chapel Walk, Hope	Householder	Delegated
19/0218 - 3262757 (enforcement appeal)	Without planning permission, carrying out engineering operations consisting of the excavation of the land and carrying out building operations, construction of foundations, erection of walls at Home Farm, Main Street, Sheldon	Written Representations	Delegated
19/0217 3263627 (enforcement appeal)	Engineering operations comprising the ongoing formation of an artificial, manmade platform feature without the benefit of planning permission at Withamley House Farm, Bradfield	Written Representations	Delegated
NP/SM/1219/1317 3264570	Erection of an agricultural building to house commercial breeding sheep and associated feedstuffs at Spring Croft, Pothooks Lane, Grindon	Written Representations	Committee

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/0520/0456 3261870	Remove UPVC conservatory from the side of the house and erect a wooden over door canopy and remove 1.2m of a wall and	Householder	Dismissed	Delegated

replace with a wooden
gate at The Lost Brook
Cottage, The Bank,
Stoney Middleton

The Inspector considered that the proposal would harm the character and appearance of the conservation area, as well as significantly harm highway safety. The proposal would also conflict with the design, heritage, character and appearance aims of policies GSP1, GSP3 L1 and L3 of the Core Strategy as well and DMC5 and DMC8 of the Development Management. The appeal was dismissed.

NP/DDD/0220/0200 3262158	Relocation of Horse Shelter at Field off Cliff Lane, Curbar	Written Representations	Allowed	Committee
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The Inspector considered that the proposal to move the horse shelter to an area closer to the existing tree line, would be out of direct views in the wider area, and would ensure it was less obtrusive than its current position. The Inspector also found that the repositioning of the shelter would not harm the character and appearance of the area and the scenic beauty of the National Park. The appeal was allowed with conditions, including one limiting the siting of the horse shelter to 3 years.

4. **RECOMMENDATION:**

To note the report.