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Peak District National Park Authority

Tel: 01629 816200

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

Web: www.peakdistrict.gov.uk

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



Our Values: Care – Enjoy – Pioneer

Our Ref: A.1142/2732

Date: 2 September 2021



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 10 September 2021**

Time: **10.00 am**

Venue: **Agricultural Business Centre, Agricultural Way, Bakewell, DE45 1AH**

(Venue Site Plan attached)

SARAH FOWLER
CHIEF EXECUTIVE



Link to meeting papers:

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

AGENDA

BAKEWELL AGRICULTURAL CENTRE LOCATION PLAN

- 1. Roll Call of Members Present, Apologies for Absence and Members Declarations of Interest**
- 2. Minutes of previous meetings of 11th June 2021 (attached) and 6th August 2021 (were to follow, now attached) (Pages 7 - 32)**
- 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 - Erection of a cattle shed - White Park, Alsop Road, Parwich (NP/DDD/0521/0559, MN) (Pages 33 - 42)**
Site Plan
- 6. Full Application - Installation of 2 air source heat pumps at the Blind Bull, Main Road, Little Hucklow (NP/DDD/1220/1148, AM) (Pages 43 - 52)**
Site Plan
- 7. Full Application - Erection of mixed use garage, office, workshop and storage building associated with Moorlands Farm at Moorlands Farm, Moorlands Lane, Froggatt. (NP/DDD/0421/0431 SPW) (Pages 53 - 64)**
Site Plan
- 8. Full Application - Retain the 20 foot shipping container which has had temporary planning permission since 2018. This container will continue to be used for secure storage, United Utilities Bottoms Yard, Woodhead Road, Tintwistle (NP/HPK/0221/0156 SPW) (Pages 65 - 72)**
Site Plan
- 9. Full Application - New affordable dwelling - land off Tagg Lane, Monyash (NP/DDD/0121/0073, TS) (Pages 73 - 92)**
Appendix 1

Site Plan
- 10. Full Application - Erection of local needs dwelling - Land at Chapel Farm, Heathcote - (NP/DDD/0121/0083, MN) (Pages 93 - 108)**
Appendix 1

Site Plan
- 11. Householder Application - Proposed extension of dwelling at Jubilee Lodge, The Green, Froggatt, S32 3ZA (NP/DDD/0621/0615 JK) (Pages 109 - 120)**
Site Plan

12. **Withdrawal of Bakewell Neighbourhood Plan (AM)** *(Pages 121 - 142)*
Appendix 1

Appendix 2

Appendix 3
13. **Approval of Holme Valley Neighbourhood Plan to submit for Referendum (AM)** *(Pages 143 - 202)*
Appendix 1

Appendix 2

Appendix 3
14. **Dore Neighbourhood Plan (CW)** *(Pages 203 - 206)*
15. **Head of Law Report - Planning Appeals (A.1536/AMC)** *(Pages 207 - 208)*

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.

Public Participation and Other Representations from third parties

In response to the Coronavirus (Covid -19) emergency our head office at Aldern House in Bakewell has been closed. However as the Coronavirus restrictions ease the Authority is returning to physical meetings but within current social distancing guidance. Therefore meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell. 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 Head of Law 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 816352, email address: democraticandlegalsupport@peakdistrict.gov.uk.

Written Representations

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

Recording of Meetings

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

The Authority will make a digital sound recording available after the meeting which will be retained for three years after the date of the meeting. During the period May 2020 to April 2021, due to the Covid-19 pandemic situation, Planning Committee meetings were broadcast via Youtube and these meetings are also retained for three years after the date of the meeting.

General Information for Members of the Public Attending Meetings

In response to the Coronavirus (Covid -19) emergency our head office at Aldern House in Bakewell has been closed. The Authority is returning to physical meetings but within current social distancing guidance. Therefore meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell, the venue for a meeting will be specified on the agenda. Also due to current social distancing guidelines there may be limited spaces available for the public at meetings and priority will be given to those who are participating in the meeting. It is intended that the meetings will be audio broadcast and available live on the Authority's website.

This meeting will take place at the Agricultural Business Centre, Bakewell. Information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk

Please note there is no refreshment provision available.

To: Members of Planning Committee:

Chair: Mr R Helliwell
Vice Chair: Mr K Smith

Cllr W Armitage
Cllr D Chapman
Cllr A Hart
Cllr A McCloy
Cllr D Murphy
Cllr S. Saeed
Cllr J Wharmby

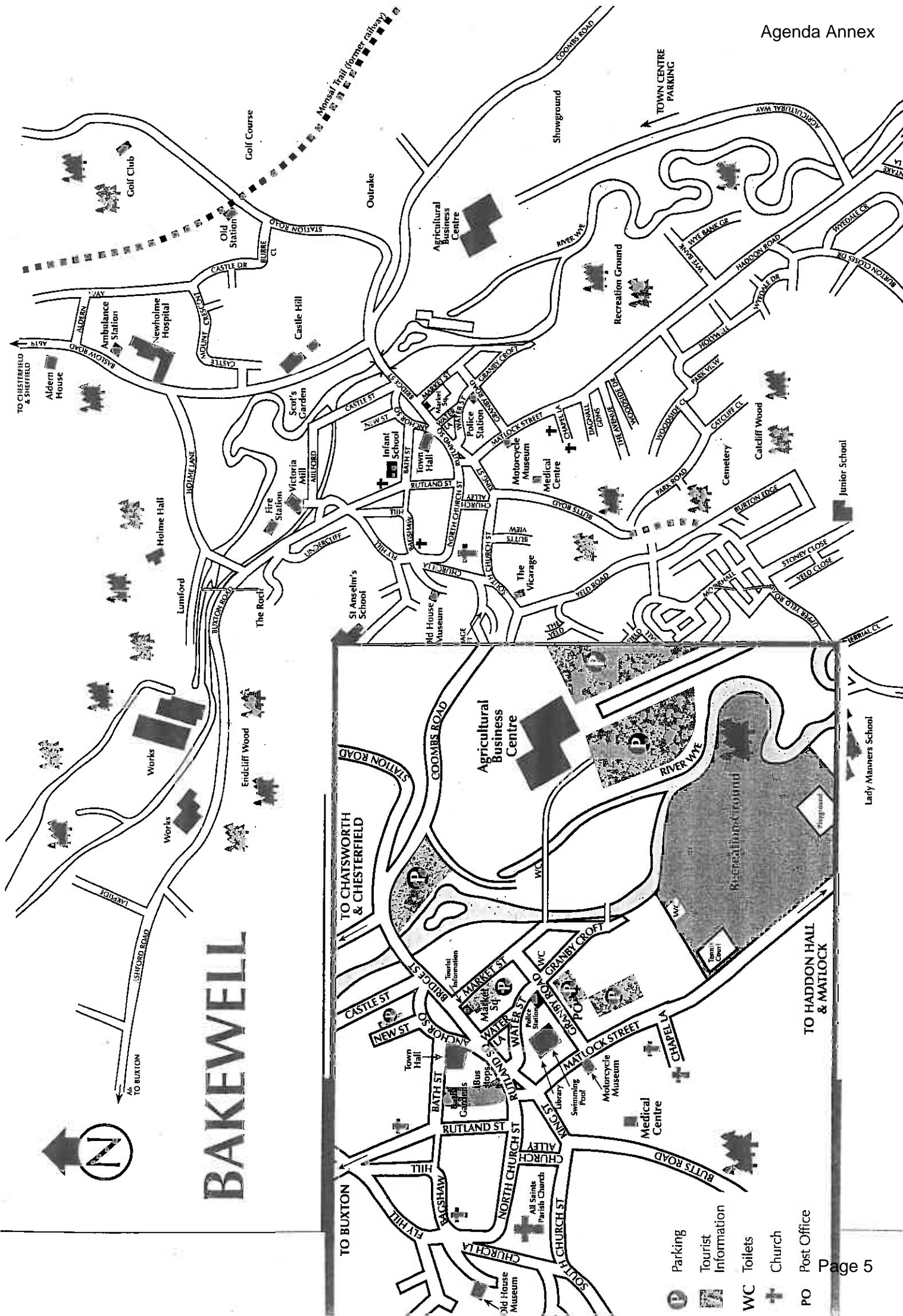
Cllr P Brady
Ms A Harling
Cllr I Huddleston
Cllr Mrs K Potter
Cllr K Richardson
Mrs C Waller

Other invited Members: (May speak but not vote)

Mr Z Hamid

Prof J Haddock-Fraser

Constituent Authorities
Secretary of State for the Environment
Natural England



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



MINUTES

Meeting: **Planning Committee**

Date: Friday 11 June 2021 at 10.00 am

Venue: The Palace Hotel, Buxton, SK17 6AG

Chair: Mr R Helliwell

Present: Mr K Smith, Cllr W Armitage, Cllr P Brady, Cllr M Chaplin, Cllr D Chapman, Cllr A Hart, Cllr A McCloy, Cllr Mrs K Potter and Cllr K Richardson

Apologies for absence: Cllr A Gregory, Ms A Harling, Cllr I Huddleston, Miss L Slack and Cllr G D Wharmby.

47/21 **ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST**

Item 7

Mr Helliwell & Cllr D Chapman declared a personal interest as the applicant was known to them but not a close associate.

Item 10

Cllr McCloy declared a prejudicial interest as he knew the applicant and had visited the site about a year previous to the meeting. He would leave the room during discussion of this item.

Item 11

All Members declared a personal interest as Cllr Gill Heath, who was speaking on the item, was a Member of the Peak District National Park Authority

Item 13

All Members declared a personal interest as Members of the Peak District National Park Authority, the applicant.

Item 14

Cllr Hart declared an interest as a Staffordshire Moorlands District Councillor.

48/21 MINUTES OF PREVIOUS MEETINGS OF 16TH APRIL 2021 AND 30TH APRIL 2021

The minutes of the Planning Committee meetings held on 16 April 2021 and 30 April 2021 were approved as correct records.

49/21 URGENT BUSINESS

There was no urgent business.

50/21 PUBLIC PARTICIPATION

Eight members of the public had applied to make representations to the Committee.

51/21 FULL APPLICATION - REMOVAL OF EXISTING 24M AIRWAVE TOWER AND REPLACEMENT WITH A 35M TOWER WITH ATTACHED ANTENNAE AND DISHES FOR AIRWAVE, THE ESN (EAS) AND SRN NETWORKS . AT GROUND LEVEL, ADDITIONAL CABINS/CABINETS WILL BE POSITIONED ON THE OLD AND NEW TOWER BASES, ALONG WITH A STANDBY GENERATOR. A SEPARATE VSAT DISH ENCLOSURE WILL BE ESTABLISHED 100M TO THE SOUTH WEST OF THE MAIN COMPOUND AT AIRWAVE TELECOMMUNICATIONS TOWER AT SNAKE PASS CLEARING, SNAKE ROAD, BAMFORD (NP/HPK/1020/0947, JK)

The Planning Officer introduced the item which had previously been to Planning Committee in December 2020 when Members resolved to grant permission subject to the prior receipt of a Planning Obligation to secure long term control of the surrounding trees. No agreement had been returned to the Authority. It was confirmed that adding a condition to control the trees would not be applicable as they were not in the control of the applicant. Due to detected Larch disease the felling of the majority of the trees could be carried out and therefore the recommendation was to refuse the application on landscape grounds despite the benefit the mast would provide to emergency services.

The following made representations to the committee under the Public Participation at Meetings scheme:

- Mr Peter Hickson, Director of Airwave Solutions, Applicant – statement read out by Democratic & Legal Support Team Officer.

Members expressed concerns regarding refusing the item because of the need to upgrade the communications system for emergency services in the area and asked if there was information available on the percentage of Larch Trees in the surrounding woodland to help understand the impact felling Larch would have on the landscape.

The Planning Office confirmed that this information was not available and would require another report from the Forestry Commission as owners of the woodland.

Members requested clarification of the single line of trees the applicant had agreed to plant around the perimeter fence of the site and the blue line indicated on the site plan. The Planning Officer confirmed that Forestry England did not think that the single line of planting would have much chance of surviving due to the overhead dense canopy restricting the growth of the trees. The blue line indicated the five metre radius of the fence line where planting could immediately be undertaken by the applicants in the event of a clear felling exercise, they would then take approximately 35 years to grow to a height that would adequately screen the site.

A proposal to approve the application contrary to Officer recommendation was moved.

Members asked if it would be appropriate to defer the item for further reports on the possibility of using another location, the likelihood of the trees being felled and if the mast could be lowered if trees were removed.

The proposal to approve the application contrary to the Officer recommendation was seconded.

The following conditions were proposed:

- Mast and all ground level equipment cabins and fencing to be painted in matt dark green
- Mast and equipment to be removed when no longer needed.

The motion to approve the application contrary to Officer recommendations and with the conditions stated above was voted on and carried.

RESOLVED

To APPROVE the application subject to the following conditions:

- 1. Mast and all ground level equipment cabins and fence to be painted in matt dark green**
- 2. Mast and equipment to be removed when no longer needed.**

52/21

FULL APPLICATION - TELECOM EQUIPMENT INSTALLATION, 30M MAST AND ANCILLARY FEATURES ON LAND ADJACENT TO SNAKE PASS, SNAKE ROAD, SHEFFIELD (NP/HPK/0820/0764, JK)

The Planning Officer introduced the report relating to the installation of a mast for emergency service use only. The screening of the trees was an important part of the consideration of the application but the Forest Plan showed trees north and south of the site were scheduled to be felled prior to 2026 as part of a clearing programme.

The following spoke under the Public Participation at Meetings Scheme:

- Ms Vicky Parsons, Home Office, Applicant

The Planning Officer confirmed that a number of masts were required to provide adequate coverage for emergency vehicles along the A57 Snake Pass road. This application was for one as part of that network.

Members asked why an official landscape impact assessment had not been carried out. The Planning Officer confirmed that the information relating to the programme of felling trees had not been received until late in the process therefore there was not enough time to request an assessment based on the felling information.

Members noted that the owners of the development could have purchased a larger area of land to include trees needed for screening to enable the protection of the landscape.

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

The Planning Officer confirmed that the topography of the area would likely require the height of the mast to remain even if the trees were removed.

The motion to refuse the application in accordance with the Officer recommendation was seconded.

The Planning Officer confirmed that this was not the same as the previous application on the agenda as this was a new site and the previous application had been for a replacement mast on an existing site.

The motion to refuse the application in accordance with the Officer recommendation was voted on and carried.

RESOVLED:

That the application be REFUSED for the following reason;

- 1. The ability of this site to successfully accommodate the proposed mast without harming the valued characteristics of the National Park landscape relies wholly upon the continued screening effect provided by the surrounding trees which are outside of the applicant's ownership and control. The majority of these trees are scheduled to be clear felled in the very near future as a result of being both a forestry crop and potentially as a result of disease affecting the larch. In the absence of a suitable mechanism to secure control over the long term retention and suitable management/planned replacement of the immediate surrounding tree cover, and to mitigate the potential loss of any larch to disease, the proposed mast would become an isolated and intrusive feature harming the special quality of the landscape and is therefore contrary to policies GSP1, GSP3 L1, DMU4C, DMC3, and the NPPF.**
- 2. Furthermore in the absence of secure mechanism to control land outside the application site area necessary for the provision and maintenance of required access visibility sight lines the proposed access would pose a danger to highway users contrary to policy DMT3.**

The meeting adjourned for a short break at 11.15 am and resumed at 11.25 am

53/21 PROPOSED AGRICULTURAL BUILDING TO HOUSE AND FEED LIVESTOCK AND STORE FODDER AT SOUTH VIEW FARM, WASHHOUSE BOTTOM, LITTLE HUCKLOW

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

The Planning Officer introduced the report and asked members to note an amendment to the report which referred to the location of the site as Little Hayfield in paragraph 9, 53 and 54 rather than Little Hucklow which was the correct location. There was also an amendment to paragraph 15 of the report which stated that a previous application for an agricultural building on the site had been refused when it had been approved.

The Planning Officer confirmed that the applicant had lowered the building since the initial submission but that no landscape scheme had been received from the agent. Although very little detail had been received with the application the main cause for concern was the impact of the building on the open countryside and the Conservation

Area nearby. Officers had identified an alternative site on the other side of the road which would be much less visible and more easily screened but the applicant had requested to proceed with the application put before Members.

The following made representations to the committee under the Public Participation at Meetings scheme:

- Jo Harrison – Agent – statement read out by Democratic & Legal Support Team Officer.

The recommendation to refuse the application was moved and seconded, voted on and carried.

RESOLVED:

The application was REFUSED for the following reasons:

- 1. The siting of the proposed building will pose substantial harm to the open landscape character and the wider conservation area setting which is contrary to policies L1 and DMC5.**
- 2. Insufficient information has been submitted regarding the established mature tree situated north of the agricultural buildings. This information is required by policy DMC13 to assess the potential for harm and extent of tree protection required.**

54/21

FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING LAND NEAR SLADE COTTAGE, MONYASH ROAD, OVER HADDON (NP/DDD/0321/0257, MN)

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

The Planning Officer introduced the report outlining the main issues regarding the location outside the boundary of the village and the policy issue and confirmed that the design conformed to local needs guidance.

The applicant had not gone through the process to confirm he was eligible for local needs housing although he lived locally with his parents but points 1 and 2 of the report were sufficient to refuse the application even if housing need had been identified.

The Officer clarified that Home Options was a service provided by Derbyshire Dales District Council which assessed applicants suitability for local needs housing and the type of housing they would be suitable for, e.g. number of bedrooms. The Authority used this expertise when making decisions on affordable homes eligibility. Using Home Options was not obligatory but applicants still needed to demonstrate that they were eligible for affordable housing when applying to build this type of home.

Members noted that the Parish Council supported the application but questioned why Officers had not requested a sustainability report on the building or pursued information on eligibility. The Officer confirmed that it was felt that refusal on the grounds of location of the site were sufficient to refuse the application. The Officer also confirmed that the application was not for a dwelling for a farm worker and would not be tied to the farm but that a new application for a tied, farm worker home would be considered.

The Head of Planning recommended that the application be refused on this occasion and that Officers work with the applicant on a new application for a farm workers home

including sustainability report in line with policy CC1 and evidence of entitlement to affordable housing.

A proposal to defer the application was moved and seconded.

Officers confirmed that a new application would be needed rather than defer the current application as the new application would be materially different. The current application would need to be withdrawn and the applicant would need to complete an agricultural appraisal to show the financial and functional tests set out in policy can be met.

The motion to defer the application was voted on and carried.

RESOLVED:

That consideration of the application be DEFERRED for further discussion between the Officers and applicant.

55/21

FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING AT LAND AT CHAPEL FARM, HEATHCOTE - (NP/DDD/DDD/0121/0083, MN)

The report was introduced by the Planning Officer who confirmed that revised plans for a two bedroom property and information relating to suitability for affordable housing had been received the day before the committee meeting. Neither late submission changed the reason for refusal which was based on the suitability of Heathcote for new housing as it had not been identified as a main settlement. As the applicant did qualify for affordable housing, Hartington would be a more suitable location.

The following spoke under the Public Participation at Meetings Scheme, the speakers shared the allotted three minutes:

- Mr Joe Oldfield – Agent
- Mr Jack Fletcher – Applicant

The Planning Officer confirmed that the amended plans received the day before the Committee meeting were not available for Members to view due to timing. But the overriding issue was the location which still the main issue for refusal.

Members queried if an exception could be made to approve the application in a small village as the site was suitable for development and also asked if the development was for agricultural need.

A proposal to approve the application contrary to Officer recommendation was moved and seconded.

The Head of Planning confirmed Policy DS1 is not arbitrary and allows the assessment of what is a sustainable settlement by virtue of its capacity to accommodate development without harming the valued character of the National Park and by having a range of services which support the community and reduce the need to travel. Members would need to consider the impact of development in a farming hamlet upon this aspect of development plan using the referral mechanism set out in paragraph 1.48 of Standing Orders. This would allow Members to consider any strong reasons to make an exception to strategic Policy DS1.

It was noted that Members were minded to approve the application but with a report back to a subsequent Committee with the revised plans and information on implications for Policy DS1.

The Chair of the Committee confirmed with the Members who had moved and seconded approval of the application that they were happy with the revised recommendation and this was confirmed.

The motion for approval as a departure from policies was moved and seconded. It was noted that in accordance with Standing Order 1.48 that if the motion for approval was carried a further report would be made to a future Committee meeting. The report would include more information relating to the revised plans and the information regarding suitability for affordable housing in a settlement not identified in the development plan.

RESOLVED:

That Members are minded to recommend approval of the application as an exception to Policy DS1 to a future meeting of the Planning Committee however in accordance with Standing Order 1.48 final determination of the application is DEFERRED pending a further report being prepared by Officers.

The Meeting adjourned for lunch at 13.00 and returned at 13.35

56/21

FULL APPLICATION - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO A CARAVAN SITE (10 PITCHES) AT GREENCROFT FARM, WEADDOV LANE, MIDDLETON-BY-YOULGRAVE (NP/DDD/0820/0753, TS)

Cllr Andrew McCloy left the meeting due to a prejudicial interest relating to this application.

Cllr Andrew Hart did not return to the meeting during discussion of this item.

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

The Planning Officer introduced the report for retrospective approval for a caravan site. Concerns regarding the use of high ground for the siting of caravans was emphasised and the subsequent impact on the landscape and Conservation Area.

Members requested clarification on the possibility of a licence being issued for the siting of five caravans on the site which would not require planning permission. Officers confirmed this would be a possibility but that normal process would be for the issuing authority to consult with the National Park Authority before issuing the licence which would enable objections to be made.

A motion to refuse the application as set out in the Officers report was moved, seconded, put to the vote and carried.

RESOLVED:

To REFUSE the application for the following reasons:

1. The proposed development would result in a form of development that would be visually prominent and harmful to the valued landscape character and scenic beauty of the National Park. It would result in significant harm to landscape character contrary to policies L1, RT3, DMR1 and DMC3 and the guidance contained within section 15 of the National Planning Policy Framework.
2. The proposal would result in the loss of an area of open space that is identified as being of importance to the character and significance of the Conservation Area. The proposal would cause harm to the character and significance of the Conservation Area, contrary to policies L3, DMC3, DMC8 and the guidance within section 16 of the NPPF

Cllr McCloy and Cllr Hart re-joined the meeting following consideration of this item at 1.45pm

57/21 LISTED BUILDING CONSENT - REMOVAL OF AND UPGRADE OF ALL CCTV CAMERAS ALONG WITH ALL REDUNDANT POWER SUPPLIES AND CABLING, DIGITAL CAMERAS ARE POWERED THROUGH CAT 5. TO MAKE GOOD ALL FIXING HOLES, INCLUDING HISTORIC PART OF THE BUILDING WITH AN APPROPRIATE MORTAR AT ALDERN HOUSE, BASLOW ROAD, BAKEWELL (NP/DDD/0421/0428, TS)

The application was brought forward on the agenda to allow time for speakers on item 11 to arrive.

The Planning Officer introduced the report which was brought to Committee on behalf of the Peak District National Park Authority.

A motion to approve the application as recommended by Officers was moved.

Members sought clarification on the colour of the new camera, the Planning Officer confirmed that the colour would be similar to the cameras to be removed.

The motion to approve the application as recommended by Officers was seconded, put to the vote and carried.

RESOLVED:

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

1. Commence development within 3 years.
2. Carry out in accordance with specified amended plans and supporting information.
3. Lime based mortar to be used with a specification to be approved in writing.

58/21 LEEKFRITH NEIGHBOURHOOD PLAN (AM)

The application was brought forward on the agenda to allow time for speakers on item 11 to arrive.

The Head of Planning introduced the report. He confirmed that the area covered by the Neighbourhood Plan crossed the boundary into Staffordshire Moorlands District Council area and that the two authorities had worked together, along with the residents, on the plan.

A motion to approve the proposal as recommended by Officers was moved and seconded

Members asked if there could be a consultation stage with the Committee before it goes to a referendum. Also clarification on whether the Neighbourhood Plan override the Authority's Policies.

The Head of Planning confirmed that the Neighbourhood Plan cannot undermine the strategic policies of the National Parks Purposes. But where they are consistent with local plan policies they can be appreciably different. Officers work hard with local communities to achieve this level of compatibility.

A question regarding the fit of a possible housing development at the former mill site, as mentioned in the plan, with policy regarding no development in smaller villages. The Head of Planning referred members to Policy DS1, paragraph 8.24 which gives advice on exceptional circumstances such as a previous industrial site.

The motion to approve the proposal as recommended by Officers was voted on and carried.

RESOLVED:

That the Authority designates Leekfrith Neighbourhood Plan (as attached at Appendix 1 to the report) as part of the statutory development plan for Leekfrith Neighbourhood area.

59/21 FULL APPLICATION - ERECTION OF REPLACEMENT MIXED USE OUTBUILDING AT LANE HOUSE FARM, WETTON ROAD, BUTTERTON (NP/SM/1120/1072, P1384/SC)

The Planning Officer introduced the report outlining the reasons for refusal.

The following made representations to the Committee under the Public Participation at meetings scheme:

- Cllr Gill Heath, Supporter, present
- Liz Verwey, Applicant - statement read out by an Officer in the Democratic and Legal Support Team

The Planning Officer confirmed that discussions had taken place with the applicant regarding a smaller building which would be more acceptable.

Members were minded to approve the application due to the improvement to the site by replacing the current buildings.

A proposal to approve the application contrary to the Officer recommendation was moved and seconded.

Officers confirmed that the following conditions would be required for approval of the plans:

- Landscape plan
- Confirmation of ground levels
- Plan for outside lighting

The motion to approve the application contrary to Officer recommendation was voted on and carried.

RESOLVED:

To APPROVE the application with the following conditions:

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, drawing numbers 3 (Proposed Block Plan), 5 (Proposed Plans & Section), 5 (Proposed Elevations) subject to the following conditions or modifications:**
- 3. Prior to the construction of the floor and walling of the new building, full details showing the finished floor levels of the building in relation to the adjacent ground levels shall be submitted to and approved in writing by the National Park Authority. Once approved the scheme shall be carried out to the approved specification.**
- 4. No external lighting shall be installed on the building hereby approved unless it has first been approved in writing by the National Park Authority.**

60/21

FULL APPLICATION - CREATION OF PARKING AREA FOR DWELLING FROM AGRICULTURAL FIELD AT HILLCREST, STANEDGE ROAD, BAKEWELL (NP/DDD/1220/1144, ALN)

The Chair and Vice Chair of Committee had driven past the site the previous day.

The Planning Officer introduced the report and confirmed that the site was outside the Bakewell Development Boundary and that part of the site was within the Conservation Area but not all. The development had already taken place and the application was therefore retrospective.

The following spoke under the Public Participation at Meetings scheme:

- Mrs Donnelly, Applicant

Members raised concerns regarding the reasons for refusal including why the roadside boundary was classed as a heritage asset of historic significance. The ability to remove cars from the road offered a public benefit especially in an area so close to a school.

Clarification was offered regarding the wall which is associated with the field system is classed of historical significance because of the definition of boundary for the medieval field system of the area rather than their condition. Domestication would be intrusive because of the raised parking area.

A motion to refuse the application as recommended by the Officer was moved.

Members noted that Bakewell Town Council had objected to the application and preferred to keep development inside the development boundary.

The motion to refuse the application as recommended by the Officer was seconded, put to the vote and carried.

RESOLVED

To REFUSE the application for the following reasons:

1. **The site is outside of the Bakewell Development Boundary and the proposed parking and manoeuvring area would domesticate and erode the character of the Bakewell Conservation Area and detract from open views to the southwest from Stanedge Rd. The loss of the historic narrow opening in the roadside boundary wall would cause harm to the wall as a heritage asset of historic significance contrary to Core Strategy policy L3 and Development Management policies DMC5, DMC8 and DMT8 and DMB1. This harm would not be outweighed by the public benefits of the scheme contrary to paras 193-196 of the National Planning Policy Framework.**
2. **It has not been demonstrated that the development would be served by a safe and suitable access contrary to Development Management Plan policy DMT3.**

61/21 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

The Head of Planning introduced the report and provided background on some of the items that had been allowed.

RESOLVED:

To note the report.

The meeting ended at 2.45 pm

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MINUTES

Meeting:	Planning Committee
Date:	Friday 6 August 2021 at 10.00 am
Venue:	Palace Hotel, Palace Road, Buxton, SK17 6AG
Chair:	Mr R Helliwell
Present:	Mr K Smith, Cllr W Armitage, Cllr P Brady, Cllr D Chapman, Cllr A Hart, Cllr A McCloy, Cllr Mrs K Potter. Cllr S. Saeed and Mrs C Waller attended to observe only and not speak or vote.
Apologies for absence:	Ms A Harling, Cllr I Huddlestone, Cllr D Murphy, Cllr K Richardson and Cllr J Wharmby.

71/21 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS DECLARATIONS OF INTEREST

Mrs Waller and Cllr Saeed attended to observe the meeting and did not take part in any discussion or vote on any item. Mrs Waller advised that she would have to leave the meeting at lunch time.

Item 7

Members had received an email regarding this item on the 30th July 2021.

Cllr Brady declared that he had received, and responded to an email from the applicant following his previous application.

Item 8

Mr Helliwell declared that he was a member of Hope Show, but had not been involved in the management of the show ground, and approached the matter with an open mind.

It was noted that all Members knew the Applicant, Ms Virginia Priestley, who is a Member of the Authority

Cllr Chapman declared a prejudicial interest as a past president of Hope Show and confirmed that he would leave the meeting for the duration of this item.

Item 10

It was noted that the Authority was the owner of the application site, Brunts Barn.

Mr Helliwell declared that he was a resident of the parish 25 years ago and that some of the residents that have made representations on this application are known to him but confirmed he came to this meeting with an open mind.

Item 12

It was noted that the Authority was the owner of the site at Brosterfield.

Cllr Mrs Potter declared that she had previously been involved in Member decisions on the acquisition and development of the site but came to this meeting with an open mind.

72/21 MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting of the Planning Committee held on the 25 June 2021 were agreed as a correct record.

73/21 URGENT BUSINESS

There was no urgent business.

74/21 PUBLIC PARTICIPATION

Four members of the public had given notice to address or make representations to the committee.

**75/21 CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017:
CONSTRUCTION OF A PERMANENT ACCESS TRACK TO FACILITATE ESSENTIAL
SAFETY WORKS, ONGOING INSPECTION, MAINTENANCE AND EMERGENCY
ACCESS TO SWELLANDS AND BLACK MOSS RESERVOIRS (NP/O/0221/0110 BJT)**

The report was introduced by the Head of Planning, who explained that the issue to be considered was whether Members agreed that this was an appropriate assessment upon which to base their conclusions for Item 6.

The Natural Environment and Rural Economy Team Manager confirmed that the impact on habitat outlined in the report was accepted.

It was noted that there had been no comments from the Environment Agency.

A motion to adopt the report in accordance with Officer recommendation was proposed and seconded and a vote was taken and carried.

RESOLVED:

That the report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) in relation to the construction of a permanent access track to facilitate essential safety works, ongoing inspection, maintenance, and emergency access to Swellands and Black Moss reservoirs.

**76/21 FULL APPLICATION - CONSTRUCTION OF A PERMANENT ACCESS TRACK TO
FACILITATE ESSENTIAL SAFETY WORKS, ONGOING INSPECTION,
MAINTENANCE AND EMERGENCY ACCESS TO SWELLANDS AND BLACK MOSS
RESERVOIRS (NP/O/0221/0110, BJT)**

The Chair and Vice Chair had visited the site the previous day.

The Head of Planning introduced the report setting out the reasons for approval as outlined in the report.

The Head of Planning confirmed that the Applicant felt it necessary to install a permanent track to deal with both routine maintenance and any urgent situations following the incident at Toddbrook reservoir. The Authority was giving great weight to the public interest aspect of the application.

The following spoke under the Public Participation at meetings scheme:

- Tania Snelgrove, Senior Project Manager, Canal and River Trust, Applicant.

Ms Snelgrove stated that this was a high risk reservoir owing to potential risk to life and as such the Trust strongly considered that there were imperative reasons in the overriding public interest to install a permanent track to enable ongoing monitoring, maintenance, and essential safety works, repair and emergency access.

Ms Snelgrove acknowledged that that alternative measures had been seriously considered. This proposal minimised the effect on blanket bog but that works must go ahead during the summer.

The Natural Environment and Rural Economy Team Manager stated that there would be hydrological impact on the surrounding area but minimised to a certain degree as parts of the track used an existing conduit so that there is an existing effect but there would be additional indirect effect. This is why the compensatory measures proposed exceeded the loss of habitat.

Ecological surveys undertaken to consider potential impacts were queried as to their extent, not just in terms of depth but also distance, as this would be relevant for considering species such as short eared owl.

Concern was also expressed about the disturbance during construction works potentially within the breeding season to moorland species. Operational use of the proposed track would have little impact on birds, however the construction would have a greater impact especially during the breeding season. The conclusions of the HRA were predicated upon work being done outside the breeding season – if work took place within the breeding season he was of the opinion that the conclusions would be different.

Ms Snelgrove provided the following further explanatory information in response to questions from the Chair:

- That the Canal and River Trust have a reciprocal agreement with Yorkshire Water under the Water Act 2003 for use of the water in this reservoir and elsewhere.
 - That a permanent track was necessary to access the site which would historically have been accessed by canal, and by tractors and trailers and tracked tractors which was hard going, they became bogged down and damaged the which damage the peat landscape, and more recently on foot, carrying all the materials, which has made things very difficult indeed
 - The required amount of safety work has been very difficult to achieve. This has led to a position under s10 of the Reservoirs Act 1985 whereby significant safety works are now mandated – firstly the provision of permanent access for

maintenance, including works on the spillway, and for emergency access for example getting plant and materials to repair a breach in a speedy way

- Very large plant and equipment cannot be moved by helicopter and use of helicopters alone would be insufficient in the case of a rapid release of water

The following motion was proposed:

That, notwithstanding significant issues around public safety, this application be REFUSED for the following reasons:

1. The public safety issue does not create an Imperative Reason of Over-riding Public Interest justifying a permanent track through the Natural Zone.
2. Alternative solutions have not been explored thoroughly enough given what is understood to be required (in terms of building work and regular maintenance) such that the requirement to demonstrate that there are no alternative solutions has not been fully made out to the satisfaction of Members, in particular by use of a temporary track.
3. Insufficient satisfaction that the proposals would result in acceptable impacts on this peatland habitat and in particular on nesting birds.

The motion was moved, seconded, put to the vote and carried.

RESOLVED:

To REFUSE the application for the following reasons:

1. **The public safety issue does not create an Imperative Reason of Over-riding Public Interest justifying a permanent track through the Natural Zone;**
2. **Alternative solutions have not been explored thoroughly enough given what is understood to be required (in terms of building work and regular maintenance) such that the requirement to demonstrate that there are no alternative solutions has not been fully made out to the satisfaction of members, in particular by use of a temporary track; and**
3. **Insufficient satisfaction that the proposals would result in acceptable impacts on this peatland habitat and in particular on nesting birds.**

The meeting adjourned for a short break at 11.48am and reconvened at 12 noon.

77/21

OUTLINE APPLICATION - PROPOSED ERECTION OF TWO LOCAL NEEDS SELF BUILD AFFORDABLE HOMES AT DRIVEWAY BETWEEN GREYSTONES & JESMOND, TIDESWELL (NP/DDD/0421/0433, AM)

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:

- Helen Isaac, Supporter - via video presentation
- James Isaac, Applicant.

The Planning Officer confirmed that although the application had been submitted as an outline application all of the necessary details had been provided, so if the application

was approved, no further details would be needed other than those required by condition.

Members discussed the tension between providing local affordable housing and enabling applicants to have homes large enough for their future needs, and the Authority's current policy in this respect, which would be reviewed as part of the ongoing routine review of the Authority's Local Plan.

A suggestion was made to set up a working group to allow this policy to be looked at in detail, in accordance with standing orders. It was considered that this could work alongside the Local Plan Review Steering Group to review the policy in addition to deciding future policy.

Discussion also took place regarding improvements to the design and climate change measures, compared to the previous scheme, and regarding the proposed site location which was on high land, encroaching into fields, and on the edge of the settlement.

A motion to approve the application contrary to officer recommendation was proposed and seconded because siting and design issues had now been reassessed by Members and considered acceptable and because of the need to house and encourage local young people to remain in the National Park.

The Planning Officer confirmed that if Members were minded to approve the application subject to a S106 agreement to secure local occupancy, conditions would be required as follows:

- 2 year limit for implementation
- Highways comments regarding access and visibility to be addressed
- Agreement of the definition of "approved plans"
- Regulation of materials to be used.
- A scheme of archaeological investigation
- A scheme of landscaping
- Garage to be retained for stated purpose
- Permitted development rights to be removed
- Proposed climate change mitigation measures to be implemented prior to occupation
- Details of solar panels
- Rainwater goods and other minor design details
- Final details of conditions to be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee.

In accordance with Standing Orders, the Committee voted to continue its business over 3 hours.

The motion to approve the application subject to a S106 legal agreement and the conditions as stated by the Planning Officer was voted on and carried.

RESOLVED:

To APPROVE the application contrary to Officer recommendation subject to the prior completion of a Section 106 legal agreement to secure local occupancy and subject to the following conditions:

- **2 year limit for implementation**
- **Highways comments regarding access and visibility to be addressed**

- **Agreement of the definition of “approved plans”**
- **Regulation of materials to be used.**
- **A scheme of archaeological investigation**
- **A scheme of landscaping**
- **Garage to be retained for stated purpose**
- **Permitted development rights to be removed**
- **Proposed climate change mitigation measures to be implemented prior to occupation**
- **Details of solar panels**
- **Rainwater goods and other minor design details**
- **Final details of conditions to be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee.**

The meeting adjourned for lunch at 1.00pm and reconvened at 1.25pm

78/21 FULL APPLICATION - PROPOSED MANEGE, PEAR TREE COTTAGE, MAIN STREET, CALVER (NP/DDD/0321/0241, BJT)

This item was moved forward on the agenda as the speaker had arrived.

The Chair and Vice Chair had visited the site the previous day.

The report was presented by the Planning Officer who outlined the reasons for approval as set out in the report.

The following spoke under the Public Participation at Meetings Scheme:

- Mr Clayton, Applicant

The Planning Officer advised of the following amendments to the recommended conditions:

- Condition 4 regarding landscaping should include 3 replacement trees and an extension of the hedge, to better screen the site
- Condition 5 should be amended to remove “and to the extension hereby approved”
- Additional condition that any excess spoil must be removed from site by a licensed waste operator.
- That condition 3 could be amended to ensure the specification agreed remains in place in the future.
- That a condition could be added to ensure the site of the temporary track is returned to grazing land.

A motion to approve the application in accordance with Officer recommendation was proposed and seconded and a vote was taken and carried.

RESOLVED

To APPROVE the application, subject to the following conditions:

- 1) Statutory time limit for implementation
- 2) Development in accordance with the submitted plans and specifications, subject to the following conditions:
- 3) Submit sample/specifications of material to be used for surfacing upon agreement of which, the material is to remain in place permanently.
- 4) Carry out landscaping scheme within first planting season following commencement of the development to include 3 replacement trees and an extension of the hedge, to better screen the site
- 5) There shall be no new floodlighting or other external lighting whatsoever to the existing manege.
- 6) Use of the manege hereby permitted shall remain ancillary to Pear Tree Cottage for private use only by the occupants of Pear Tree Cottage.
- 7) At the time of erection the new fencing (and the existing fencing) shall be painted or stained dark brown.
- 8) Ecology conditions
- 9) Any excess spoil must be removed from site by a licensed waste operator.
- 10) The site of the temporary track must be returned to grazing land upon completion of the build.

79/21

FULL APPLICATION - 1) RENOVATION AND ALTERATION OF EXISTING YARD BARN (ALSO KNOWN AS BUTTRESS BARN) 2) DEMOLITION OF FIELD BARN (ALSO KNOWN AS SHOWGROUND BARN) 3) ERECTION OF PORTAL FRAMED BUILDING FOR STORAGE AT MARSH FARM, CASTLETON ROAD, HOPE. (NP/HPK/0919/1018, SPW)

Cllr Chapman had declared a prejudicial interest as a former President of Hope Show, so left the meeting room and did not take part in any discussion.

The report was presented by the Planning Officer who outlined the reasons for Approval as set out in the report.

A motion to approve the application in accordance with the Officer recommendation was proposed and seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1) Statutory time limit for implementation
- 2) Development in accordance with the amended plans and specifications, subject to the following conditions:
- 3) Use of new building to be restricted to purposes ancillary to Hope Show

4) Use of Yard/Buttress Barn to be restricted to storage or light industrial and office uses within Class E.

5) Detailed design conditions.

6) Carry out landscaping scheme within first planting season following erection of new building.

7) Archaeological conditions:

a) No development shall take place until a Written Scheme of Investigation for a scheme of a programme of building recording has been submitted to and approved by the National Park Authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording;

2. The programme for post investigation assessment;

3. Provision to be made for analysis of the site investigation and recording;

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation;

6. Nomination of a competent person or persons/organization undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place until all on-site elements of the approved scheme have been completed in accordance with the Written Scheme of Investigation approved under condition (a), and to the written satisfaction of the local planning authority.

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

80/21 FULL APPLICATION - EXTENSION AND ALTERATIONS TO DWELLING, EXTENDING INTO OUTBUILDING AND ERECTION OF DETACHED GARAGE BLOCK AT HARRIERS COTTAGE, BIGGIN (NP/DDD/0421/0408, MN)

Cllr Chapman re-joined the meeting.

The report was introduced by the Planning Officer who outlined the reasons for approval as set out in the report.

A motion to approve the application in accordance with the Officer recommendation was moved and seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1) 3 year time limit**
- 2) In accordance with amended plans**
- 3) Design details**
- 4) Garage materials to match the existing**
- 5) Sample panel for garage**
- 6) Insulation measures set out on the approved plans to be incorporated**

81/21

FULL APPLICATION - FULL REFURBISHMENT AND REMODELLING OF THE BRUNTS BARN CENTRE, INCLUSIVE OF INSTALLATION OF ADDITIONAL WINDOW FOR AN ACCESSIBLE BEDROOM; INSTALLATION OF AIR SOURCE HEAT PUMP AND RECONFIGURING THE ROOF LIGHTS. THIS APPLICATION IS ESSENTIAL TO IMPROVE ACCESSIBILITY AND SAFEGUARDING IN THE CENTRE AND OPTIMISE USE OF THE EXISTING SPACE AT BRUNTS BARN CENTRE, UNNAMED ROAD FROM STATION ROAD WESTWARDS TO TRACK LEADING TO A6187, UPPER PADLEY, GRINDLEFORD (NP/DDD/1220/1199 SPW)

The report was introduced by the Planning Officer who outlined the reasons for approval as set out in the report. He also confirmed that there would be no increased use of the premises and so no planning requirement for a financial contribution to the maintenance of the unmade track.

The Head of Engagement confirmed that the windows to the workshop would not be replaced at present.

A motion to approve the application in accordance with the Officer recommendation was proposed and seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1. Standard time limit**
- 2. Development in complete accordance with the amended plans which were received by the Authority on the 19 March 2021 and amended planning statement received on the 19 March 2021 including plans 'P6187_2020_R_05', 'P6187_2020_R_02 RevA', 'P6187_2020_R_02.1 REV A', 'P6187_2020_R_04 REV A', '21001/SK 02', 'P6187_2020_R_08', 'P6187_2020_R_07', 'P6187_2020_R_10', 'P6187_2020_R_09',**

P6187_2020R_11 REV A', 'P6187_2020_R_06 REV A', 'P6187_2020_R_12' and specifications subject to the following conditions or modifications.

3. Prior to installing any new external windows full details of all new external windows and doors, including the inner glazing to the ventilation slots ('dovecote'), shall be submitted to the Authority for approval in writing. Once approved the development shall not be carried out other than in complete accordance with the approved details.

4. Prior to installing any external lighting full details of all external lighting, including exact position for each light, and details of the units to be installed, including finish, shall be submitted to the Authority for approval in writing. Once approved the development shall not be carried out other than in complete accordance with the approved details.

5. a) No development shall take place until a Written Scheme of Investigation for historic building recording and archaeological monitoring has been submitted to and approved by the National Park Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the National Park Authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording;

2. The programme for post investigation assessment;

3. Provision to be made for analysis of the site investigation and recording;

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation;

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

6. The proposed new bin store shall be omitted from the scheme.

-
- 7. Rooflights shall be conservation type and fitted flush with the existing roofslope.**
 - 8. As shown on the approved plans the new rooflights hereby approved shall not be installed unless all existing rooflights have been removed in accordance with the approved plans.**
 - 9. External works shall be timed to avoid the period May –September.**
 - 10. The development shall not be carried out other than in complete accordance with the mitigation measures detailed at section 5.1.2 and 5.1.3 of the report ('Bat and Bird Presence / Absence Survey Report by Evolution Ecology Ltd May 2021 version 2), including pre-construction tool box talks and supervision of any works by a licensed ecologist in vicinity of roosts, to include any placement of scaffolding.**
 - 11. There shall be no external lighting of the south western gable and north western elevation. Prior to installing any other external lighting full details shall be submitted to the Authority for approval in writing. This shall need to reduce the impacts on wildlife as outlines appendix C, pg37 of the submitted report ('Bat and Bird Presence / Absence Survey Report by Evolution Ecology Ltd May 2021 version 2).**
 - 12. Prior to carrying out any repointing associated with the development a method statement shall be agreed. This shall identify areas of the building where supervision is needed by a bat ecologist as well as identifying suitable gaps that can be retained for potential future use by bats. Once agreed the development shall not be carried out other than in complete accordance with the agreed details.**
 - 13. The bat box, 1FQ Schwegler Bat Roost shall be installed as shown at section 5.1.5 of the submitted bat report ('Bat and Bird Presence / Absence Survey Report by Evolution Ecology Ltd May 2021 version 2), and shall be permanently so maintained.**
 - 14. Prior to commencing any works during the breeding bird period (Mid Feb-August inclusive) the affected areas shall be checked for active bird nesting activity by a suitably experienced ecologist. Where active bird nests are present, works in that area shall be postponed until birds fledge. Checks shall be undertaken immediately prior to works.**
 - 15. Prior to the development commencing, specific measures shall be agreed with the Authority to provide future nesting opportunities for birds. Once agreed the development shall not be carried out other than in complete accordance with the agreed details.**
 - 16. Grasslands that are part of a regular mowing regime shall continue to be mown and kept short during development. Building materials shall be stored on existing hard surfaces on pallets or similar structures which lifts materials from direct storage on the ground.**

17. Some rougher grassland/taller herb areas about the southern and south eastern margins of the property. Where works would be required that affect these areas (including access points) a precautionary method statement shall be submitted to the Authority for approval in writing in advance of such works to mitigate any impacts on slow worms. Once agreed the development shall not be carried out other than in complete accordance with the method statement.

Advisory footnote

Works should be timed to avoid the main breeding bird season (mid-February to August inclusive). Note: Swallows have nested in the workshop in the past and can have late broods that extend beyond the end of August.

82/21 BROSTERFIELD CAMPING AND CARAVAN SITE -DELEGATION TO HEAD OF PLANNING TO MAKE A DISCONTINUANCE ORDER UNDER SECTION 102 TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990")

The report was presented by the Assistant Solicitor who set out the request to delegate to the Head of Planning, authority to make a discontinuance order for Brosterfield caravan site.

A proposal to agree the recommendation was moved and seconded, put to the vote and carried.

RESOLVED:

That the Head of Planning in consultation with the Head of Finance and the Head of Law be authorised to make a discontinuance order for Brosterfield caravan site, Foolow.

83/21 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JULY 2021 (A.1533/AJC)

Members considered a summary of the work carried out by the Monitoring and Enforcement Team over the previous quarter covering the period from April to June 2021.

The Head of Planning highlighted some specific cases and confirmed that the Enforcement notice for Thornbridge Hall had been withdrawn and reissued, due to the Authority finding extra parties with an interest in the land.

RESOLVED:

To note the report.

84/21 HEAD OF LAW REPORT - PLANNING APPEALS

The Committee considered the monthly report on planning appeals lodged, withdrawn and decided.

The Head of Planning advised that he would report back to Committee as to why a high number of appeals had been lodged in this period and that there was a likelihood that it had come about due to resource issues necessitating less early engagement with applicants.

RESOLVED:

To note the report.

The meeting ended at 2.44 pm

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**5. FULL APPLICATION – ERECTION OF A CATTLE SHED – WHITE PARK BARN
ALSOP ROAD PARWICH (NP/DDD/0521/0559, MN)**

APPLICANT: MR CHADFIELD

Summary

1. The proposal is to construct a new cattle shed in a field to the east of an existing group of farm buildings, in the countryside west of Parwich village.
2. The proposed development would extend the building group along the roadside, rather than being contained within the existing farm building group, giving rise to adverse landscape impacts.
3. In breaking through the field boundary and extending the building group between two fields it would also harm the significance of the medieval field system, harming this important archaeological heritage asset.
4. Accordingly, the application is recommended for refusal.

Site and surroundings

5. The application site is a field located on the outskirts of Parwich approximately 250 metres away from the Conservation Area. A range of modern agricultural buildings are sited in the field to the west of the proposed new building.
6. The site is adjacent to the highway and would be accessed by the existing access into the farm, where the holding's existing agricultural buildings stand.
7. The boundary of the site comprises of mature trees and hedgerows, shielding the view of the field from the road.

Proposal

8. To erect a general purpose agricultural building. This would be positioned in the field to the east of the one containing the existing group of farm buildings, close to the roadside boundary. Planting (hedgerow) between the two fields has already been removed to facilitate access to the application site from the field containing the existing buildings – access in to the new building would be taken through one of the existing buildings. Excavation and surfacing works have already been undertaken to facilitate the development. These works do not have planning permission and where they amount to development are therefore currently unauthorised.

RECOMMENDATION:

9. That the application be **REFUSED** for the following reasons:
 1. The siting of the building would cause harmful encroachment into the open and undeveloped countryside, rather than forming an appropriate extension to the existing building group. The development would therefore fail to make use of the least obtrusive or otherwise damaging possible location as required by policy DME1. Due to its size and appearance, this siting would result in harm to the rural character of the landscape at this location, causing harm to the special qualities of the National Park, contrary to policies GSP1, 2, and 3, L1, and DMC3.

2. **By extending the existing developed area through adjoining fields the development would harm the legibility and significance of the medieval strip fields, causing archaeological harm to this non-designated heritage asset that is not outweighed by other policy or material benefits, contrary to policies L3 and DMC5.**

Key Issues

10. The archaeological impacts of the development.
11. The impact of the development on the appearance of the locality.

History

12. 2017 – Planning permission granted for additional livestock building and extension to the existing agricultural building
13. 2013 – Planning permission granted for agricultural building.

Consultations

14. **Highway Authority** – No highway objections on the basis the building is used for agricultural purposes, in support of existing farming activities carried out on surrounding controlled farmland.
15. **Parish Council** – Supports the application on the grounds that it is in the economic interest of the community.
16. **District Council** – No response at time of writing.
17. **PDNPA – Archaeology** – Raise concerns about the archaeological impacts that the preparatory works already undertaken have had (and may have had) in terms of hedgerow removal and excavation of ground.
18. Irrespective of those works however, they conclude that the extension of the building group in to a further field results in harm to the significance of the medieval field system - the most important, and rarest, historic landscape feature type within the National Park.
19. They therefore object to the siting of the building, and suggest that another less harmful alternative is sought.
20. The full response can be viewed on the Authority's website, and is also further detailed in the 'Archaeological impacts' section of this report, below.

Representations

21. 3 letter of representation have been received, one supporting the application (from the District Councillor for the Ward) and two objecting to it. The grounds for support are summarised as:
- Wish to support our local young farmers in order to make sure that our 'food miles' are less; sourcing local is far better for the nation and for the environment.
22. The grounds for objection are summarised as:

- The size and location of the building would have a adverse landscape impacts
- Query whether there is an alternative location available resulting in a reduced level of visual impact, such as within the existing group of buildings
- Much of the land farmed is at another location, and it is questioned whether a building should be located there instead
- Query the agricultural justification for a building of the size proposed

Main policies

23. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3, CC1

24. Relevant Development Management Plan policies: DMC3, DMC5, DME1

National planning policy framework

25. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was last revised and republished in July 2021. 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 the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management Policies document 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 more recent Government guidance in the NPPF.
26. Paragraph 176 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.'
27. Part 16 of the National Planning Policy Framework deals with conserving and enhancing the historic environment.
28. Amongst other things, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
29. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It states that 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.

Local Plan

30. GSP1, GSP2, 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.
31. GSP3 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.

32. DS1 supports extensions to existing buildings in principle, subject to satisfactory scale, design and external appearance.
33. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
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. 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 (reducing the need for energy; using energy more efficiently; supplying energy efficiently; and using low carbon and renewable energy) to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
36. DME1 deals specifically with agricultural development and states the following:
37. New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that it is demonstrated to the Authority's satisfaction, that the building at the scale proposed is functionally required for that purpose from information provided by the applicant on all the relevant criteria:
 - (i) location and size of farm or forestry holding;
 - (ii) type of agriculture or forestry practiced on the farm or forestry holding;
 - (iii) intended use and size of proposed building;
 - (iv) intended location and appearance of proposed building;
 - (v) stocking type, numbers and density per hectare;
 - (vi) area covered by crops, including any timber crop;
 - (vii) existing buildings, uses and why these are unable to cope with existing or perceived demand;
 - (viii) dimensions and layout;
 - (ix) predicted building requirements by type of stock/crop/other usage; and
 - (x) contribution to the Authority's objectives, e.g. conservation of valued landscape character as established in the Landscape Strategy and Action Plan, including winter housing to protect landscape.

B. New agricultural and forestry buildings, structures and associated working spaces or other development shall:

- (xi) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features; and
- (xii) not be in isolated locations requiring obtrusive access tracks, roads or services; and
- (xiii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design; and
- (xiv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and
- (xv) avoid harm to the setting, fabric and integrity of the Natural Zone.

38. DMC3 states that development will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
39. 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 advises that development affecting non-designated heritage assets that fails to do so will only be supported if it is considered to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.

Assessment

Principle of development

40. Policy DME1 permits new agricultural buildings providing that the building is functionally required for that purpose.
41. White Park Farm runs a 20 head beef suckler cow herd, with up to 20 calves at foot, 9 heifers, and a flock of 70 Texel ewes. In addition, they operate a mobile animal farm and fencing contracting services to supplement income.
42. The proposed building is required to accommodate increasing stock numbers, plus hay and straw bales and machinery. A breakdown of stock numbers and required floorspace has been provided, and further details of additional storage needs have been provided during the course of the application, including:
- Hay storage 200 round bales - 150 sqm
 - Straw storage - 178 sqm
 - Corn store – 5 sqm
 - Machinery:
- International tractor c/w front loader = 8 sqm
JCB Fastrac = 13 sqm
Muck Spreader = 10 sqm
Chain Harrows = 8 sqm
360 digger = 8 sqm
Livestock Trailer – 15' x 6 = 8.36 sqm
Bale trailer – 8' x 48' = 35.7 sqm
Flail mower = 4 sqm
Total Machinery = 95 sqm
43. This demonstrates that additional building space is required, and that the proposed building would not be excessive to meet that need.
44. Representation has queried why the building cannot be sited at land farmed by the applicants at Hulland Ward. We are advised by the applicant's agent that the land at that location is tenanted on a grazing/cutting lease only, with evidence from the leasing agent having been submitted in support of that position. On this basis buildings cannot be built on that land by the applicant, and so it remains necessary for them to graze livestock at that location but to lamb and house them at the Parwich base.
45. On this basis, it is accepted that the building is functionally required for the purposes of agriculture, and its erection therefore complies with policy DME1 in principle.

Siting, design, and appearance

46. In terms of design and appearance, the proposed building would be a modern portal framed building with a pitched roof. It would be a large structure – measuring 25m long by 15m wide by 6.65m to the ridge.
47. Materials would be profile metal sheeting roof and upper walls above concrete panels to the lower walls. It would reflect the appearance of the modern agricultural buildings.
48. The proposed building would be sited on land adjacent to the existing building group, and adjacent to the roadside. It would extend the building grouping in to a further field to the south east of the group, increasing the encroachment of the site in to the open countryside.
49. Where visible from the highway – from which it would be only partly screened, particularly when the roadside planting is not in leaf – it would appear as a large and prominent structure at the roadside.
50. Further, the roadside enclosure of the existing development (planting and timber fencing and gates) mean that it wouldn't be read as part of a larger building group in many views either.
51. This would harm the character of the largely undeveloped landscape in this location.
52. By contrast, positioning the building within the same field as the existing buildings would better contain the development, and reduce its visibility in wider views due to the aforementioned roadside boundary treatment.
53. We requested that the applicant consider this alternative during the course of the application. They have advised that they want to pursue the development as proposed however, and that the volume of excavation required in the other field would be prohibitively expensive. They also advise that the alternative site would be on a different level to the existing buildings, and not in as close proximity. No further details have been provided on those issues however, and why it would not be possible to position the building close to the existing ones and excavate to achieve matching levels.
54. Based on the submission, it is therefore not accepted that the development would make use of the least obtrusive or otherwise damaging possible location, as policy DME1 requires, and would have an adverse impact on the landscape character of this part of the National Park, contrary to policies GSP1, 2 & 3, DS1, L1, DMC3 and DME1.

Archaeological impacts

55. The proposed development is within an area of ancient enclosure; fossilised medieval strip fields. These are fields that relate to the medieval open field system of Parwich. They are present today in the retained field shape and field boundaries, characterised by the enclosed narrow strips with a characteristic s-shaped curve, and with extensive areas of lynchets and ridge and furrow earthworks. Fields that reflect these very early enclosure patterns survive extensively to the west, south and east of the village, and ridge and furrow earthworks also survive within the field where the building is proposed.
56. The Authority's archaeologist advises that the fossilised medieval strip fields are a rare and precious landscape character type and important to the Peak District National Park, having intrinsic landscape value, and providing the area a distinct character, and a 'time

depth' to the landscape. The archaeologist advises that they are the most important, and rarest, historic landscape feature type within the National Park.

57. Based on this assessment, they are concluded to be a non-designated heritage asset of regional significance, and of archaeological interest.
58. The Archaeologist recognises that any new building within this field system is likely to have some archaeological impact, but that different options that would result in greater or lesser degrees of harm.
59. They advise that – notwithstanding the fact that the proposed site has already been prepared – building in the proposed position and extending the farm building group in to the field to the east of the existing group would be more harmful to the historic landscape than keeping the any new buildings within the field already built in and associated with the existing farm building group, even though this would require new groundworks.
60. They advise that the impact of any new groundworks could be mitigated if needed – but that there is no way to mitigate the impact of the proposed building extending the farm building group into a new field, the loss of the section of important historic hedgerow, and the impact on this important section of historic landscape.
61. Based on the impacts identified by the Archaeologist, we must agree that they cannot be mitigated. The arrangement and form of the field system is key to its historic and archaeological interest; eroding the legibility of that by extending development between fields cannot be offset through any reasonable mitigation measure.
62. As a result the proposals are contrary to policies L3 and DMC5.

Amenity impacts

63. The building would be positioned approximately 75m northwest of the nearest residential property, and 185m southeast of the next nearest. For the proposed use, this position would minimise adverse impacts beyond those that would ordinarily be expected to be associated with the existing farm operating from the site.
64. The development is concluded to have an acceptable impact on neighbouring properties.

Highway impacts

65. The development would conserve highway safety, as it would use an existing access and would not result in a significant increase in the intensity of use of the site, being part of the existing farm business.

Climate change mitigation

66. The applicant advises that the building would incorporate sustainably sourced materials and would have clear sheeting areas to the roof to avoid the need for artificial lighting. Given the nature of the development these measures are considered sufficient to comply with policy CC1.

Planning balance

67. The NPPF advises that where development would result in less than substantial harm to a non-designated heritage asset, it is necessary to have regard to the scale of any harm or loss and the significance of the heritage asset when reaching a planning judgement. Whilst the harm identified is localised, the heritage asset has been identified to be of high

local significance, being the rarest and most important historic landscape feature in the National Park. The incremental erosion of the medieval field system through development is incompatible with the conservation of this asset. In this case, there may also be less harmful locations where the development could take place instead, but these have been discounted without compelling planning reasons as to why they could not be undertaken.

68. This all weighs heavily against the proposals, and is concluded to significantly outweigh the very modest benefits that permitting a building in this location would afford in terms of the management of the landscape and in supporting the economic wellbeing of local communities.

Conclusion

69. The development would result in harm to both the character and appearance of the landscape in this location, and to its archaeological significance, contrary to planning policy.
70. There is no conflict between the intent of relevant policies in the Development Plan and Government guidance in the National Planning Policy Framework, and there are no other material considerations that would indicate planning permission should be granted.
71. Accordingly, the application is recommended for refusal.

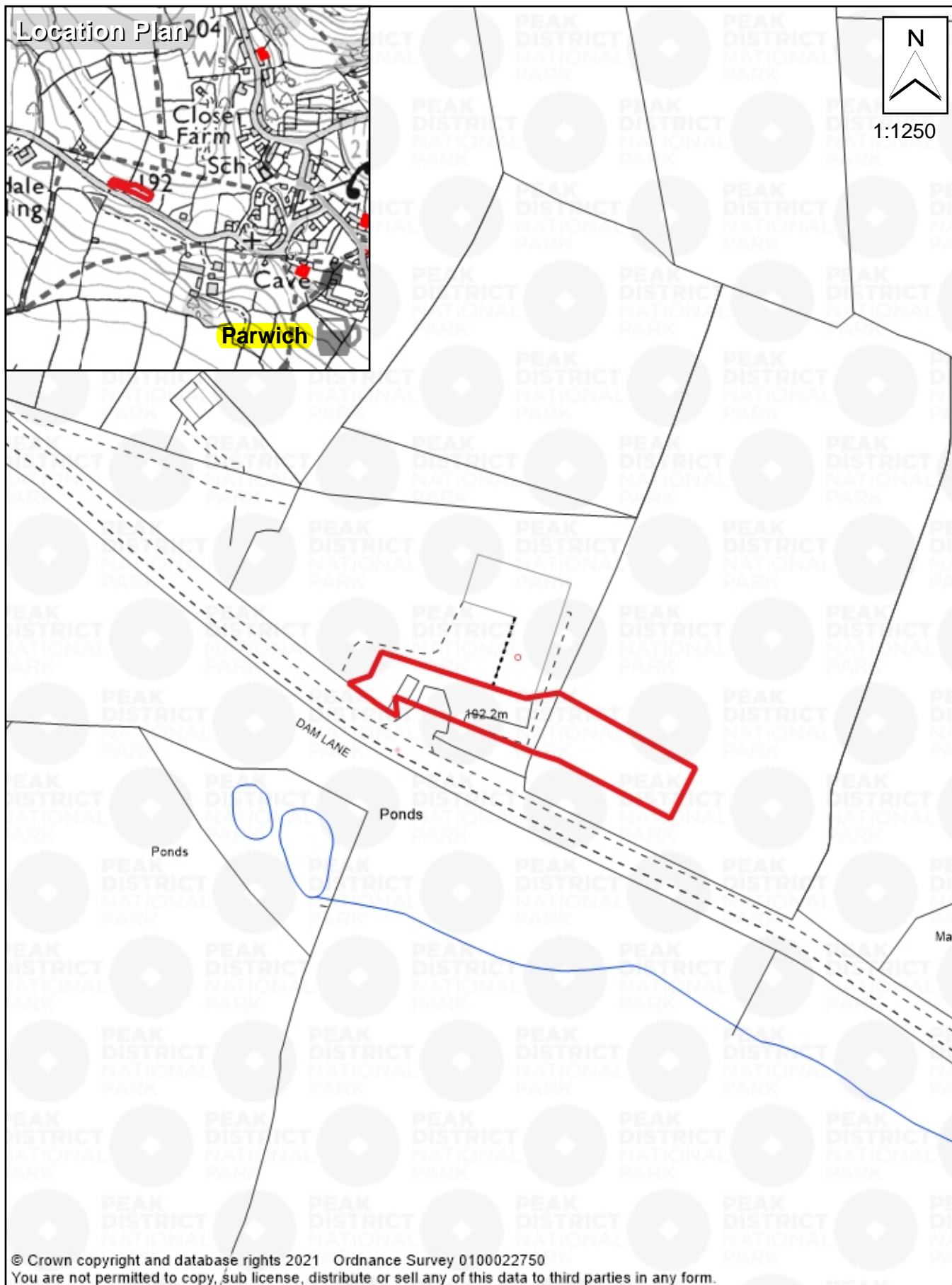
Human Rights

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

List of Background Papers (not previously published)

73. Nil

Report Author: Mark Nuttall, Senior Planner (South)



Committee Date: 10th September 2021
Item Number: Item 5
Application No: NP/DDD/0521/0559
Grid Reference: 418328, 354502

Title: White Park, Alsop Road, Parwich



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6. FULL APPLICATION – INSTALLATION OF 2 AIR SOURCE HEAT PUMPS AT THE BLIND BULL, MAIN ROAD, LITTLE HUCKLOW (NP/DDD/1220/1148, AM)

APPLICANT: RAAB DYKSTRA-MCCARTHY

Summary

1. The site is within the rear garden of Manor House, a Grade II* listed building in Little Hucklow.
2. The application proposes the retention of two air source heat pumps that have been erected on the site.
3. The development would harm the setting of the Grade II* listed building and the Conservation Area and create noise that would harm the amenity of occupants of Manor House and neighbouring properties.
4. The application is recommended for refusal.

Site and Surroundings

5. The Blind Bull public house is located on the east edge of Little Hucklow.
6. The application site is located within the rear garden and within the curtilage of The Manor House a Grade II* listed building. The site is also within the designated Conservation Area.
7. Access to the site is through The Manor House or from the track to the south along which runs a public footpath.
8. The nearest neighbouring properties are residential including Wragg Cottage to the west of the site, The Green to the north west and Millstone Cottage to the north.

Proposal

9. The installation of two air source heat pumps on land to the east of the Blind Bull. This land is located to the rear of and within the curtilage of Manor House a Grade II* listed house within the ownership of the applicant.
10. Each of the air source heat pumps measure 1.15m high, 1.15m wide and 0.45m deep. The units are within a grey coloured metal housing with two grated fans to the front.
11. The air source heat pumps have been installed. Therefore, the application is retrospective and seeks to retain the development.

RECOMMENDATION:

That the application be REFUSED for the following reasons

1. **The development would harm the setting of Manor House a Grade II* listed building and harm the Little Hucklow Conservation Area. The public benefits of allowing the development would not outweigh this harm. The proposed development is therefore not in accordance with policies GSP3, L3, CC2, DMC3, DMC5, DMC7 and the National Planning Policy Framework.**

2. **Noise generated by the development would harm the amenity of occupants of Manor House and neighbouring properties contrary to policies GSP3, DMC3, DMC14 and the National Planning Policy Framework.**

Key Issues

12. The impact of the development upon the setting of the Grade II* listed building and the Little Hucklow conservation area.
13. The impact of the development upon the amenity of neighbouring properties.

Relevant Planning History

14. 2021: NP/DDD/0221/0182: Planning application for extension to accommodation block and car park. Application not yet determined.
15. 2020: 20/0089: Open enforcement case about incorporation of parts of the Manor House into the pub including erection of structures.
16. 2020: 20/0049: Open enforcement case about development not in accordance with approved plans at the Blind Bull.
17. 2017: NP/DDD/0617/0682: Planning permission granted conditionally for extension to public house and external access to residential accommodation at first floor level. Internal alterations to layout. Construction of rooms on the adjacent land.

Consultations

18. Parish Council – Support the application because it is in line with the Parish Council's policy to support actions to reduce climate change wherever practical.
19. Highway Authority – No highway comments.
20. District Council – No response to date.
21. Environmental Health – No objection.
22. Historic England – No comment. Suggest we seek to views of our specialist conservation and archaeological advisers.
23. Amenity Societies – No response to date.
24. PDNPA Conservation Officer – Object. The reasons are summarised below.
25. Three fan structures have been erected on this part of the site along with timber fencing, although the application is for only two air source heat pumps. The plans are confusing and may not show what has been installed.
26. No heritage statement has been submitted to assess the impact of the proposals upon the Grade II* listed building. Having visited the site it has been possible to assess the harmful impact that the three fan structures have on the significance of the listed building.
27. The structures are sited in a line along the retaining drystone wall between the Manor House and the barn to the south. The development harms the garden setting between these two buildings and the setting of the listed building.

28. The application offers to screen the development with low fencing; however, this would not mitigate the harm due to the location of the development. Fencing would also not be a traditional feature and would harm the setting of the listed building.

Representations

29. We have received one representation letter objecting to the development. The reasons given are summarised below.

Object

- Inaccurate information submitted with the application.
- The units have an adverse visual impact.
- The units are noisy and sited close to the boundary wall.
- The benefits of air source heat pumps are appreciated but this has to be balanced against the environmental impact in a Conservation Area and within the curtilage of a Grade II* listed building.

Main Policies

30. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L3, CC1, CC2 and HC4
31. Relevant Development Management policies: DMC3, DMC5, DMC7, DMC8 and DMC14

National Planning Policy Framework

32. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park, the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
33. Paragraph 158 states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable.
34. Paragraph 176 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 and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

35. Paragraph 194 says that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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.
36. Paragraph 195 says that local planning authorities should 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. They 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.
37. Paragraph 199 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
38. Paragraph 200 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance (including grade II* listed buildings), should be wholly exceptional.
39. Paragraph 202 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Peak District National Park Core Strategy

40. Policy DS1 sets out the Development Strategy for the National Park and allows for extensions to existing buildings and renewable energy infrastructure in principle.
41. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
42. Policies L1 and L3 say that development must conserve or enhance the landscape character and cultural heritage of the National Park. Development that harms the landscape or cultural heritage will only be permitted in exceptional circumstances.
43. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.
44. Policy CC2 states that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.

Development Management Policies

45. Policy DMC3. A says 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.

46. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, materials and finishes, landscaping, amenity and the principles embedded in the design related SPD and the technical guide.
47. Policy DMC5. A says that planning applications for development affecting a heritage asset, including its setting must clearly demonstrate its significance including how any identified features of value will be conserved and where possible enhanced; and why the proposed development is desirable or necessary. DMC5. E says that if applicants fail to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused.
48. DMC5. F says that development of a designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless clear and convincing justification is provided that harm is outweighed by the public benefits of the proposal.
49. DMC7 says that planning applications affecting a listed building or its setting should be determined in accordance with policy DMC5. DMC7. D says that in appropriate impact on the setting of the listed building will not be permitted unless the impact results in less than substantial harm and that harm is outweighed by the public benefit of the development.
50. DMC8 says that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced. The application should be determined in accordance with policy DMC5.
51. DMC14 says that development that presents a risk of pollution or disturbance including noise pollution that could adversely affect the amenity of neighbours and neighbouring uses will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits.

Climate Change and Sustainable Building Supplementary Planning Document (March 2013)

52. Paragraph 9.3.5 says that air source heat pumps have a heat exchanger installed on the outside of a building. With a similar appearance to an air conditioning unit, they might not be appropriate on front elevations or on listed buildings. Screening can help to reduce visual impact but needs to avoid interfering with the unit's operation. Careful siting is required to avoid the impact of noise on neighbours. An acoustic housing can help to reduce noise impact. Some air source heat pumps can also be installed within a building with vents for an air supply/discharge.

Assessment

Principle

53. This application proposes the retention of two air source heat pumps installed at the site. A number of unauthorised works have been carried out at the site; however, this application solely deals with the two proposed heat pumps and must be determined on its own merits.
54. The heat pumps are within the rear garden of Manor House a Grade II* listed building. Historic England says that Grade II* buildings are particularly important buildings of more than special interest; 5.8% of listed buildings are Grade II*.

55. When making a decision on a planning application for development that affects a listed building or its setting, we must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses. The site is also within the designated Little Hucklow Conservation Area and therefore we must also pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
56. Our policies and the NPPF support renewable energy technologies in principle if they can be installed without harming the valued characteristics of the National Park, including its cultural heritage. Our policies require all development to conserve or enhance our cultural heritage assets, including listed buildings and Conservation Areas. There is a strong presumption against development that would result in harm, unless that harm is demonstrated to be outweighed by any public benefits.
57. The key issue therefore is the impact of the development.

Impact of the development

58. The proposed development is located within the rear garden of Manor House. Two air source heat pumps have been erected on the western boundary adjacent to an existing stone boundary wall. Various other development has also take place here including the erection of fencing and a third unit (it is not clear if this is another air source heat pump or an air conditioning unit).
59. The applicant owns the Blind Bull pub and Manor House. The air source heat pumps have been installed as part of wider renovation works to the pub and therefore heat the pub despite being located within the garden of Manor House. Each of the air source heat pumps measure 1.15m high, 1.15m wide and 0.45m deep. The units are within a grey coloured metal housing with two grated fans to the front.
60. The application is not supported by a heritage assessment. The application therefore fails to describe the significance of heritage assets affected by the development which in this case include the Grade II* Manor House and the Little Hucklow Conservation Area. The development therefore is contrary to policies DMC5, DMC7, and the NPPF.
61. The heat pumps are within 10m of Manor House and clearly visible from the Grade II* listed building and within the garden. The heat pumps are also visible from the public footpath that runs to the south of the site. From the footpath, the heat pumps are viewed with the listed building.
62. The air source heat pumps have an industrial design appearing as large air conditioning units stood on concrete pads. The units are seen within the garden of Manor House, which is lawn and bounded by historic stone boundary walls. The air source heat pumps by virtue of their size and appearance are a visually incongruous development within the setting of the Grade II* listed building and within the Conservation Area.
63. Our Conservation Officer has been consulted and considers that the development harms the garden setting of the Grade II* listed building. For the reasons set out above we conclude that the development has resulted in harm to the setting of the listed building and the Conservation Area.
64. The harmful impact upon the setting of Manor House and the Conservation Area would be significant. However, the development would not result in substantial or total loss of either the Grade II* listed building or the Conservation Area. In these circumstances, our policies and the NPPF say that development should be refused unless the application can demonstrate that the public benefits of the development outweigh the harm.

65. The installation of air source heat pumps instead of more conventional gas or oil fired heating does contribute to the reduction of energy consumption and greenhouse gas emissions. This is a public benefit because the development would contribute to mitigating the impacts of climate change. We recognise that the development would make a small but valuable contribution in this regard.
66. However, the impact of the development upon the setting of the Grade II* listed building and Conservation Area would be significant. Grade II* listed buildings are particularly important buildings of more than special interest and we are required to pay special regard to the desirability of preserving and enhancing the listed building and Conservation Area. In this case it is clear that the public benefits of allowing the development do not outweigh the harm the setting to the Grade II* listed building and Conservation Area.
67. Furthermore, while the environmental benefits of the development are welcomed, there is no justification for siting the proposed air source heat pumps within the curtilage of the Grade II* listed building. The application does not justify the development or explore how other potential locations or technologies (such as ground source heat pumps or solar panels) have been considered. Alternatives could potentially achieve comparable benefits without harm.
68. The applicant has indicated that he would erect timber fencing to conceal the units. In this location timber fencing would itself be an inappropriate development that would harm the setting of the Grade II* listed building. Fencing that has already been erected nearby has already resulted in a harmful visual impact. Therefore, the proposal to erect fencing would not mitigate the impact of the development.
69. The proposed development is therefore contrary to policies GSP3, L3, CC2, DMC3, DMC5, DMC7 and the NPPF.

Impact upon amenity

70. The application is unusual because it proposes to site the proposed air source heat pumps within the garden of a separate property. As set out earlier in the report, the heat pumps would heat the pub but are sited within the garden of Manor House. The applicant owns both properties, but in planning terms the properties are separate and could be sold, let and occupied independently from each other.
71. In addition to potential visual impact, the heat pumps also cause noise when in operation. Concern has been raised in representations that the heat pumps are a source of noise and that this is a disturbance to neighbouring properties. The application is not supported by a noise impact assessment but does include a specification for the heat pumps, which includes sound power levels.
72. At a distance of 2m (in free field conditions), each unit would create a sound pressure level of 47 dB(A). There is no indication of the sound pressure level of two units in operation, but it is logical to conclude that the two units combined would be louder. This noise level would be noticeable within a rear garden especially in this location where there are likely to be very low background noise levels, especially during the evening and night.
73. The rear garden to Manor House is quiet and relatively private and therefore occupants would have a reasonable expectation to the peaceful enjoyment of the space. It is acknowledged that use of the neighbouring pub would create noise; however, this would be intermittent whereas the noise created by the heat pumps would be constant and ultimately unavoidable given the location of the heat pumps in the garden. The development would therefore result in noise disturbance that would harm the amenity of occupants of Manor House.

74. Concern has also been raised about the impact of noise upon neighbouring properties. Given the proximity of neighbouring properties, particularly Wragg Cottage to the west it is likely that noise could affect neighbours. In the absence of a noise impact assessment, it is not possible to rule out harm to the amenity of neighbouring properties.
75. The development is therefore contrary to policies GSP3, DMC3, DMC14 and the NPPF because the development would harm the amenity of neighbouring properties and there is no evidence that mitigation could be put in place to bring noise generated by the development within acceptable limits.

Conclusion

76. The development would harm the setting of Grade II* listed building Manor House and the designated Little Hucklow Conservation Area. The public benefits of allowing the development would not outweigh the harm. Noise generated by the development would harm the amenity of neighbouring properties.
77. The development is therefore contrary to the development plan. Therefore, having assessed all other material considerations we recommend the application for refusal.


Human Rights

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

List of Background Papers (not previously published)

79. Nil
80. Report Author: Adam Maxwell, Senior Planner



Committee Date:	10th September 2021	Title: Blind Bull, Main Road, Little Hucklow	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6		
Application No:	NP/DDD/1220/1148		
Grid Reference:	416445, 378568		

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7. FULL APPLICATION - ERECTION OF MIXED USE GARAGE, OFFICE, WORKSHOP AND STORAGE BUILDING ASSOCIATED WITH MOORLANDS FARM AT MOORLANDS FARM, MOORLANDS LANE, FROGGATT (NP/DDD/0421/0431 SPW)

APPLICANT: MR GRAHAME & MRS CLARE BROWN

Summary

1. A mixed use garage, office, workshop and storage building is proposed at the site to provide amongst other things support to the farm diversification craft business associated with the use of the wool from the farm's livestock. Whilst there are a range of objections raised in this application having considered them the proposal is compliant with local and national policies. Additional information has been submitted over the course of the application to clarify some discrepancies on the plans and to show clearly and for the avoidance of doubt the route that construction traffic will take. These pieces of further information address directly some of the concerns raised in the objections and having considered the other material consideration these do not suggest that a decision should be made other than in accordance with the development plan.

Site and Surroundings

2. Moorlands Farm is a detached dwelling located in open countryside just north of the edge of Froggatt and outside of the designated Conservation Area.
3. The property which is a former range of stables and adjoining barn is constructed from natural gritstone and slate with timber windows and doors, and these are considered to be non-designated heritage assets. A stone outbuilding with permission for use as additional living accommodation is located within the curtilage. An area of hardstanding is located to the south east of the property which is currently used as parking for guests.
4. The property sits within 5 acres of land with a further 5 acres located away from the property on which the applicants keep a herd of pedigree Ryland sheep for sale as breeding stock, meat, wool and fleece production. The applicants also run a craft business making woollen items from the stock and let two bedrooms within the dwelling as bed and breakfast accommodation.
5. Access is along a driveway currently shared with the nearest neighbouring property known as Moorlands – a detached dwelling to the south of the application site.

Proposal

6. The proposal is the same as an application approved in 2017 which has now expired.
7. It proposes the erection of a mixed use building to provide parking space at ground floor for occupants and guests to the property and agricultural storage. The first floor of the building would be used as a studio and offices related to the craft businesses operated from the property.
8. The submitted plans show that the building would be erected on the area of hardstanding to the south east of the property. The building would provide three spaces for parking on ground floor along with storage / freezer and W.C. Internal stairs would provide access to proposed storage, office and studio at first floor.

9. Externally the building would appear as a one storey building with accommodation within the roof. The door openings would be under the eaves and face south. Two doors would be solid timber and two would be timber with vertical glazing. The building would be constructed from natural sandstone with natural stone slate roof, timber windows and doors and aluminium rainwater goods.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions -

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: drawing numbers '01' Rev B and '02' Rev C, PL_02A and specifications, subject to the following conditions or modifications:
3. Prior to the first occupation of the development hereby approved a detailed scheme for landscaping (including tree and shrub planting) shall be submitted to and approved in writing by the National Park Authority. Once approved, the planting shall be carried out within the first planting seasons following completion or occupation of the development. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
4. Notwithstanding the approved plans, prior to the installation of the glazed vehicular door to the south elevation, full details of the door and glazing shall be submitted to and approved in writing by the National Park Authority. The details shall provide for 'hit and miss boarding' with vertically boarded timber with single recessed glazed panels between in a repeating pattern. The development thereafter shall not be carried out other than in complete accordance with the approved plans and shall be permanently so maintained thereafter.
5. All door openings shall be provided with natural gritstone lintels and all window openings shall be provided with natural gritstone lintels and cills.
6. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
7. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, (or any order revoking and re-enacting that order) the building hereby approved shall be used for a mixture of garaging, storage, office and studio as shown on approved plan drawing number '02' Rev C ancillary to Moorlands Farm and for no other purposes. The development hereby approved and the existing dwelling shall be retained as a single planning unit.

9. **Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that order) no alterations to the external appearance of the building hereby approved shall be carried out without the National Park Authority's consent.**
10. **The garages shall remain available for use for garaging of vehicles at all times.**

Key Issues

10. The key issues are:
11. The impact of the building upon the character, appearance and amenity of the existing buildings, their setting (including the non-designated heritage assets) within the landscape and neighbouring properties.

History

12. 2011: Planning permission granted conditionally for covered entrance porch.
13. 2016: Planning permission granted conditionally for conversion and alteration of workshop outbuilding.
14. In 2017 Planning permission was granted for the same development being considered in the current application, this was granted subject to conditions.

Consultations

15. Derbyshire County Council (Highway Authority) – No objection subject to all use remaining ancillary to Moorlands Farm.
16. Derbyshire Dales District Council – No response to date.
17. Froggatt Parish Meeting – No response to date.

Representations

18. 7 Representations have been received, all of which are in objection to the proposal and raise the following issues –

- a. Concern that the proposal will increase the traffic levels on Spooner lane.
- b. There has recently been an increase in traffic along Spooner lane entering the field belonging to Moorlands Farm. Some larger vehicles have not been able to access the field due to residents cars parked and have caused damage to drystone walls. Hedgerows have been sprayed and cut back to widen the lane for these vehicles to enter the field.
- c. Concern over the safety of walkers on Spooner lane (it's a popular route carrying the Derwent Valley Heritage Way).
- d. Concern over construction traffic, followed on a regular basis by large vehicles such as caravans, camper vans and mobile homes.
- e. Applicant is already using Spooner lane for large vehicular access rather than his own drive. This has caused access problems for residents on Spooner Lane, damage to cars, drystone walls hedgerows and wildlife habitat.
- f. Impact on the privacy and residential amenity of the neighbouring property.
- g. Overbearing impact on the neighbouring property and only approximately 12m separation distance from the neighbours.
- h. Object to the second staircase and doorway on the west gable. This would overlook the front and side of the neighbour's property from an elevated position impact their privacy and amenity. The drawings are inconsistent as this feature is not shown on the elevation but is shown on the submitted layout.
- i. Inconsistency in the plans concerns over enforceability of any approval.
- j. Concern that this will result in other business activity not yet specified and that this will become the main business activity on the site and not be ancillary. Also concern that a planning condition stating that the building shall be used for ancillary purposes can not control this.
- k. Increased business activity would adversely affect the amenity of the neighbouring property particularly from noise and disruption impacts caused by the volume and type of traffic.
- l. We note that your policies do not support new build holiday accommodation. The proposed fenestration of the building could easily facilitate the use of this building as letting accommodation, circumventing this policy position.
- m. Concern over parking and turning space as currently some vehicles have to reverse onto moorlands lane from the site.
- n. Management of surface water.
- o. Impact on the neighbours electricity supply as their lines cross the site overhead.
- p. Concerns about where the construction compound would be located.
- q. Would like condition to ensure that construction traffic uses the applicants own drive off Moorlands lane rather than off Spooner lane.
- r. Use of the Spooner lane access could damage land drains.

Main Policies

19. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L3 and E2

20. Relevant Development Management policies: DMC3, DMC5, DMC13, DMH7, DMH8, DMT3, DMT6, DMT8.

National Planning Policy Framework

21. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect, the revised version was published in July 2021. 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 the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.
22. Para 176 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.'

Core Strategy

23. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
24. Policy GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, and opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings.
25. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
26. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
27. L3 deals with heritage assets including Conservation Areas, the setting of listed buildings and Scheduled Monuments and requires that development must conserve and where appropriate enhance or reveal the significance of the heritage assets and their settings. Other than in exceptional circumstances development is not permitted that is likely harm the significance of a heritage asset.
28. Core Strategy Policy E2 is relevant for business development in the countryside. On farmsteads E2 permits small scale business development provided that it supports an existing agricultural business responsible for land management provided that the primary business retains ownership and control of the site and building. Development Management Policy DME2 is also relevant for farm diversification development. The most relevant parts include the following - A. Development will be permitted if there is clear

evidence that the new business use will remain ancillary to the agricultural operation of the farm business, meaning that the new business use is a subsidiary or secondary use or operation associated with the agricultural unit. B. New buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance, or in other buildings which remain appropriate within the farm building group. D. New or expanded buildings for non-farming uses that generate income to support the farm business will be permitted provided there is no net harm to any valued characteristics of the building group or valued landscape character as evidenced by the Landscape Strategy and Action Plan. E. Where proposals for farm diversification are otherwise acceptable, the Authority will consider removing permitted development rights to limit the range of uses permissible, where to do so would be necessary, reasonable and consistent with national policy.

Development Management Policies

29. Development Management Policy DMC3 deals with siting, design layout and landscaping and requires that where development is acceptable its detailed treatments are to a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including and cultural heritage. Amongst other things it pays particular attention to the degree to which buildings and their design, details, materials and finishes reflect or compliment the style and traditions of the locality as well as other valued characteristics and the principles embedded in the design related SPDs.
30. Development Management Policy DMH7 and DMH8 deal with extensions and outbuildings serving a dwelling. An extension/alteration of this type would not be permitted if it detracted from the character, appearance or amenity of the original building its setting or neighbouring buildings or if it dominates the original dwelling. DMH8 amongst other things explains that the use of the building will be restricted through conditions, where necessary.
31. DMC5 Assessing the impact of development on designated and non-designated heritage assets and their settings.
Planning applications for development affecting a heritage asset, including its setting must clearly demonstrate: (i) its significance including how any identified features of value will be conserved and where possible enhanced; and (ii) why the proposed development and related works are desirable or necessary.
The supporting evidence must be proportionate to the significance of the asset. It may be included as part of a Heritage Statement or Design and Access Statement where relevant. If applicants fail to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused.
Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless:
(ii) for non-designated heritage assets, the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.

32. SPDs

33. The Authority's 'Design Guide' and 'Detailed Design Guide for Alterations and Extensions' has been adopted as SPD following public consultation and therefore is a material consideration.
34. The 'Design Guide' (para 7.14) explains that garages need to be designed and built in sympathy with the properties they serve. Materials and roof pitch should generally match those of the parent building. And the 'Detailed design guide for alterations and extensions' has further detail on the design of garages (3.24 – 3.29). It also includes details about separation distances for extensions and outbuildings on page 19 explaining for 1.5 story building the minimum separation distance for front or rear to a blank gable or boundary is 12m.

Assessment

Principle

35. An application for the same development was approved in 2017 and has since expired. This application includes the previously approved plans and some further detail on where construction traffic will access the site. However this application needs to be determined on its individual merits and assessed against the development plan of the time.
36. There have been changes in the development plan since the previous application were determined, as the Development Management Policies (2019) replaced the Local Plan (2001). Informal pre application advice has been that these changes are unlikely to affect the principle of the proposal. The previous proposal was determined under delegated powers, there has been significantly more local interest in this application, and this is why this proposal is no longer able to be determined under delegated powers.
37. This application proposes a mixed use building to provide domestic parking / storage space along with space related to farm diversification proposals related to an existing agricultural business run from the property.
38. Relevant policies are supportive in principle of both domestic development and business development of a small scale which supports an existing agricultural business.
39. The applicants run an agricultural business at the property along with a small scale craft business (alongside bed and breakfast letting). The stated intention is to increase the scale of the agricultural business and alongside it the craft business for which the proposed office, studio and storage is proposed.
40. In principle therefore the proposed uses are considered to be acceptable subject to appropriate conditions to restrict the specific use remaining ancillary to and within the same planning unit as Moorlands Farm as required by Development Management Policy DME2 and Core Strategy Policy E2.

Design and amenity

41. The design of the building reflects a large domestic garage with openings under the eaves on the southern side. There has been a minor discrepancy on the plans with some confusion over the precise design. This has been clarified with the submission of a replacement plan which is the same as the previously approved scheme and does not have an external staircase or opening on the gable end facing the neighbouring property.

42. Concerns have been raised in the representations about the scale and massing and impact on neighbouring property as well as the external stair and opening enabling overlooking.
43. As per the previously approved application officers consider that on balance the scale and mass of the building is acceptable and would be read as part of the wider group of buildings and not visually intrusive or dominant when viewed with the existing property or neighbouring property. The amended plans have clarified that there is no external staircase proposed, which hopefully should allay the objection raised to those elements.
44. Officers consider having reviewed the proposal against current development plan policies that in general the proposal is in accordance with the policies of the development plan and will not harm the amenity of neighbouring properties.
45. The detailed design and materials of the building is generally speaking of a high standard and reflective of the local vernacular. Glazing is proposed within one of the larger openings and while there are no objections to glazing in principle the detailing proposed is considered to be un-resolved with varying widths and pattern of glass and wood. Hit and miss with an equal pattern would be a more appropriate alternative (one board and one glazed panel and so on) and it is considered necessary for this detail to be required by condition.
46. Subject to the above and to conditions to secure appropriate detailing it is considered that the proposed design is acceptable and in accordance with adopted design guidance.
47. Perhaps because of the discrepancies between the submitted plans concerns have been raised that the development would be unneighbourly due to its size and the location of openings and that the proposed use could generate noise and disturbance which could harm amenity.
48. The amended plans show that the proposal is the same as that approved. The neighbouring property is located 14.6m away at the nearest point given the scale and massing and detailing of the proposed building officers consider that the impact on the neighbouring property will not be harmful to their amenity. The amended plans also show the external steps and door opening removed leaving a blank gable facing the neighbouring property.
49. Given the amendments provide clarity and and the distance to the neighbouring property Officers are satisfied that the development would fall within adopted design guide minimum separation distances and having visited the site consider that subject to the amended plans that the development will not result in any loss of privacy or light or be overbearing to any neighbouring property. The proposed screen planting would further act to break up and soften the solid gable when viewed from the neighbouring property.
50. Given the scale of the proposed business use and that numbers of visitors and deliveries would be low it is considered that any additional noise and disturbance from activity would not be significant.
51. Alterations to the building could potentially undermine the design and the addition of windows in the gable facing the neighbouring property in particular could harm privacy. Therefore it is considered that there are exceptional circumstances to remove permitted development rights to allow the Authority to control alterations to the building in the future.

Heritage Assets

52. The design and access statement identifies the existing dwelling is formed from a range of stables and an adjoining barn which were previously part of the Frog Hall estate. As stated earlier these are non-designated heritage assets. We consider that the heritage information included with this application only lightly covers the heritage issues. But a balanced view is taken on this given that the same development were approved in 2017 and in conclusion we consider the design is to a high standard that will not harm the setting of these non-designated heritage assets, in that respect the information is proportionate given the planning history. The proposal is therefore considered to be in accordance with Core Strategy policy L3 and development management policy DMC5.

Trees

53. The building would potentially impact upon the root protection areas of two trees to the north. The plans show that these trees are to be retained but that the apple tree would be reduced. Neither of these trees is important in the wider landscape and therefore in principle there would be no overriding objection to their removal subject to appropriate replacement planting. If permission is granted a condition requiring the detail of planting to be carried out would be recommended so that appropriate species can be secured (the submitted plans state that new planting is to be confirmed).

Surface water and foul waters.

54. Surface water from the development would be to soakaways which is acceptable. Foul sewerage would use the existing septic tank which is also acceptable.

55. Highways

56. It is noted that there has been concern raised of the route construction traffic will take as well as whether an access off Spooner Lane will be used in general for the development.
57. In particular much of the concern related the use of an access off Spooner lane. The submitted site plan shows the access off Moorlands Lane. An amended plan 'PL 02 A' has been submitted to show the route construction traffic will take and the location of storage compounds. The access shown is the existing access to the house off Moorlands Lane.
58. Planning conditions can secure the amended plans insofar as the details shown for construction traffic.
59. The plans do not show a new access proposed from Spooner Lane and there is not known to be an access suitable for carrying vehicular traffic from Spooner Lane to the site. Such creation or upgrading of a track would likely require planning permission in its own right and would need to be assessed on its own merits if such a development were proposed. So concerns of an increase in permanent activity along Spooner Lane from this development are not considered to warrant refusal of this application as the access shown is from Moorlands Lane.

Environmental Management

60. There are solar panels on the existing dwelling, and the planning statement explains that the building will use stone and slates from local quarries or reclaimed from local accredited demolition contractors.

Other matters

Some concern has been expressed in the representations in relation to proposed future uses of the building, in particular holiday let is mentioned. Such a proposal would require planning permission and would need to be determined on its individual merits against the development plan policies of the time. Therefore such a concern about a future use should not warrant a reason for refusal of this application, which needs to be determined on its own merits.

Conclusion

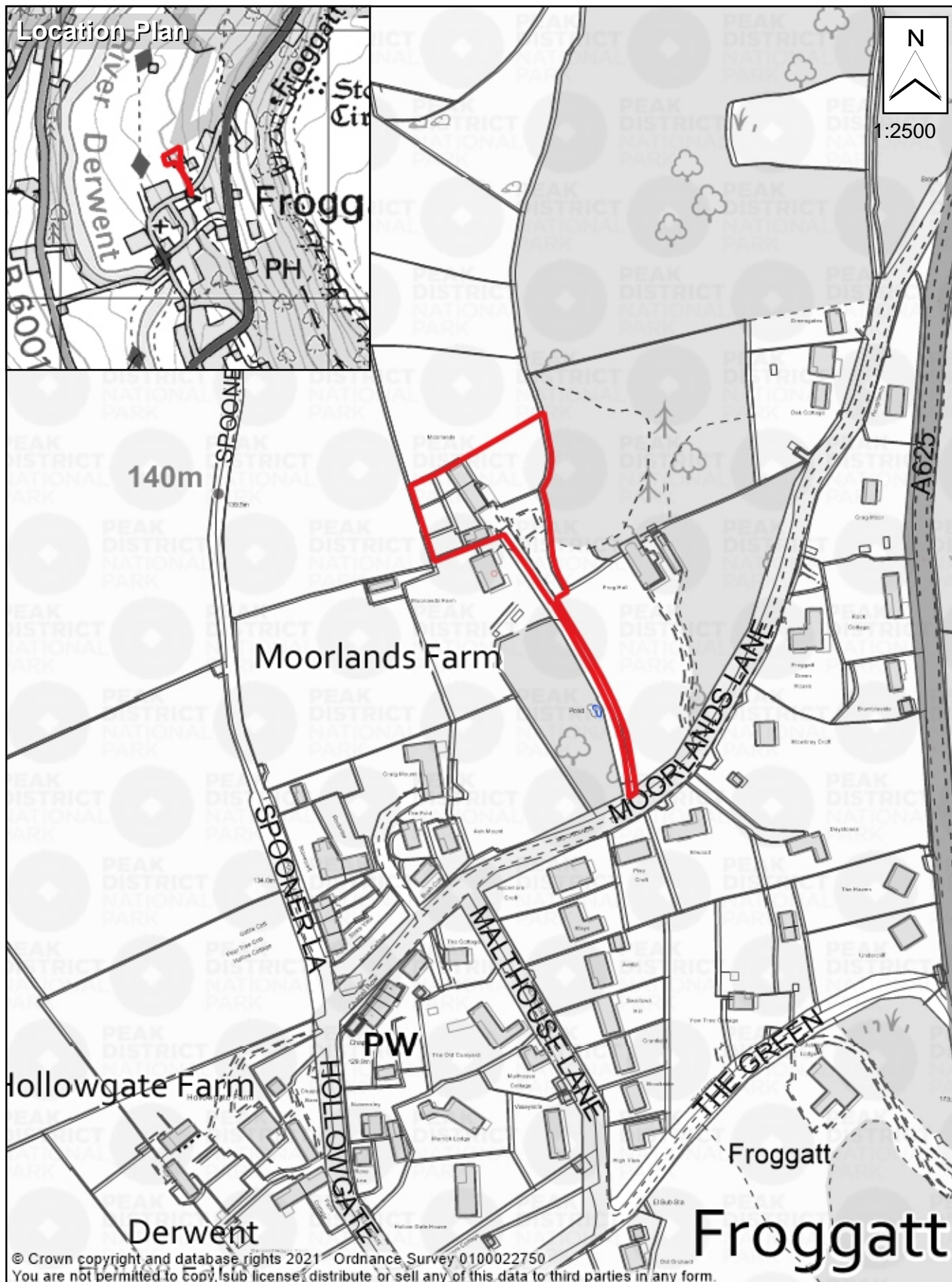
61. In the absence of any further material considerations the proposed development is therefore considered to be in accordance with the development plan. There is no conflict between the plan and the National Planning Policy Framework and therefore the application is recommended for approval subject to conditions.

62. Human Rights

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

64. List of Background Papers (not previously published)

65. Planning Officer – Steven Wigglesworth, Planner



Committee Date: 10th September 2021
Item Number: Item 7
Application No: NP/DDD/0421/0431
Grid Reference: 424415, 376488

Title: Moorlands Farm, Moorlands Lane, Froggatt



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8. FULL APPLICATION – RETAIN THE 20 FOOT SHIPPING CONTAINER WHICH HAS HAD TEMPORARY PLANNING PERMISSION SINCE 2018. THIS CONTAINER WILL CONTINUE TO BE USED FOR SECURE STORAGE, UNITED UTILITIES BOTTOMS YARD, WOODHEAD ROAD, TINTWISTLE (NP/HPK/0221/0156 - SPW)

APPLICANT: MOORS FOR THE FUTURE PARTNERSHIP

Summary

1. This application is being referred to Planning Committee because the applicant is the Moors for the Future Partnership, of which the Authority is a member and the accountable body.
2. The application is for the retention of a metal container which is used to store machinery used by the Partnership for moorland management. The extension to the temporary permission is required because the Partnership has not been able to carry out the intended works and training during the Covid pandemic.
3. This report concludes that a further temporary period is justified. The application is therefore recommended for approval.

Site and Surroundings

4. Bottoms Yard is a United Utilities facility located in Tintwistle associated with the nearby Bottoms Reservoir. The site has a range of stone built industrial buildings, some stone-built garaging which appears of more recent construction and also a corrugated iron portal framed building. There is a Peak District National Park Authority Ranger station located on site.
5. There are no listed buildings on the site and the site is outside the Tintwistle Conservation Area. The Conservation Area runs along Woodhead Road which is on higher ground than the site. The site can be seen from the Conservation Area from an elevated position at a distance of approximately 130m.

Proposal

6. The application is for the retention of a 20ft shipping container next to the existing corrugated iron building. Its dimensions are approximately 6m x 2.4m x 2.6m. It is finished in a dark green colour. The application seeks to retain the container until February 2024.
7. The shipping container is needed to securely store a remote-controlled mower (GreenClimber LV600) which is being used to assist in achieving the targets for MoorLife 2020. The GreenClimber needs to be securely stored for insurance purposes.

RECOMMENDATION:

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

1. **This permission shall be for a limited period expiring on 1 February 2024. On or before that date the building shall be permanently removed from the land and the site shall be reinstated to its former condition.**
2. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the original submitted plans ‘greenclimber2’ and specifications.**

3. The dimensions of the container hereby approved shall be limited to 6m x 2.4m x 2.6m.

4. The container shall be maintained dark green.

Key Issues

- The justification for a further temporary permission; and
- The design and impact of the container on the character and appearance of the area including the nearby Conservation Area.

History

- 2018 – Planning permission granted for siting of container for a temporary period to 1 July 2021
- 1987 – Permission for retention of sectional garage.
- 1982 – Permission for retention of garage
- 1977 - Temporary permission for sectional garage

Consultations

8. Parish Council – No response to date.
9. Highway Authority – No objection subject to no loss of parking or manoeuvring space.
10. Borough Council – No response to date.

Representations

11. We have received no representations to date.

Main Policies

12. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2 and L3.
13. Relevant Development Management policies: DMC3 and DMC8.

National Planning Policy Framework

14. The National Planning Policy Framework (NPPF) 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 the National Park the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
15. Paragraph 176 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.'

16. The National 'Planning Practice guidance' sets out the following guidance for the use of limiting planning permission to a temporary period by the use of planning conditions:

"Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.

It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.

A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted."

Peak District National Park Core Strategy

17. Policy DS1 sets out the Development Strategy for the National Park. Part D says that in named settlements such as Tideswell there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable in principle.
18. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
19. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

20. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

Development Management Policies

21. Policy DMC3 A says 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.

Assessment

22. The need for the container was set out in the application approved by the Planning Committee in February 2018. This explained that a container was required for the storage of a remote controlled mower used in association with the Moorlife 2020 project. The site is leased from the landowner (United Utilities). Cutting of heather is an important method of land management in combination with other options. European and UK government position is that repeated burning is no longer assumed to be acceptable and Natural England are no longer giving burning licences. The results from a Defra funded project comparing cutting and burning identify the following additional benefits:
- Less water loss from cut compared with burned catchments. Water tables remain higher in cut catchments compared with burned ones
 - Quicker revegetation of sphagnum & cotton grass in cut areas (but after 4 years cover was similar in cut and burned areas)
23. In February 2018 the Planning Committee accepted that the siting of the container was acceptable in principle as it was necessary to secure effective conservation of the National Park, in accordance with policies DS1 and L1. At that time it was expected that this would be required for 3 years, so a temporary permission was sought and granted.
24. The statement accompanying the current application to retain the container explains that the Moors for the Future Partnership has not had sufficient time to train up enough people to use the 'GreenClimber' and that this is not an ideal situation for a legacy, as it will reduce the amount the 'GreenClimber' can be used for moorland management. It could also put a financial burden on the legacy holder to train additional people. The Covid 19 pandemic has had an enormous impact on this, as the Partnership only had from July 2019 to March 2020, when they were finding the best processes and procedures to train personnel and get the GreenClimber out into the moorland community. The appointed trainers were also impacted by the pandemic as they had an outbreak at their site.
25. The container is a utilitarian metal shipping container, finished in a dark green colour. Whilst its design and detailing are not in keeping with the local building tradition, due to the relatively short term temporary nature of the development, it would not be appropriate to require a building to be constructed from traditional materials. If a building was to be sited here permanently then a design reflecting the local building tradition would be necessary.

26. The siting of the proposed container adjoins an existing corrugated shed. Its impact on the wider landscape is minimal and any limited impact can be mitigated by adding conditions to ensure it is retained a dark green colour and only temporarily sited. This is considered to be acceptable use of a planning condition for a temporary period of consent because when the project finishes the planning circumstances for the justification for the container will have ended. The proposal will not have an unacceptable impact on the landscape of the National Park in accordance with policy L1.
27. The equipment to be stored is essential to the management of moorland in the National Park. The storage of the equipment has a lesser impact on the landscape of the National Park in this location than in a moorland setting and therefore this is the most appropriate location for the development as it is a functioning operational site, close to the edge of the village of Tintwistle, just below the busy A628 road.
28. Whilst the design of the container is not in accordance with the 'Design Guide' and policies of the development plan insofar as they relate to design, given its siting next to an existing corrugated shed in an industrial yard its impact when viewed from the nearby Conservation Area will be limited and will not harm the significance of the Conservation Area or the amenity of the area in accordance with policies L3 and DMC8.
29. The applicants agree that a further temporary permission to February 2024 is acceptable to them. Such a condition, restricting the length of time the container is in site, is necessary and in accordance with Core Strategy Policy GSP4.

Conclusion

30. Although the design is not traditional and does not reflect the local vernacular, the siting of the shipping container in the proposed location will not have an unacceptable impact upon the landscape of the National Park. Furthermore, the equipment stored will make a valuable contribution to the management of the upland areas of the National Park, leading directly to enhancement of the special qualities of the National Park.
31. Having taken into account all material considerations, we conclude that the proposed development is acceptable for a further temporary period and the application is recommended for approval.

Human Rights

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

List of Background Papers (not previously published)

33. Nil
34. Report Author: Steven Wigglesworth, Planner

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9. FULL APPLICATION – NEW AFFORDABLE DWELLING - LAND OFF TAGG LANE, MONYASH (NP/DDD/0121/0073, TS)

APPLICANT: ROSS WOOLEY

Background

The application was originally considered at the meeting of the Authority's Planning Committee on the 25 June 2021 and a copy of the report is attached as Appendix 1. Notwithstanding an officer recommendation of refusal of the application for the development of land for a local needs dwelling, members of the Planning Committee were minded to approve the application.

An approval of this scheme would represent a departure from policies and as such under Standing Orders it is necessary to return to Planning Committee with a further paper exploring the policy issues and harm that the development could cause to heritage assets.

The application was recommended for refusal for two reasons. The first reason related to harm to the Monyash Conservation Area. The second related to the size of the house being too big for the identified housing need. These issues are discussed further below.

1. Harm to the Monyash Conservation Area

The site lies within the Monyash Conservation Area. A Conservation Area is defined as an area of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' (Planning (Listed Buildings and Conservation Areas) Act 1990). The Authority has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in exercising our planning functions. This is legislation in addition to the statutory duty to conserve all of the National Park.

Approval of the application would potentially amount to a failure of this legal duty. Part of the purpose of this report is to ensure members give special attention to the preservation of the Conservation Area.

Two key points were raised at the last meeting in respect of the impact on the Conservation Area:

- 1. What is significant about this particular field/site?**
- 2. If local needs housing cannot go in strip fields, where can it be provided in Monyash?**

The importance of the field to the character and significance of the Monyash Conservation Area

As set out in the previous report, the site is within a parcel of fields to the west of the built-edge of the village that were added to the Conservation Area in 2011. The fact that the fields were added to the Conservation Area is clear recognition of the important contribution that they make to the historic character and significance of the Conservation Area.

At the last meeting, Members asked what was significant about this particular field. The significance of the strip fields lies in their collective value with an exceptionally well-preserved pattern. This particular field is immediately next to the built edge of the village and in a prominent position on the western entrance to the village, it is considered to be of particular significance to the relationship between the field system and the built area of the village. The boundary wall between the application site and the built-up area to the east marks the historic transition point between the village and the surrounding open land.

The key concern with the proposed development is that it would break through this historic boundary between the built-up part of the village and the surrounding medieval strip fields, resulting in clear encroachment of development into this historically-significant landscape.

The introduction of a substantial detached dwelling, parking areas and garden space would completely alter the character and appearance of this part of the ancient field system and would result in the built edge of the village extending into the fields, eroding the relationship between the built area of the village and the surrounding agricultural land. In doing so, the development would amend the definition between the built edge of the village and the agricultural field's area that makes such an important contribution to the historic character of the village.

The application site is at the edge of the village, and policy HC1 allows for new affordable local needs housing in or on the edge of settlements on an exceptional basis. However, this does not automatically presume that all settlement edge sites will be appropriate or acceptable to permit new housing. Indeed this can be particularly challenging in settlements where the relationship between the built edge and surrounding open land is of high heritage value (or significance), as is the case in Monyash. Because it would erode the historic boundary of the village at this gateway location on the western entrance to the village, this particular site is especially sensitive to development.

It was suggested by some members at the last meeting that the house immediately to the east of the application site was probably built 30 years ago and that extended the village. The house now proposed would be a 'natural progression' in a similar manner. That is not the case.

The 1848 edition OS map shows that the existing boundary wall that demarks the end of the built-up area of the village was in the same place as it is now:



The existing house to the east of the site (The Priory) has therefore clearly been built within the historic boundary wall and the site was already developed land. It did not result in encroachment into the historic strip field system in the way that the development now proposed would.

The Conservation Area is a designated heritage asset. The proposed development would cause harm to the designated heritage asset that should be avoided unless there is robust justification for it.

Great weight must be given to conserving heritage assets and any harm to a designated heritage asset requires clear and convincing justification. It is acknowledged that the level of harm would be in the “less than substantial” category. However, this would still be harm, and any harm requires clear and convincing justification. The NPPF sets out that less than substantial harm should be weighed against any public benefits of the scheme.

There was discussion at the last meeting about the extent of public benefits, and some members expressed a concern that we had not acknowledged the public benefits of providing new local needs housing.

That is not the case. The benefits of providing new local needs housing are fully understood and acknowledged in both the Core Strategy and the DMP document. This is why new affordable housing is one of the few types of new development that can be accepted on greenfield sites within named settlements in the National Park on an exceptional basis.

The problem identified in this particular case is very much in the balance between heritage value and realising public benefit through the provision of a home that addresses the identified housing need. Where a home does not respond to the identified need this diminishes the weight that can be given to the public benefits of the development, particularly where that home would not address affordability issues in perpetuity. In effect the permanent loss of heritage value is not off set by a permanent benefit to the community.

The provision of local needs affordable housing is a public benefit that could be weighed in favour. However, since the new dwelling would not address the identified housing need this cannot be given any significant weight in the planning balance. As such any public benefit arising would not outweigh the harm to the character and significance of the Conservation Area and the application is therefore contrary to policies L3, DMC3, DMC5 DMC8 and the guidance contained within section 16 of the NPPF.

If local needs housing cannot go in strip fields, where can it be provided in Monyash?

The question asked by some members at the last meeting is not one that can be thoroughly answered through an individual planning application. The key question for the application that is under consideration is whether the development would harm the conservation area. If it would to some degree, but that harm was assessed as less than substantial (which still requires clear and convincing justification), then the public benefits may outweigh the harm.

It is impossible for us to provide an assessment of all other potential housing sites in Monyash for the purposes of this application. Doing so would risk prejudicing future applications at sites that may or may not come forward. Any other applications for development within (or indeed outside of) the strip fields would need to be considered on their own merits, having regard to the particular levels of harm and public benefits that would arise.

It can, however, be noted that not all of the fields that abut the built edges of the village are within the Conservation Area. Whilst the majority are, there are areas to the north and east of the village where the Conservation Area boundary is tight to the built edge, meaning that the adjacent fields are outside of the Conservation Area. There are also likely to be opportunities for

development within the built envelope of the village that would deliver conservation and enhancement. It would be inappropriate to identify these on a specific basis as part of the assessment of a different planning application.

At a more localised level focusing on land that is within the control of the applicant's family, we certainly believe that there is an alternative site that would be less harmful than the one proposed.

Since the previous meeting, we have invited the applicant to look at a different site for the proposed house. The applicant's family own other land in the locality, including a yard to the north. Siting a house within the yard area would avoid new encroachment into the medieval strip fields and could be acceptable in terms of the impact on the Conservation Area. The applicant does not wish to look at an alternative site and has asked for the application to be determined as submitted.

2. Policies HC1 and DMH1; understanding the different policy drivers to achieve sustainable development and affordable homes that address local needs in perpetuity.

Policy HC1 and DMH1 work together to achieve sustainable development and deliver affordable homes that address local need in perpetuity.

Policy HC1 permits new housing for eligible local need provided that it remains affordable and is restricted in perpetuity to local people. A planning application for an affordable house is considered beyond the current applicant's need. It considers future occupants also as a permanent land-use change, and in doing so considers their needs in terms of access to services etc.

The NPPF definition of affordable housing is housing for sale or rent for those whose needs are not met by the market. Housing need is assessed by the Planning Authority in co-operation with the Housing Authority and takes into account income and existing accommodation. The system is predicated on an assumption of modest incomes.

DMH1 sets size thresholds to ensure affordable housing remains affordable. For a 3 person property, this would be 70m² maximum gross internal floor area. Policy DH1 sets out that new affordable local needs housing in or on the edge of named settlements will be permitted provided that there is a proven need for the dwelling(s); **and** any new build housing is within the size thresholds listed within the policy. The size thresholds are as follows:

Number of bed spaces	Max. Internal Floor Area (m2)
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

The applicant has demonstrated that they are in proven housing need for a dwelling as their existing accommodation is unsuitable. This is evidenced by a Home Options assessment report. The report confirms that, based on the information provided by the applicant at the time of the Home Options assessment, the applicant has a housing need for a three person house.

Home Options is a choice based letting system for affordable housing. The schemes are administered by housing authorities, and properties are offered to people on the evidence of housing need. Home Options is the provider of affordable homes within Derbyshire and Staffordshire Moorlands.

Housing Authorities are best placed to assess claims of housing need. The Home Options assessment allows an objective and accurate assessment of whether a person is in housing need and, if they are, what size of property they have a need for.

The application is for a five person home at the maximum size of 97 square metres. The submitted information sets out that the applicant's household currently comprises of three people, but a larger house was wanted in case the family increased in the future. This is not a good approach to meeting the housing needs of residents of the National Park. It is clear that the size and type of the new house as proposed is based on the applicant's aspirations and want for a large detached house, and not their identified need.

If all new affordable local needs houses are built to the maximum size of 97 square metres, regardless of the identified housing need of the applicant, over time then the result will be an increasingly unbalanced stock of housing. There will be no smaller houses for one/two/three/four persons and a high number of five person houses. The loss of smaller properties is an issue members have previously expressed concerns over.

The needs of communities beyond the need of the applicant must be considered. The intention of our housing policies is that these houses serve a community purpose in the long term as being a stock of more affordable houses for second and subsequent owners or tenants from the local area. To be useful to local people who need housing to stay in the area the houses must retain some level of affordability to these people.

Whilst a three person house might not meet the need of the applicant in perpetuity, it would provide an asset for the local community in perpetuity. At the last meeting, the applicant said that they wished to create a 'forever home' that they could stay in all their life. The Authority's adopted housing strategy is to create an increasing stock of more affordable homes that address the needs of the community. If an applicant outgrows a house in the future and has to move on, then the affordable house will be an asset to the next person who can occupy it. The house will also still be an asset to the first occupier as selling it will assist with meeting their own future housing need on the open market. These limited exceptions sit within the overall conservation strategy of restraint on growth with specific allowances to address the acute needs of the area. This is balanced by homes that are justified by our conservation and enhancement purposes where aspiration and innovation are given greater flexibility.

There is a clear and significant disparity between the applicant's housing need for a three person home, and the proposed 5 person home.

Notwithstanding the above, it is acknowledged that the applicant reported to members at the last meeting that the family are expecting a second child. This is a change in circumstances that we were not aware of and can take account of. It is therefore apparent that the housing needs evidence submitted to us by the applicant is now out of date. We are entirely open to responding positively to changing circumstances in respect of housing need. But it is important that any change in circumstances should be reflected in the housing need evidence that has been provided to us.

We have invited the applicant to repeat the Home Options assessment process to take account of their changed circumstances. The applicant has refused to do this.

This is unfortunate as providing evidence of a potential different housing need to the one at the time the application was submitted would have allowed officers to positively reconsider the relationship between the identified housing need and the size and type of house that is proposed. As with any kind of supporting information provided with a planning application, the onus should be on the applicant to provide accurate and up to date information.

Officers cannot reasonably make accurate assessments based on verbal information given by applicants during committee meetings. Housing need should be properly demonstrated and evidenced, with the Home Options assessment being the best way to do this.

In the absence of updated housing need evidence, we can only make an assessment based on the information that has been provided to us. This is evidence of a need for a three person house. There remains, therefore, a large discrepancy between the identified housing need and the size of the house as proposed.

It therefore remains the case that the proposed house does not meet an indented housing need and is therefore contrary to policies HC1, DMH1 and DMH2.

Granting permission for a five person house based on submitted information for a three person housing need would seriously undermine our adopted policy. This would set a precedent for future applications and would jeopardise our ability to provide a range of local needs house types in the National Park.

It remains the case that we would be happy to work with the applicant to re-consider the position if their housing need has changed and a new Home Options assessment to reflect this can be provided.

3. Consistency with previous decisions

At the last meeting there was an apparent willingness by members to accept a house larger than the identified housing need. As well as the clear conflict with policy as discussed above, this also raises a problem in respect of consistence with other recent decisions.

Application NP/DDD/0221/0150 for a local needs affordable home in Taddington was refused by planning committee at the meeting in May 2021. This was also for a five person 97 square metres house. The applicant had demonstrated that they were in housing need, but the need was for a smaller house. The applicant had made a similar argument about wanting a new house that would meet potential future needs of a growing family. Reason for refusal no.1 states:

“The proposed dwellinghouse is significantly larger than the size justified by the identified housing need. The proposed house would therefore not meet an identified need for affordable local needs housing and therefore as a result the proposal is contrary to policy HC1 and DMH1.”

Application NP/DDD/1020/0941 proposed a new local needs house in Chelmorton. Again, a housing need had been identified, but for a house smaller than the one proposed in the application. The application was refused by Planning Committee at the January 2021 meeting. Reason for refusal no.1 states:

“The proposed dwellinghouse is larger than the size justified by the identified housing need, and as a result the proposals are contrary to policy DMH1.”

It must be questioned why members have indicated a willingness to accept the size of dwelling proposed in the current application, when they did not in these recent, comparable applications.

Conclusion

A decision to grant permission would result in harm to the conservation area that is not outweighed by public benefits, contrary to the guidance within the NPPF.

Furthermore, it remains the case that the proposed house does not equate to the identified housing need. We acknowledge that the applicant's circumstances may have changed since the application was submitted and the housing needs assessment work should be re-done to reflect this. Regrettably however, the applicant has declined to do this. It therefore remains the case that the house does not meet the identified housing need that has been evidenced.

A well evidenced case on a better nearby site could lead to a better planning solution that avoids harm and delivers a well integrated development that suits the needs of a growing family.

In these circumstances, the Planning Committee is respectfully urged to reconsider its previous position of being minded to approve the application. It is recommended that the application should be refused.

Report Author: Tom Shiels, Area Team Manager (South)

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4. FULL APPLICATION – NEW AFFORDABLE DWELLING - LAND OFF TAGG LANE, MONYASH – (NP/DDD/0121/0073, TS)

APPLICANT: MR ROSS WOOLEY

Summary

1. The proposal is to construct a single dwelling house at the edge of Monyash village on open land that is part of a medieval strip field system. The construction of a new dwelling here would cause harm to the historic character and significance of the Monyash Conservation Area. The development also has the potential to harm archaeological heritage assets.
2. The application has established that the applicant is in housing need for a two bedroom/three person house. However, the application proposes a three bedroom/five person house. The house that is proposed therefore does not reflect the housing need that has been demonstrated.
3. The application is therefore recommended for refusal.

Site and Surroundings

4. The application site is part of an agricultural field that lies to the western side of Monyash village. The site is immediately to the north of Tagg Lane and to the west of a residential dwelling called The Old Saw Yard. The site is within the Monyash Conservation Area. It is understood that the site is part of the Hawthorns Farm which lies a short distance to the north east.

Proposal

5. The application seeks full planning permission for the construction of a new affordable local needs dwelling. The proposed house is a two storey property that would have three bedrooms and a floor area of 97 square metres.

RECOMMENDATION

6. That the application be **REFUSED** for the following reasons:

1. **The introduction of a domestic dwelling and its associated garden and parking areas would significantly change the character and appearance of this part of the medieval strip field system that lies within the Conservation Area and makes a positive contribution to the Conservation Area. The development would result in significant harm to the character and significance of the Conservation Area and the public benefits of providing a single new dwelling do not outweigh the harm that would be caused. The proposal is therefore contrary to policies L3, DMC3, DMC8 and the guidance within section 16 of the NPPF.**
2. **The size of the proposed dwelling is significantly larger than the size of the dwelling for which the applicant has an identified housing need. The proposed dwelling would therefore not meet an identified local need for affordable housing and is contrary to policies HC1 and DMH1.**

Key Issues

7. The main planning issues arising from the proposals are:
- The impact of the development on the special qualities of the National Park, particularly in respect of cultural heritage.
 - Whether there is an identified need for the affordable dwelling proposed, and whether the proposed occupant would meet the local occupancy criteria.
 - Whether the proposed dwelling is of a size to meet the identified need.

Relevant Planning History

- 8.2020 – Planning permission refused for the same development as proposed under the current application for the following reasons:
1. *The application has failed to demonstrate a local need for a new dwelling of the size and type proposed. The application is therefore contrary to policy HC1 of the Core Strategy and policies DMH1 and DMH2 of the Development Management Policies.*
 2. *The application would result in harm to the historic character and significance of the Monyash Conservation Area. This harm would be “less than significant”. No public benefits have been demonstrated that would outweigh the harm to the Conservation Area. The application is therefore contrary to policies L3, DMC3, DMC5, DMC5 and section 16 of the National Planning Policy Framework.*

Consultations

9. **Derbyshire County Council - Highways** – No objections subject to conditions for the provision of sightlines, parking, bin dwell area, surface water drainage, an extension of the footway and to control the position of gates.
10. **Monyash Parish Council** – Support the application, subject to additional screening and the Highways Authority comments being implemented.
11. **PDNPA – Built Environment** –

“The proposal is for a new affordable house. The design and location does not seem to have changed from that of a previously refused scheme NP/DDD/0720/0692.

The application was refused for 2 reasons, one being the harm to the historic character and significance of the Monyash Conservation Area. No additional supporting information has been provided regarding the impact the development will have on the Conservation Area.

The site proposed is at the edge of the village, in the corner of one of the fields in the medieval field strip system. The Appraisal states “one of the most distinctive features of Monyash, is the uniquely well-preserved pattern of medieval strip fields” and goes on to say “is one of the most distinctive features of Monyash and is of key significance to the historic character and appearance of the Conservation Area.”

The dwelling would encroach into this preserved field systems and extend the built form of the Conservation Area. It will extend the village into the preserved historic agricultural landscape that surrounds the village of Monyash.

The proposal will create a building with domestic curtilage for a garden and parking within the historic field strip, in doing so it will amend the field area and boundary. The

domestic building and curtilage will have an impact on the Conservation Area and alter the character and appearance in this village entrance location.

The site has a tree or trees that have been identified as important to the Conservation Area. The proposal seeks to remove two of them, although relocation and additional planting is shown on the plans. The removal of the trees will have an impact on the Conservation Area.

The proposal will harm the character, appearance and significance of the Conservation Area.”

12. PDNPA – Archaeology –

“Archaeological sensitivity and significance of the site

The site of the proposed development is a site of archaeological interest. A 2006 rapid field survey of Monyash identified an embanked and ditch earthwork enclosure with a slight division along its spine, the southern line of this earthwork runs along the southern edge of the fields to the north of Tagg Lane, and through the site.

The 2006 survey briefly describes the form of the earthwork, and maps its location and extent. With the information available it should be considered as a nondesignated heritage asset of archaeological interest. The earthwork is still extant and visible on Google Street View. However, there is no information available to understand its age, function or potential for associated buried archaeological remains and features. Consequently there is currently insufficient information to understand the significance of this feature, or the weight that should be attached to it in reaching a balanced planning decision.

The site also falls within the fossilised medieval field system associated with Monyash, and within Monyash Conservation Area. However these heritage assets have already been covered by the consultation response from the Building Conservation Officer, so they are not restated in this consultation response.

Archaeological Impact of the development

The proposed development is for an affordable house on the site, with access off Tagg Lane. The development plans suggest that the earthwork bank feature will be directly affected by new access and parking and turning area, but that the house itself is set back from the earthwork. This will require physical intervention and impact into the extant earthwork. The groundworks associated with house have the potential to affect related belowground archaeological remains and features.

NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application with a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. However, without an adequate understanding of significance this balanced judgement cannot be made.

Supporting Information

In accordance with the requirements of NPPF para.189, for development sites with archaeological interest, local planning authorities should require developers to submit a desk-based assessment and where required a field evaluation to allow informed planning decisions that take account of the archaeological interest and significance of sites to be made.

For this site, I recommend this takes the form of a rapid desk based assessment supporting an earthwork survey (level 2) of the enclosure (within the extent of the site) and field evaluation (trial trenching) to characterise its nature, extent, state of preservation etc., to understand its form, age and function so that its significance (and that of any associated buried features) can be determined.

The application should not be positively determined without this information.”

Representations

13. Ten letters of support have been received, supporting the proposals. The letters set out that the development would provide housing for a local young person and would help to support the community facilities in the village.
14. One letter of objection has been received. The letter raises concerns that the development would harm the conservation area and archaeology, would harm the appearance of the village, would be harmful to highway safety and would set a precedent for further development in the field.

Main Policies

15. Core Strategy policies: GSP1, GSP2, GSP3, L1, L2, L3, DS1, HC1, CC1
16. Development Management policies: DMH1, DMH2, DMC3
17. 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:
 - a. Conserve and enhance the natural beauty, wildlife and cultural heritage
 - b. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
18. 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.

National planning policy framework

19. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. 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 the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management DPD 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 more recent Government guidance in the NPPF.
20. 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.
21. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces

the previous document (2012) with immediate effect. 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 Para: 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.

22. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
23. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
24. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Local Plan

25. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
26. Core Strategy policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
27. Core Strategy policy DS1 details the development strategy for the National Park. For the purposes of planning policy Monyash is a named settlement in Core Strategy policy DS1.
28. Core Strategy policy HC1 addresses new Housing. It sets out that provision will not be made for housing solely to meet open market demand but that, 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.
29. Core Strategy policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
30. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

31. Policy L3 states that A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest; B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest; C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.
32. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
33. 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.
34. Development Management policy DMH1 addresses affordable housing. It sets out that affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that: (i) there is a proven need for the dwelling(s); and (ii) any new build housing is within the stipulated size thresholds. These are as follows:

Number of bed spaces	Max. Internal Floor Area (m2)
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

35. Development Management policy DMH2 addresses the first occupation of new affordable housing. It states that in all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
- a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - a person (and his or her dependents) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.
36. DMC3 sets out that where developments are acceptable in principle, policy requires that design is to high standards and where possible enhances the natural beauty, quality and

visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.

37. DMC5 sets out that applications must include sufficient information to demonstrate how a development will impact upon the significance of designated and non-designated heritage assets. Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless that harm is robustly justified.
38. DMC8 sets out that Applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
39. Policy DMT3 states, amongst other things, that where development includes an improved access onto a public highway it will only be permitted where a safe access that is achievable for all people, and can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of development

40. Policy HC1 makes it clear that provision will not be made in the National Park for new housing to meet general demand. However, on an exceptional basis, new housing may be permitted if it is to meet an eligible local need for houses that will remain affordable in perpetuity.
41. Policies DMH1 and DMH2 make it clear that new affordable housing can only be permitted when there is a proven need for the new housing. To be 'in need' a person must be in accommodation which is overcrowded or otherwise unsatisfactory.
42. The supporting information submitted with the application sets out that the applicant currently lives with his parents at Hawthorns Farm and that he has lived in the village his whole life. The applicant wishes to set up a household for the first time, along with his partner. The couple have one child.
43. Under the recently refused application for the same development, no further evidence of housing need had been provided. The current application differs as a Home Options Assessment has now been undertaken and submitted. This confirms that the applicant has a housing need for a two bedroom house.
44. The current application has therefore moved on from the previous refusal in that it has now been demonstrated and evidenced that the applicant is in housing need.
45. However, the proposed dwelling does not meet the identified housing need. It is a five person home at the maximum allowable size for a five person dwelling of 97 square metres. The applicant's identified housing need is for a three person dwelling at a maximum size of 70 square metres. The proposed dwelling is therefore significantly larger than the identified housing need is for.
46. The submitted information sets out that the applicant intends to build a 5 person dwelling so that he does not find himself in housing need once again if he and his partner have more children.
47. The purpose of defining size thresholds based on the identified housing need in policy

DMH1 is to create a range of stock types to address the varied needs of the National Park's communities, and to allow a range of affordability of properties. The intention therefore is that new affordable housing should be permitted at a scale to address evidenced housing need, and not personal preference.

48. Moreover, In accepting every new affordable home up to the maximum threshold would entirely defeat these policy objectives, and would ultimately deliver only a stock of larger dwellings that would remain unaffordable and oversized for many of those with identified housing needs; in particular those on low to moderate incomes seeking to get on to the property ladder for the first time.
49. Whilst the aspirations of the applicant to obtain a house that will meet their need in perpetuity is noted, the proposed house is significantly larger than identified need.
50. Because the size of the proposed new dwelling is significantly larger than the identified housing need, the house would not meet an identified need for affordable local needs housing and the proposal is contrary to policy HC1 and DMH1.

Impact on the Conservation Area

51. The site lies within the Monyash Conservation Area. The site is within a parcel of fields to the west of the built-edge of the village that were added to the Conservation Area in 2011. The fact that the fields were added to the Conservation Area is clear recognition of the important contribution that they make to the historic character and significance of the Conservation Area.
52. There is a detailed Conservation Area Appraisal for Monyash. This sets out that one of the most distinctive features of Monyash is the uniquely well-preserved pattern of medieval strip fields, defined by later drystone boundary walls, which surround the settlement, extending out from the crofts within the centre of the village. This is of key significance to the historic character and appearance of the Conservation Area
53. The creation of a dwelling in the location proposed would undoubtedly harm the character and significance of the Conservation Area due to the encroachment of built form into the ancient field system. The dwelling would encroach into this preserved field system, extending the village into the preserved historic agricultural landscape that surrounds Monyash. The introduction of a substantial detached dwelling, parking areas and garden space would completely alter the character and appearance of this part of the ancient field system and would result in the built edge of the village extending into the fields, eroding the relationship between the built area of the village and the surrounding agricultural land. In doing so, the development would amend the definition between the built edge of the village and the agricultural fields area that makes such an important contribution to the historic character of the village. The domestic building and curtilage would alter the character and appearance of this village entrance location.
54. Furthermore, the proposal necessitates the removal of one of the trees that form an avenue along the frontage of the field, running parallel with Tagg Lane. This line of trees makes a positive contribution to the character of the Conservation Area. The submitted information states that a replacement tree will be planted elsewhere. However, given the strong linear character of the row of trees, the harm can't be mitigated by replacement planting elsewhere. This adds further harm to the impact of the development on the Conservation Area.
55. The development would cause harm to a designated heritage asset that should be avoided unless there is robust justification for it.

56. Great weight must be given to conserving heritage assets and any harm to a designated heritage asset requires clear and convincing justification. It is acknowledged that the level of harm would be in the “less than substantial” category. However, this would still be harm, and any harm requires clear and convincing justification. The NPPF sets out that less than substantial harm should be weighed against any public benefits of the scheme. The provision of local needs affordable housing is a public benefit that could be weighed in favour. However, since the new dwelling would not meet the identified housing need this cannot be given any significant weight in the planning balance. Therefore there is no public benefit that would outweigh the harm to the character and significance of the Conservation Area and the application is therefore contrary to policies L3, DMC3, DMC5 DMC8 and the guidance contained within section 16 of the NPPF.

Archaeological Impact

57. The Authority’s Senior Archaeologist has advised that the site has the potential to be of archaeological significance due to the presence of historic earthworks that run through the site. In order to understand and assess the impact of the development on the significance of this archaeological heritage asset, a desk based assessment supporting an earthwork survey of the enclosure (within the extent of the site) and field evaluation (trial trenching) to characterise its nature, extent, state of preservation etc., to understand its form, age and function so that its significance (and that of any associated buried features) can be determined would be required.
58. Because the principle of the development is not acceptable for the reasons outlined above, we have not requested this information in this instance. If the application was to be considered acceptable in all other respects, further information should be required prior to any positive determination.

Amenity

59. The position of the proposed dwelling would not result in any harm to the amenity of occupiers of any nearby dwellings by way of overlooking, overshadowing or oppressive impacts, including the nearest dwelling at The Old Saw Yard. The proposal accords with policy DMC3 in this respect.

Highway Impacts

60. The proposed dwelling would be accessed directly from Tagg Lane, with a new access created by breaching the boundary wall. The Highway Authority has raised no objection to the proposal, subject to conditions to secure visibility splays, parking layout, a bin dwell area, surface water control and an extension of the existing footway so that it meets with the site entrance. Subject to these conditions, the proposal would be unlikely to have significant highways impacts and is in accordance with policy DMT3.

Climate change mitigation

61. Climate change mitigation measures have been set out that include low energy lighting, water recycling measure, high efficiency boiler and sustainable insulation. The proposed measures are sufficient to accord with policy CC1.

Conclusion

- 62. The introduction of a domestic dwelling within the historically-important medieval strip field system would result in significant harm to the character and significance of the Monyash Conservation Area.
- 63. Furthermore, the size of the dwelling as proposed is significantly larger than the identified housing need is for. The dwelling would therefore not meet an identified housing need and is contrary to policies HC1 and DMH1.
- 64. There are no public benefits that outweigh the identified harm and therefore the application is contrary to policies L3, DMC3, DMC8 and the guidance within section 16 of the NPPF.

Human Rights

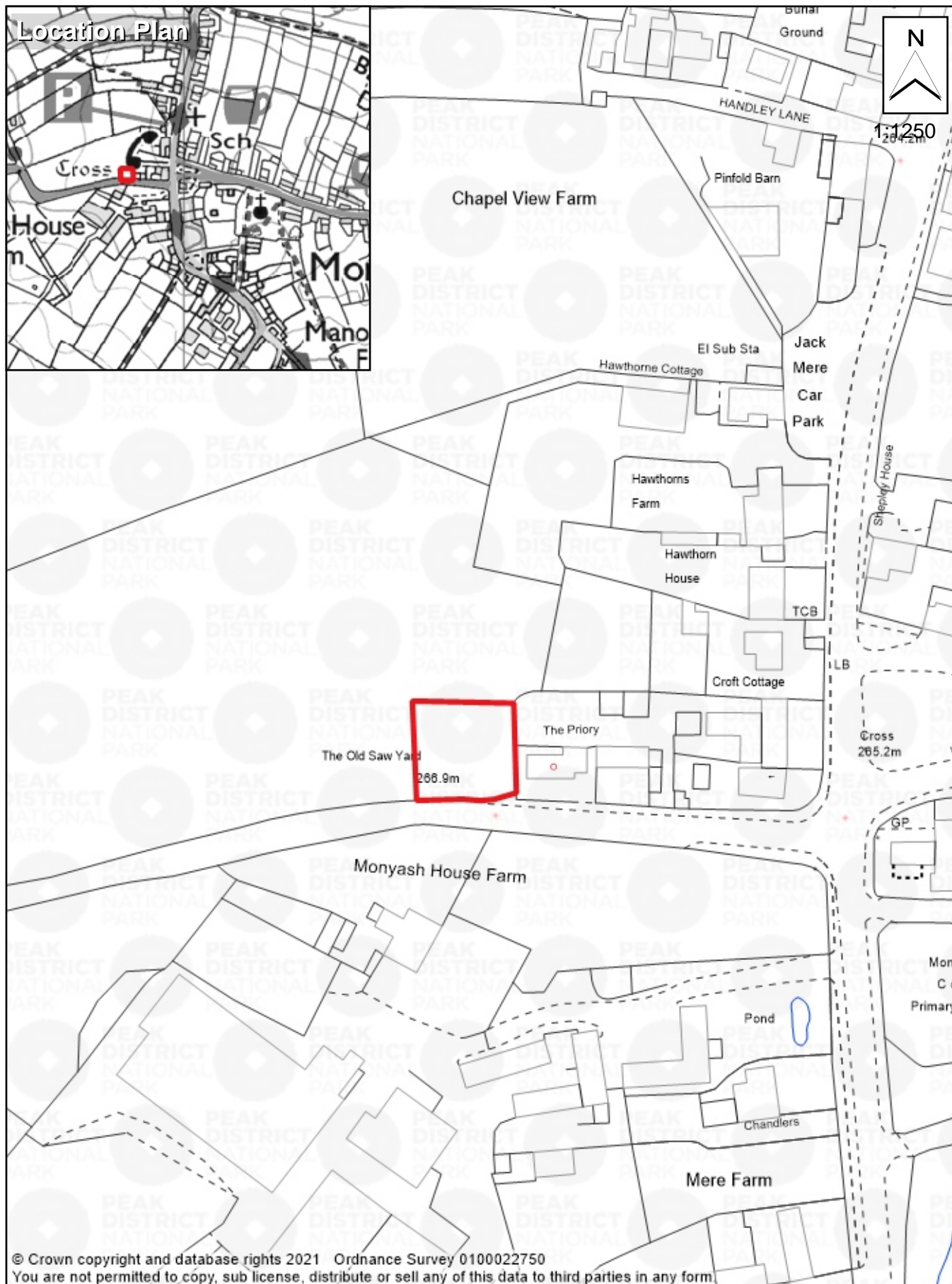
- 65. None arising.


List of Background Papers (not previously published)

- 66. None

Report Author and Job Title

- 67. Tom Shiels, Area Team Manager – Development Management



Committee Date:	10th September 2021	Title: Land off Tagg Lane, Monyash	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 9		
Application No:	NP/DDD/0121/0073		
Grid Reference:	414912, 366539		

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10. FULL APPLICATION – ERECTION OF LOCAL NEEDS DWELLING - LAND AT CHAPEL FARM, HEATHCOTE – (NP/DDD/0121/0083, MN)

APPLICANT: MR J FLETCHER

Background

The application was originally considered at the meeting of the Authority's Planning Committee on the 11th June 2021 and a copy of the report is attached as Appendix 1. (to be referred to here as "the first report"). Notwithstanding an officer recommendation of refusal of the application for the development of land for a local needs dwelling, members of the Planning Committee were minded to approve the application.

An approval of this scheme would represent a significant departure from policies and as such under Standing Orders it is necessary to return to Planning Committee with a further paper exploring the policy issues and risks such an approval could have to:

1. The impact on adopted planning policies;
2. DS1, HC1 and DMH1, understanding the different policy drivers to achieve sustainable development and affordable homes that address local needs in perpetuity;
3. Responding to landscape character, and applying the spatial strategy;
4. The cumulative impact of development in inappropriate locations;
5. Managing sustainable change
6. Comparisons and consistency with previous decisions in similar locations

Decisions must be made in accordance with our development plan, unless material planning considerations indicate otherwise. If members remain of the view that the application should be approved, despite the clear conflict with adopted strategic policy, then the Authority must be able to identify what the material planning considerations are that justify allowing such a clear departure from the development plan. As is discussed below, we are of the view that no material considerations exist in this case that would justify the proposed development. If members disagree, they must be able to clearly identify what the reasons are.

1. Impact on adopted planning policies.

The first report to planning committee explored a range of relevant policies, including:

Core Strategy

- GSP1 – Securing National Park Purposes and Sustainable Development
- GSP2 – Enhance the National Park
- GSP3 – Development Management Principles
- DS1 – The Development Strategy
- HC1 – New Housing
- L1 – Landscape character and valued characteristics
- CC1 – Climate Change Mitigation and Adaption

Development Management Policies

- DMH1 – New affordable housing
- DMH2 – First occupation of new affordable housing
- DMC3 – Siting, design, layout and landscaping
- DMT3 – Access and design criteria

There are no further Local Plan policies to consider as part of this application. This report refers specifically to the use of DS1, HC1, L1 and DMH1.

All policies and decisions are constructed to actively pursue National Park purposes and sustainable development. It is important to read the Local Plan as a whole to gain the broader

intent of strategy.

The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development (para 11). To do this it advocates approving development proposals that accord with an up-to-date development plan, but clarifies in para 12 that:

‘Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’

This planning application does not demonstrate any material considerations to indicate departure from the Local Plan.

For clarification, owning land is not a material planning consideration.

The applicant’s circumstances are that they currently live and work in the village and wish to have a home there in which to raise a family. They have demonstrated a local connection and since the last report was prepared they have also submitted evidence of registration with Home Options, who confirm that the applicants have a housing need for a 2 bedroom property.

These circumstances are far from exceptional – indeed they are common to many people. The latest population figures¹ show that there are 4,432 Peak District residents in the 20-34 age bracket. Due to the significant level of need for new homes that could arise from this population, and the pressure to meet this need, policy DS1 (the spatial strategy) directs development to the larger villages and more sustainable locations. This approach is consistently applied across all rural settlements of the national park that are unnamed in policy DS1.

The spatial strategy is sound, having been tested at examination². (It is also consistent with the settlement strategy (Policy S2) of Derbyshire Dales District Council’s Local Plan³.)

The applicant’s ownership of land presents an apparently expedient solution to need, but fundamentally undermines the spatial strategy. Land ownership is not a material consideration or an ‘exceptional circumstance’ to justify planning consent. To consider it would undermine the efficacy of policy DS1, the spatial strategy as a whole, and significantly weaken our ability to manage development in accordance with national park purposes.

2. Policies DS1, HC1 and DMH1; understanding the different policy drivers to achieve sustainable development and affordable homes that address local needs in perpetuity.

Policy DS1, HC1 and DMH1 work in harmony to achieve sustainable development and deliver

¹ ONS 2020 mid year estimates, 12% of total population of 36,940.

<https://reports.peakdistrict.gov.uk/sotpr/docs/settlement-&-communities/resident-population.html>

² At para 19 of the *Report on the Examination into the Core Strategy*, the Inspector sets out that “The Development Strategy set out in policy DS1 indicates what types of development are acceptable, in principle, in settlements and in the countryside. Its emphasis is on sensitive, managed delivery in order to meet the Park’s statutory purposes, which are conservation and enhancement of the environment, and to conserve and enhance it.”

³ https://www.derbyshiredales.gov.uk/images/L/DDDC_Planning_Doc_2018_vweb2.pdf. “All other areas, including those villages, hamlets and isolated groups of buildings where nearly all services and facilities must be accessed in higher order settlements are, for the purposes of this plan, considered as ‘countryside’. In these locations, development will be strictly limited to that which has an essential need to be located in the countryside.”

affordable homes that address local need in perpetuity.

Policy DS1 named settlements are considered to be sustainable locations for most new development due to a combination of factors relating to services, accessibility and environmental capacity.

Policy HC1 permits new housing for eligible local need provided that it remains affordable and is restricted in perpetuity to local people. A planning application for an affordable house is considered beyond the current applicants' needs. It considers future occupants, and in doing so considers their needs in terms of access to services etc.

The NPPF definition of affordable housing is housing for sale or rent for those whose needs are not met by the market. Housing need is assessed by the Planning Authority in co-operation with the Housing Authority and takes into account income and existing accommodation. The system is predicated on an assumption of modest incomes.

Therefore Policy DS1 delivers sustainable development in accordance with the NPPF by ensuring that affordable houses are in locations where people with modest means can access services relatively easily and relatively cheaply. The costs associated with travel to school, doctors, dentists, convenience shop etc. are all relatively much higher in isolated, non-DS1 settlements. Public transport is also much more limited. Heathcote is one such location where people need to travel to access most services. The Hartington Nether Quarter Parish Statement identifies a post box as its only service.

Existing family and work connections ensure that for the applicant, the location is perfect, but the problem is exacerbated on second and subsequent occupations. It is highly unlikely, given its location, that the house would remain affordable in perpetuity, even with a S106 restricting occupancy.

Policy DMH1 re-enforces that this type of housing is not acceptable in the countryside outside of settlements named in Policy DS1.

DMH1 sets size thresholds to ensure affordable housing remains affordable. For a 3 person property, as a need has been demonstrated for, this would be 70m² maximum gross internal floor area. Whilst the applicant's agent has submitted amended plans since the last report was prepared, reducing the property from 3 bedrooms to 2, the floor space remains at 81m² and so fails to accord with DMH1 in this regard.

Therefore the principle of development is unacceptable, but in considering the detail of the application, the size is unacceptable too.

3. Responding to landscape character and applying the spatial strategy

NPPF para 176 states that within National Parks,

'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Core Strategy Policy L1 requires all development to conserve and enhance landscape character. Core Strategy Policy DS1 achieves this by requiring all development, including new affordable dwellings, to be located in a named settlement – places that have the capacity to accommodate development without harm to valued characteristics. To fail to accord with the criteria set out in DS1 would consequently fail to deliver the policy requirements of L1; to conserve and enhance landscape character. The impact of the development has to be considered at a strategic level, thereby understanding the purpose and intent of the relationship between how policies DS1 and

L1 work together to deliver national park purposes.

Without Policy DS1 controlling development and directing it to named settlements, small rural hamlets, such as Heathcote, would lose their more remote, rural character. This is what distinguishes them from named settlements. Allowing the development proposed would significantly undermine the purpose of protecting this character. Strategically, the impact of development such as this, within the open countryside, would have an adverse impact on the valued characteristics of the national park as a whole.

4. The cumulative impact of developments in inappropriate locations.

There is already a noticeable increase in decision-making that is contrary to Policy DS1. Annual Monitoring Reports show that for the 9-year period between 2004/5 and 2012/13 there were no permissions granted contrary to Policy DS1. However in the 6-year period between 2013/14 and 2019/20 there were 6 permissions granted contrary to policy. Five of these were in relation to local needs dwellings in open countryside contrary to DS1.

The message that this sends is that the president has already been set. It will inevitably lead to inconsistent decision-making (see section 6) and could lead to an increase in applications for harmful development, that would change the character of the national park landscape as referred to in section 3 of this report.

5. Managing sustainable change

Planning applications are to be determined in accordance with the Local Plan, as set out in section 1 of this report. The PDNPA local plan is up to date, with the Development Management Policies only having recently been adopted in 2019. The approach set out in the Local Plan was subject to public consultation and examination and is what has been adopted by the Authority.

The Local Plan Review is currently in undergo and below are the approximate timescales for this process. This is the arena in which any changes to policy will happen.

- 2021 – debate on broad issues and evidence gathering
- 2022 – preferred issues and options with formal consultation at the end of the year
- 2023 – draft plan with formal consultation at the end of the year

6. Comparisons and consistency with previous decisions in similar locations

Recent decisions in Heathcote.

[Agenda for Planning Committee on Friday 15th June 2018, 10.00 am: Peak District National Park](#)

NP/DDD/0418/0287 – Erection of two local needs affordable dwellings, Land at Heathcote

Minutes of the planning committee meeting 15/08/2018

Members felt that although there was clearly a local housing need, this development was in the wrong place as it would be a building in the open countryside, and that a more suitable site could be sought.

[Agenda for Planning Committee on Friday 11th January 2019, 10.00 am: Peak District National Park](#)

NP/DDD/1118/1070 – Erection of a local needs affordable dwelling at land at Heathcote, Biggin.

Minutes of the planning committee meeting

Members asked whether there were any proposals to supply affordable housing in Biggin, but the Head of Development Management reported that she was not aware of any. That any designation in Neighbourhood Plans needed to reflect the National Park Authority's policies and that provision of housing should be based on a local needs assessment, and that need which was a continually evolving process.

A motion to grant permission for the erection of a local needs affordable dwelling was moved and seconded. The Head of Development Management stated that due to the potential departure from policy she would be evoking SO 1.48 if Members were minded to grant the application, requiring the item to be deferred to a future meeting of the Planning Committee so that Officers could bring a report setting out the impact on policy of such a decision. The motion in principle was put to the vote and was not carried.

Members acknowledged that more affordable houses were needed, but they would have to be within a named settlement, not in open countryside unless it was an agricultural workers dwelling, as this would be contrary to Policy.

The issues raised in cases such as this are currently under review and officers stress a formal review of policy is the most appropriate place to consider these issues.

It is clear that for both these planning decisions, in Heathcote, location was the main reason for refusal, in that they were in open countryside, away from DS1 settlements. On location grounds alone, there is no justification in policy to permit an affordable house in Heathcote now and no mitigating factors or reasons why the Committee should approve a house in Heathcote in 2021 when they refused similar applications in 2018 and 2019 on the grounds that Heathcote was not a suitable place for affordable housing.

Conclusion

Experience has shown that by taking proper regard to the development plan long term spatial objectives can be achieved for landscape, special qualities and sustainability. As such the proper furtherance of National Park purposes and duty.

There is an expectation amongst local communities and other communities of interest that the Authority applies policies in the Development Plan neutrally, fairly and consistently especially where they are up-to-date, relate specifically to the development concerned and are consistent with the National Planning Policy Framework as they are in this case. To make a departure from policies based on the applicant's personal circumstances would carry a significant risk to the Authority's reputation and undermine past and future decision making.

In this case no exceptional circumstances have been demonstrated which could justify a decision different from those made in recent years and which would therefore depart from the development plan.

In these circumstances, the Planning Committee is respectfully urged to reconsider its previous position of being minded to approve the application. It is recommended that the application should be refused.

Report Author: Mark Nuttall, Senior Planner (South)

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9. FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING - LAND AT CHAPEL FARM, HEATHCOTE – (NP/DDD/0121/0083, MN)

APPLICANT: MR J FLETCHER

Summary

1. The proposal is to construct a single local needs dwellinghouse in Heathcote.
2. The construction of new build housing in Heathcote is contrary to planning policies DS1 and DMH1.
3. The application also fails to establish that a housing need exists and, if so, to identify the size of property required to meet the need.
4. There are no other policy or material considerations that would indicate that planning permission should be approved. Accordingly, the application is recommended for refusal.

Site and Surroundings

5. The application site is a small field within the hamlet of Heathcote, which lies approximately 1.75km east of Hartington and approximately 1km north-west of Biggin. The field has a domestic character but there is no evidence that domestic use of the site is lawful.
6. The site is accessed via a field gate within the north-western boundary wall, which opens on to the unnamed road that forms the spine of the hamlet.
7. The properties comprising Heathcote include residential properties aligned approximately along the road through the settlement. Surrounding land use is principally agricultural.
8. The nearest neighbouring properties are The Old Chapel located to the north-west of the site, and Chapel Farm, located to the west.
9. Heathcote is not a named settlement within the Authority's Local Plan and for the purposes of planning policy the application site is therefore in open countryside.
10. The site is outside of any designated conservation area.

Proposal

11. The erection of a local needs dwelling. This would be a two storey detached house.

RECOMMENDATION

12. **That the application be REFUSED for the following reasons:**
 1. **The provision of new building affordable housing in this location, outside of a named settlement, is contrary to the adopted spatial strategy for new development within the National park. The proposal is contrary to policies DS1 and DMH1.**
 2. **The application fails to demonstrate that the applicant is in housing need and, if they are, to demonstrate what size of property their circumstances require, contrary to policy DMH1.**

Key Issues

13. The main planning issues arising from the proposals are:

- Whether the provision of an affordable dwelling in the proposed location is acceptable in principle.
- Whether there is an identified need for the affordable dwelling proposed, and whether the proposed occupant would meet the local occupancy criteria.
- Whether the proposed dwelling is of a size to meet the identified need.

Relevant Planning History

14. 2016 – Planning permission granted for 5 pitch caravan park at Chapel Farm, south-west of application site

Consultations

15. Derbyshire County Council - Highways – No objections subject to maximising visibility splays within the site and providing adequate parking within it.

16. Derbyshire Dales District Council – No response at time of writing.

17. Hartington Nether Quarter Parish Council – Support the application and consider the proposal to be quite a conservative building for the plot.

18. PDNPA – Archaeology – No comments.

Representations

19. 8 letters of representation have been received, all supporting the proposals. The grounds for support are:

- The development would support a local person being able to remain living in the locality, supporting both them and the local community and economy.
- The appearance and location of the property is in keeping with the hamlet
- There is little existing affordable housing in the locality, and local open market housing is unaffordable to young people.
- It would reduce traffic movements that would arise if the applicant were to live elsewhere and commute to work in Heathcote

Main Policies

20. Core Strategy policies: GSP1, GSP2, GSP3, DS1, HC1, CC1, L1

21. Development Management policies: DMH1, DMH2, DMH10, DMC3

22. 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:

- a. Conserve and enhance the natural beauty, wildlife and cultural heritage
- b. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

23. 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.

National planning policy framework

24. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. 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 the National Park the Local Plan comprises the Authority's Core Strategy 2011 and the Development Management DPD 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 more recent Government guidance in the NPPF.
25. 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.'

Local Plan

26. Core Strategy policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
27. Core Strategy policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
28. Core Strategy policy DS1 details the development strategy for the National Park. For the purposes of planning policy Heathcote is not a named settlement in Core Strategy policy DS1. The development strategy (DS1) indicates what types of development are acceptable in principle in settlements and in the countryside. New build affordable housing is not one of the acceptable forms of development outside of named settlements.
29. Core Strategy policy HC1 addresses new housing. It sets out that provision will not be made for housing solely to meet open market demand but that, 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.
30. Core Strategy policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
31. Core Strategy policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

32. 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.
33. Development Management policy DMH1 addresses affordable housing. It sets out that affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that: (i) there is a proven need for the dwelling(s); and (ii) any new build housing is within the stipulated size thresholds. These are as follows:

Number of bed spaces	Max. Internal Floor Area (m2)
One person	39
Two person	58
Three person	70
Four person	84
Five person	97

34. Development Management policy DMH2 addresses the first occupation of new affordable housing. It states that in all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:
- a person (and his or her dependents) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - a person (and his or her dependents) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
 - a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

35. Policy DMT3 states, amongst other things, that where development includes an improved access onto a public highway it will only be permitted where a safe access that is achievable for all people, and can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

Principle of providing affordable housing in Heathcote

36. Heathcote is not a named settlement in policy DS1 of the Local Plan and as such for the purposes of planning policy the proposal represents the construction of a new affordable dwelling in the open countryside. This is contrary to policy DS1, which sets the spatial strategy for new development within the National Park, and policy DMH1 of the Local Plan, which only permits new build affordable housing in or on the edge of named settlements.
37. The applicant's circumstances are that he and his partner live with his parents in Heathcote, where he has resided for all of his life. They are expecting a child and are therefore seeking a home of their own. The applicant works as a self-employed lorry driver and we are advised that he keeps/maintains his lorry at the family farm, as well as helping to run the farm.

38. None of these issues are considered to represent exceptional circumstances, all being addressed by current housing policy. Existing policy already makes provision for new affordable housing for young people with strong local connections setting up home for the first time, and directs this to named settlements – where it directly supports the vitality of those settlements, is more sustainably located, and (cumulatively and generally) has lower landscape impacts. Support for the provision of housing within the countryside on the basis that the applicants own land in that location does not represent sustainable development, is easily repeatable, and undermines each of these policy aims.
39. In summary, the application does not presents any evidence that there are sound planning reasons to provide a new dwellinghouse in a countryside location where it would be contrary to the planning policies of the Core Strategy and Development Management Policies document.

Local qualification and housing need

40. Policies DMH1 and DMH2 make it clear that new affordable housing can only be permitted when there is a proven need for the new housing. To be ‘in need’ a person must be in accommodation that is overcrowded or otherwise unsatisfactory. The supporting text sets out that people forming a household for the first time can amount to a housing need.
41. The application is for one new house for the applicant to live in with their partner. We are advised that the applicant has lived with their parents in Heathcote for in excess of 10 years. This complies with policy DMH2, in so far as it relates to residence history.
42. However, no evidence of housing need has been provided. We have discussed this matter with the applicant’s agent during the course of the application, who advises that the applicant has registered with the Home Options partnership – a group that works to help identify and provide housing to those unable to afford open market property values and rents. However, despite being advised that it is necessary, no evidence of this registration or the conclusions of any needs assessment from Home Options has been provided – nor has any equivalent information that would allow the Authority to make its own enquiries with Home Options as to the applicant’s housing need.
43. For the purposes of policies DMH1 it is therefore not possible to establish if the applicant is in housing need or, if they are, what size of property their identified need is for. The application is therefore contrary to these policies.

Size of proposed dwelling

44. The approximate floorspace of the proposed dwelling is 93m².
45. Policy DMH1 outlines maximum size guidelines for new affordable dwellings, ranging from 39m² for a single person dwelling to 97m² for a five person dwelling.
46. As noted previously, the lack of evidence of a housing need means that it is not possible to establish what size of property is justified by that need – if one exists.
47. The purpose of defining size thresholds based on the identified housing need in policy DMH1 is to create a range of stock types to address the varied needs of the National Park’s communities, and to allow a range of affordability of properties; accepting every new affordable home at any size proposed up the maximum threshold would entirely defeat these objectives, and would ultimately deliver only a stock of larger dwellings that remained unaffordable and oversized for many of those with identified housing needs; particularly those seeking to get on to the first rung of the property ladder.

48. As a result of insufficient evidence that a dwelling of this size is required to meet the applicant's housing need – if they have one – the application is also contrary to policy DMH1 in this regard.

Design

49. The design and massing of the property broadly follow the local building traditions, and would be appropriate to the building's setting.
50. Materials – limestone walling with a blue slate roof – would also reflect the local built environment.
51. Overall, the design of the property raises no objections and would conserve the appearance of the built environment and landscape, according with policy DMC3.

Siting and landscape impacts

52. The dwelling would occupy a plot adjacent to the neighbouring properties of Chapel Farm and The Old Chapel to the west and north-west. This would prevent the property from appearing isolated.
53. The pattern of development within the settlement is generally irregular, with differing spacing between properties and differing setbacks from the roadside. It is not considered that a further property here would result in a suburbanising effect or have an significant adverse impact on the settlement form. Nor would it appear prominent or incongruous in the wider landscape.
54. Therefore the siting of the building gives rise to no design or landscape objections, according with policies L1 and DMC3.

Amenity

55. The proposed dwelling would be located approximately 35m from the nearest neighbours of Chapel Farm and The Old Chapel.
56. At these distances, and given the topography of the land, there are no concerns regarding loss of privacy or disturbance to these properties.
57. Some neighbouring gardens will be visible from the property, but these are already open to view from the highway and a degree of further overlooking of these spaces does not raise any significant concerns.
58. Properties to the north of the adjacent road are further from the proposed dwelling, and their amenity would not be prejudiced by the development.
59. Overall, it is concluded that the development would conserve the amenity of other residential properties in accordance with policy DMC3.

Highway considerations

60. The highway authority raise no objections to the proposal, subject to securing the maximum achievable sightlines from the site access.
61. The access is not on to a through road, and as a result traffic movements along the road are limited. There is also sufficient space within the site for turning and parking.
62. It is therefore concluded that safe access to the site could be achieved in an acceptable

manner.

Climate change mitigation

63. Climate change mitigation measures are set out as including the provision of an air source heat pump, insulation to exceed building regulations, a high efficiency heating system, motion activated and energy efficient lighting, and rainwater recycling.
64. Whilst more precise details have not been provided, collectively, these measures would represent a sufficient commitment to reducing energy usage and mitigating carbon emissions subject to more specific details being secured by planning conditions. The proposal is therefore concluded to accord with policy CC1.
65. Subject to discrete positioning, the air source heat pump would have a low visual impact. This element of the scheme therefore also accords with policy CC2.

Conclusion

66. The provision of new build affordable housing in Heathcote is unacceptable in principle, conflicting with the Authority's spatial strategy and housing policies.
67. Further, the application also fails to demonstrate a need for the dwelling proposed.
68. The application is therefore found to conflict with policy DS1 and DMH1.
69. There are no other policy or material considerations that would suggest planning permission should be granted. Consequently the application is recommended for refusal.

Human Rights

70. None arising.

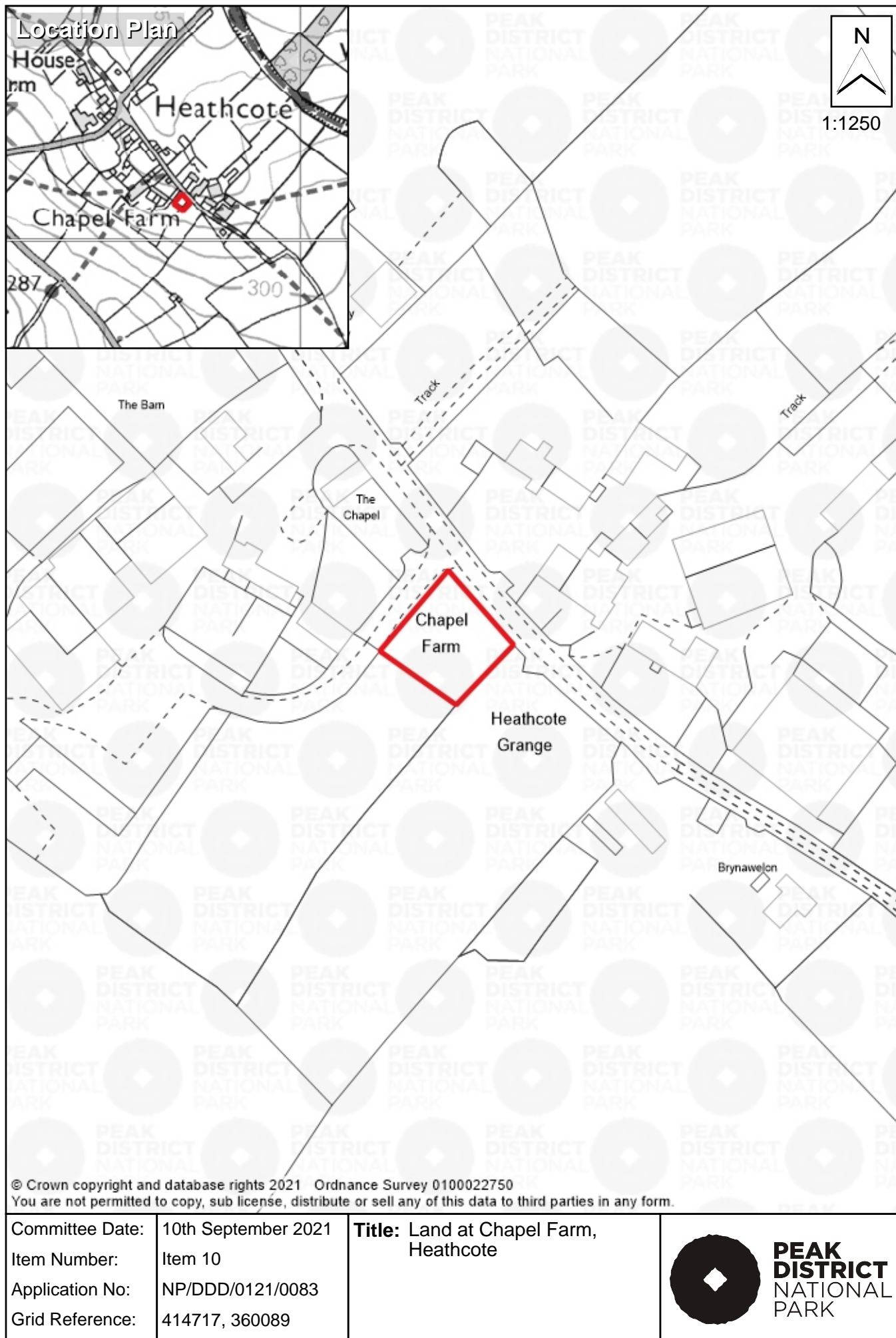
List of Background Papers (not previously published)

71. None

Report Author and Job Title

72. Mark Nuttall, Senior Planner

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11. HOUSEHOLDER APPLICATION; PROPOSED EXTENSION OF DWELLING AT JUBILEE LODGE, THE GREEN, FROGGATT, S32 3ZA. (GRID REF 424574-376251 / JK)

1. APPLICANT: MR AND MRS HARDWICK

2. Summary

3. This is a revised scheme following a refusal under delegated powers of a similar application earlier this year (NP/DDD/0221/0195).
4. The current scheme proposes the same scale and form of extension to raise the north western end of the bungalow up to two storeys. The key differences between this and the previous refusal are the omission of a single storey study extension off the north-east gable of the proposed main extension and a more traditional fenestration in the raised central section replacing previously proposed full height glazed panels.
5. The proposed extensions do not adequately reflect adopted design guidance, principally in terms of scale and massing. The proposal is excessive in scale and not subservient to the host property and would only continue the pattern of more extensions adding to the bulk, and further complicating the form and massing of the property. These would detract from the property itself and exacerbate its already dominant and harmful impact upon the landscape setting and the significance of the surrounding Conservation Area which is not outweighed by any public benefits.
6. The application is therefore recommended for refusal being contrary to the Extensions and Alterations SPD, the Design Guide, Policy GSP3, L1 L3 DMC3 DMC5 DMC8 and Policy DMH7 and the NPPF

7. Site and Surroundings

8. Jubilee Lodge is a stone built detached split level bungalow which sits within a large plot on the rising hillside close to the eastern edge of Froggatt village, to the south of The Green (a no through road), and just to the west of the A625 Froggatt Edge Road.
9. It has been significantly extended over the years and now has a complicated and unresolved building form which is far removed from its origins as a simple rectangular bungalow.
10. It sits on a rising hillside so from the rear it is single storey in height however from the SW front it is one and a half storey's high with a raised entrance terrace and undercroft storage. Additionally there is a large projecting two gabled form to the SW front housing living areas and a conservatory at first floor above garaging.
11. The property benefits from an extant 2009 consent for further extension/remodelling at the north-western end to create a low two storey form facing The Green with eaves dormer windows. Work commenced just sufficient to implement the consent but was then paused.
12. The property lies within the Froggatt Conservation Area and is prominent in close views from 'The Green' close to the site. Due to its scale and location it is also prominent in wider views from across the valley where it can be clearly seen sitting within the large plot

13. Proposal

14. Extension of the dwelling to create a full two storey form on the northern half of the property. The additional accommodation would create two bedrooms with en-suite bathrooms at first floor with one bedroom with en-suite bathroom and dressing room at ground floor.
15. The extensions would comprise raising the roof over the existing central section (which formed the original bungalow) to create a new first floor. This would then link to a two storey gabled extension sitting at 90degrees which would be raised higher than previously approved to full two storey level (thus doing away with the previous need for eaves dormer windows). This section would have a 35degree roof pitch to match the ridge line of the central section which would have a 30 degree roof pitch and a 450mm lower eaves line.
16. The walling and roofing materials would match the existing. Window and door frames would be white uPVC. The proposed fenestration in the raised SW facing central section facing down to the main body of the village would comprise one single and one two light casement window. Within the ground floor elevation the existing patio doors would be removed and the opening widened to accommodate a set of 4 leaf bi-fold doors.
17. The less formal rear elevation of this raised section would have a single two light casement with lintel and sill to match existing ground floor openings. Four 'sun tunnels' would be fitted to the roof of the raised central section, two to each roof slope.
18. The SW gable end would have a three light window with full stone surrounds and mullions centrally placed at both ground and first floor. Similarly the north-west elevation which faces The Green would have a pair of two light casement window openings at ground and first floor with full stone surrounds and mullions.

19. RECOMMENDATION:

20. That the application be REFUSED for the following reason

The scale, massing and design of the extensions are not subservient to the host property. They would represent a dominant and intrusive form development which would detract from the host dwelling and cause harm the character and appearance of the street scene, the landscape setting and the significance of designated Froggatt Conservation Area contrary to Core Strategy policies GSP1, GSP3, L1 and L3, Development Management policies DMC3, DMC5, DMC8 and DMH7 our adopted design guide Supplementary Planning Document and the National Planning Policy Framework.

21.Key Issues

22. Whether the development would conserve the character, appearance and amenity of the existing property, its setting, that of neighbouring properties and the significance of the Froggatt Conservation Area.

23. History

24. The property has been significantly extended as follows;
25. 1983 - According to our records the original rectangular bungalow was first enlarged with an extension to the south east gable.

26. 1996 - A further extension was added to the 1983 extension extending it forward of the main elevation with a two storey projecting gabled form with single storey car port.
27. 2002 – An extension over the existing carport was granted to form a first floor conservatory and decking area, which was amended in 2003 to alter the materials used on the conservatory.
28. 2008 – Refusal on design grounds for Extension to bedroom 3 & construct bedroom 4 at the northern end of the dwelling. The design grounds, in summary, comprised the significant amount of additional floorspace and volume together with its height which would have competed physically and visually with the original bungalow to the detriment of its identity and integrity, detracting from its scale and character, the local building tradition, and the wider Conservation Area. Furthermore the proposed dormers were not considered appropriate and would set a clear precedent for others to follow in similar circumstances.
29. 2009 – Approval for redesigned extension to provide bedrooms no 3 & 4 and 2 en-suite bathrooms – development commenced with footing's in place but was not progressed further (NP/DDD/1008/0879). Plans show the permission would raise the northern end to two storey with dormers and a central 'front door' to give the dwelling a more traditional low two storey 'frontage' and main elevation facing the street.

30. Consultations

31. Highway Authority – No objection subject to space for a minimum of three vehicles to park and manoeuvre within the site being retained, each space measuring a minimum of 2.4m x 5.5m.
32. District Council – No response to date
33. Parish Council – No response to date

34. Representations

35. There have been 7 representations received in support which make the following summarised points that are material planning considerations relevant to the case;
36. The nearest property, Yew Tree Cottage is the only house in the Green with any part view of jubilee Lodge, as with the 2 of other 90 houses in the village Yew Tree Cottage has no view of the proposed bi-fold windows, 87 of other properties having no view of the property at all.
37. Cleans up an unfortunate elevation (west gable) created due to need at that time.
38. Restores the PDNA's preference for a 2 story house being dominant with subservient other accommodation which provides for a more correct architectural solution than significantly increasing the footprint with a part subterranean extension.
39. The roof height is no greater than necessary and no higher than other 2 story houses in the village
40. There are no adjacent properties where roof sight lines may be compared and the property is inside the height of tree cover on all publically accessed elevations.

- 41. The property cannot be seen from the Calver - Grindleford road in terms of recognisable Architectural detail.
- 42. The application meets the Authority's objectives: to strengthen the two storey element on an atypical bungalow and should be enabling this enhancement.
- 43. Improves the character and appearance of this modern building by simplifying its form by removing the small gables on the NW and SW elevations.
- 44. The two storey element is only slightly larger than on the previously approved scheme.
- 45. The neighbouring buildings are so far away that this proposal cannot detract from them,
- 46. There will be no deleterious effect on the Conservation Area.
- 47. The footprint is not being increased.
- 48. This proposal will not harm the character of this modern building or the amenity of the area in any way.

49. Policy

- 50. 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:
 - i. Conserve and enhance the natural beauty, wildlife and cultural heritage
 - ii. 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.

- 51. In considering whether to grant planning permission for the proposal the Authority is obliged to have special regard to the desirability of preserving the conservation area. We must give great weight to the desirability of conserving a designated heritage asset weighing against any public benefit where harm is less than substantial.

52. National Planning Policy Framework (NPPF)

- 53. 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.
- 54. 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.

55. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.
56. Para 195. Of the NPPF states that Local planning authorities should 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. They 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.
57. Para 197. Of the NPPF states that in determining applications, 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.
58. Para 199. Of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
59. Para 200. Of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
60. Para 202. Of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

61. Main Development Plan Policies

62. Core Strategy

63. 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 conservation and enhancement of the National Park's landscape and its natural and heritage assets.
64. 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.
65. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Froggatt is a named settlement.

66. 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.
67. Policy CC1 requires development to incorporate sustainable building techniques to mitigate the impacts of climate change. Development must maximise opportunities for carbon reductions by designing development in accordance with the energy hierarchy and incorporating energy and water saving measures.
68. Policies L1 and L3 say that development must conserve or enhance the landscape and cultural heritage of the National Park and other than in exceptional circumstances development that has a harmful impact will not be permitted
69. Development Management Policies
70. Policy DMC3 states 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. Particular attention will be paid to siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, and the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area.
71. Policies DMC5 and DMC8 are relevant for development affecting heritage assets (and specifically conservation areas). 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. We have an adopted conservation area appraisal for the area and this is a material consideration in the determination of the application.
72. Policy DMC5 states that the development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless there are substantial public benefits.
73. Policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
74. Policy DMH7 deals with extensions and alterations to dwellings. It states that extensions and alterations to dwellings will be permitted provided that the proposal does not: (i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or (ii) dominate the original dwelling particularly where it is a designated or non-designated heritage asset; or (iii) amount to the creation of a separate independent dwelling; or (iv) create an adverse effect on, or lead to undesirable changes to the landscape or any other valued characteristic.
75. Policies DMT3 and DMT8 require safe access and adequate off-street parking.

76. Supplementary Planning Documents

77. We have adopted a Supplementary Planning Document (Detailed Design Guide) for alterations and extensions. Chapter 3 relates to extensions to dwellings and states that there are three main factors to consider, massing, materials, detailing and style. All extensions should harmonise with the parent building, respecting the dominance of the original building. The original character of the property should not be destroyed when providing additional development.

78. Chapter 4 of the SPD deals with other material planning considerations, neighbourliness, outlook and amenity, privacy and daylight are fundamental considerations when altering or extending a property. We have also adopted a SPD on sustainable building and climate change. This is a material consideration when applying policy CC1.

79. Assessment

80. Principle of Development

81. Our policies allow for extensions and alterations in principle and in this case the property already benefits from the extant 2009 planning permission for extension which is being incorporated into this current proposal. Therefore, the key issue is whether the development would conserve the character, appearance and amenity of the property, its landscape setting including the significance of the Conservation Area, as well as neighbouring properties.

82. Character/Landscape impact

83. Jubilee Lodge is set back from the road and cut into the sloping hillside. It sits within a large rectangular plot which is largely down to grass, giving the property the appearance, especially in wider views of the village, of being located within a field.

84. Its large L shaped footprint, multiple roofs and split level form which is significantly raised at the front, coupled with design features like the first floor conservatory make the dwelling prominent from the roadside and in wider views across the valley.

85. Although constructed in natural gritstone it is clearly not a traditional building and as a result of previous extensions, the complicated form of the property and the lack of a clear principal elevation facing the street means it does not reflect the vernacular properties in the village and currently detracts from the character and appearance of the Conservation Area.

86. The extant 2009 planning approval for extension aimed to create a low two storey double fronted form with eaves dormer windows at the north-western end of the property. Despite concerns about design and landscape impact from further extending an already over-extended bungalow, it was supported on the basis that the two storey form created would better reflect the local building tradition and was seen as the maximum scale of extension that could be accommodated. It would also have given the property a clear principal frontage facing the street with new central door acting as a focal point to bring some enhancement to the appearance of the property and by better reflecting the local vernacular also enhance the buildings impact upon the Conservation Area. That permission has been implemented but not progressed.

87. The design of the current proposal incorporates that previous two storey element but is raised in height to full two storey along with the central section of the original bungalow. The applicant explains that the increased height is designed to resolve the low roof

- height in the previous approval. This would have resulted in internal ceilings heights that the applicant later realised would reduce the amount of useable full height floorspace to a level that made it unacceptable for him to proceed.
88. The current proposal therefore seeks to address that previous deficiency with eaves of the proposed extension on the north-western end now being 1.4m approx. higher to give a full two storey height with conventional ceilings internally to do away with the need for eaves dormers.
89. In addition to raising the two storey gabled extension, this current proposal also seeks consent to lift the roof of the central section of the existing dwelling behind up to two storeys with a matching ridge line. This central area of the bungalow has a wider floorplan than the traditional narrow gable of the northern gabled extension and the roof would have a lower 30 degree pitch compared to that of the gabled extension at 35degrees. Although it would have a matching ridge line with the north-west facing extension its eaves line would be 450mm lower than the eaves of the northern section.
90. As a result of these significant increases in overall height, the proposed extension would not be subservient to the existing dwelling as required by our adopted policies and design guidance. Instead they would result in a clearly dominant two storey higher dwelling form which, because of the sloping land and elevated front, would appear almost 2½ storey high from the SW. This would be well above and dominant over the existing dwelling elements to the south. These lower level elements, are themselves mainly two storey and would nevertheless still remain a substantial range in their own right in terms of their own scale and massing, especially as they project significantly forward of what currently is the principal or 'front' elevation of the property facing down the valley.
91. Whilst the 2009 extension allows for an increase in height and scale at the north-western end of the bungalow this would result in a traditionally proportioned and fenestrated cottage style form and frontage presence facing The Green. Despite the scale that design approach had some merit and was considered, on balance, to be acceptable because it brought some enhancement with a coherent front elevation facing the green and despite the increases scale/height, remained subservient to the overall scale and massing of the dwelling.
92. In terms of fenestration the previous objection over the scale of the wide glazed openings on the SW facing first floor front have been resolved by omission and replacement with appropriately sized openings.
93. The set of white uPVC bi-fold doors at ground floor (replacing an existing uPVC patio door and separate window) remain and are reduced by one panel from the previous refusal. These would still undermine to some extent the generally high solid to void ratio of wall to openings in the rest of the proposal and that of the existing dwelling (apart from the glazed first floor conservatory). Although included on the plans to form part of this proposal they would ordinarily be an alteration to an existing dwelling that could be carried out under 'Permitted Development' which therefore represents a material consideration as a realistic fall-back position.
94. The increased height on the proposed NW facing elevation, coupled with the loss of the previously approved doorway focal point, would result in the key elevation facing the street having a tall and somewhat bland elevation. On balance, the resulting massing would also be rather too square in proportion to fully reflect the local tradition and indeed the previous approved scheme for more rectangular proportions with a clear horizontal emphasis.

95. We therefore again conclude that this revised proposal for a significantly larger extension to the property than was approved in 2009 would simply increase the current unresolved and complicated massing and large scale of the building taking even it further away from the local building tradition. The increased scale and massing would also give the resultant dwelling a significantly increased prominent and intrusive impact upon its open setting, exacerbating the current harmful impact it already has upon the immediate streetscene, the Conservation Area and its wider landscape setting rather than bringing some enhancement like the 2009 decision.
96. There are no concerns regarding materials of construction or the use of white uPVC of an appropriate section/profile for the window frames on this modern building, although for the bi-fold doors we would have encouraged a more muted shade of colour so as not to draw attention to the wide scale of the opening.
97. The amended first floor fenestration and the omission of the study extension from the previous refused scheme are welcome improvements from the last refusal. These are not however, considered to be sufficient to override the more significant impact of the increased scale, massing and further complication to the form of the overall dwelling. As a result the proposal would further detract from its character and appearance as well as significantly increase the prominence of this non-traditional building.
98. The increased dominance of the enlarged building would significantly harm its immediate and wider landscape setting and as it forms a prominent component within the built environment would also harm the significance of the Froggatt Conservation Area. The harm identified to the Froggatt Conservation Area, a designated heritage asset, although significant would, nevertheless using the language in the NPPF, represent what is termed “less than substantial harm” (a term which encompasses every level of harm below total loss of the asset which would be “substantial harm”) but harm nevertheless and therefore we are required to consider whether there would be public benefits to outweigh the harm.
99. The proposed extension would provide additional living space for the applicant. Whilst we recognise this is desirable, this is a private benefit for the applicant and therefore does not outweigh the harm identified to the heritage asset. The public benefit we placed some weight upon to give an ‘on balance’ approval to in respect of an enhanced elevation facing The Green in the 2009 decision has been carried forward in this revised scheme.
- 100. Other considerations**
101. There are no concerns about parking or access which is unchanged and sufficient in area to accommodate adequate parking and manoeuvring space for resident’s vehicles.
102. Neither are there any concerns about neighbouring amenity as the nearest house across The Green is set back some distance.
103. The application states in terms of environmental management within the Design and Access statement that the scheme would provide “Overall reduced need of energy and heat loss thru new thermally efficient insulated roof structures to building regulations (L1B) high thermal standards. Provision of new ‘A’ rated ‘white goods’ to Kitchen and low flush to new WCs. New and any upgraded internal lighting shall be of low energy LED type. Energy shall be supplied more efficiently with a replacement heating and hot water boiler system”

104. The statement does not mention the proposed use of local reclaimed stone from the site and already procured which together with the measures set out above would represent a proportionate response within a proposal for a domestic extension to meet our CC1 policy aims.

105. Conclusion

106. The proposed scale and design of the extension does not adequately reflect adopted design guidance, principally in terms of scale and massing. The Extensions and Alterations SPD states that extensions should be sympathetic, subservient to the original building, and limited in size. Policy DMC3 states that the detailed treatment of a development should be of a high standard, and Policy DMC8 states that development in a Conservation Area should preserve or enhance.

107. This proposal is excessive in scale and not subservient to the host property and would only continue the pattern of more extensions adding to the bulk, and further complicating the already unresolved form and massing of the property. These would detract from the property itself and exacerbate its already dominant and harmful impact upon the landscape setting and the significance of the surrounding Conservation Area which is not outweighed by any public benefits. The application is contrary to the Extensions and Alterations SPD, the Design Guide, Policy GSP3, L1 L3 DMC3 DMC5 DMC8 and Policy DMH7 and the NPPF

108. Human Rights

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

110. List of Background Papers (not previously published)

111. Nil

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

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12. WITHDRAWAL OF BAKEWELL NEIGHBOURHOOD PLAN (AM)

1. Purpose of the report

To accept Bakewell Town Council's request to withdraw the Bakewell Neighbourhood Plan.

Key Issues

2. Background

The Authority has been supporting Bakewell Town Council and Neighbourhood Plan Working Group to write a neighbourhood plan for the Bakewell Neighbourhood Area.

Bakewell Neighbourhood Area was approved on 15th November 2013. The area is the same as the civil parish area.

Bakewell Town Council Group submitted the Neighbourhood Plan to the Authority on 15th June 2020.

A public consultation in accordance with regulation 16 was conducted between 27th August 2020 and 4th December 2020.

In accordance with Regulations an independent examination of the submission draft Neighbourhood Plan took place between December 2020 and May 2021 and the examiner's report was been submitted to Bakewell Town Council and the Authority on the 16th May 2021. Subject to modifications, the examiner concluded the neighbourhood plan met 'basic conditions' and recommended it proceed to referendum.

The examiner's report setting out the modifications required is in Background Papers.

Bakewell Town Council has since advised the Authority in writing that it wishes to formally withdraw the neighbourhood plan, stating that it 'would not be appropriate to go to referendum' because once modified, it would be 'a much reduced . . . document'.

An officer summary of the examiner's modifications is in Appendix 3.

3. Recommendations(s)

That members,

- accept Bakewell Town Council's request to withdraw the neighbourhood plan
- approve the withdrawal statement for publication

How does this contribute to our policies and legal obligations?

4. None applicable.

Background Information

Process to date

5. Bakewell Neighbourhood Area was designated in November 2013. The draft plan and associated documents were submitted to PDNPA on the 15th June 2020 and approved for Regulation 16 consultation and examination. The Regulation 16 consultation took

place between 27th August 2020 and 4th December 2020.

6. An independent examiner, Mr Nigel McGurk BSc (hons) MCD MBA MRTPI ('the examiner'), was appointed by the PDNPA and Bakewell Town Council. Examination of the plan took place between December 2020 and May 2021 and was conducted by written representations. The examiner considered all the policies and supporting text within the plan and made recommendations for a number of modifications to be made to the plan. The examiner's final report was received on 16th May 2021 (Background Paper).

Consideration of the examiner's report and proposed modifications

7. Each of the modifications recommended for the neighbourhood plan to meet the basic conditions is set out in the examiner's report (background papers). An officer summary of this is in Appendix 3.
8. Representatives from Bakewell Town Council have considered the proposed modifications and the reasons for them. In light of the significant changes proposed in the examiner's report, the plan, if modified in accordance with the examiner's recommendations, would not deliver the aims and aspirations of the Neighbourhood Plan. Consequently Bakewell Town Council has requested to withdraw the neighbourhood plan. Correspondence from Bakewell Town Council to PDNPA setting out their reasons for withdrawal is in Appendix 1.

Withdrawal Statement

9. On receipt of confirmation by Bakewell Town Council to withdraw the neighbourhood plan the Authority will publish a withdrawal statement setting out the details of the withdrawal.
10. The withdrawal statement is in Appendix 2 of this report.

Legal issues

11. None applicable

Are there any corporate implications members should be concerned about?

Financial:

12. The Authority is unable to apply for the £20k 'extra burdens' payment as the neighbourhood plan is not being taken to referendum. The cost of Regulation 16 consultation and the examination is therefore met by the Authority.

Risk Management:

13. The steps that the Authority has taken to respond to the submission of Bakewell Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is low.

Sustainability:

14. Sustainability issues were fully considered in the neighbourhood planning process.

Equality:

15. Equality issues were fully considered in the neighbourhood planning process.

16. **Background papers (not previously published)**

[Examiners Report](#)
[Bakewell Neighbourhood Plan – Reg 15 Submission Draft](#)

17. Appendices

Appendix 1 - Bakewell Town Council request to withdraw the Bakewell Neighbourhood Plan

Appendix 2 - Withdrawal Statement

Appendix 3 - Officer summary of modifications required

Report Author, Job Title and Publication Date

Sarah Welsh, Policy Planner, 2 September 2021

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Harrison Karen

From: John Rowe, Town Clerk <townclerk@bakewelltowncouncil.gov.uk>
Sent: 03 August 2021 15:34
To: Taylor Brian; Metcalfe Adele; Welsh Sarah
Cc: 'Pat Lunn'; 'Mike Marriott'; Cllr Adele Eyre; Cllr Alyson Hill; Cllr Bill Storey; Cllr Hilary Young; Cllr John Boyle; Cllr Paul Miller; Cllr Paul Morgans; Cllr Steve Edwards
Subject: Withdrawal of the Bakewell Neighbourhood Plan

**CAUTION: This email originated from outside the Authority's email system.
 Use caution when opening. If in doubt, do not open attachments or any links contained in the message.**

Dear Brian,

At the meeting of the Town Council held on Monday 2nd August 2021 the following report was received from the Bakewell Neighbourhood Plan Group;

"A recent alteration to the National Planning Policy Framework and the recommendations made at the Examination Stage of the Bakewell Neighbourhood Plan has resulted in a much reduced draft document.

The Neighbourhood Plan Group, in examining the options available to it, has concluded it would not be appropriate for the Bakewell Neighbourhood Plan to go to referendum in this format.

Moreover, there is no guarantee that a reworked document (a major undertaking in its own right) would produce any different an outcome at a future Examination.

After careful consideration the Group feels the incorporation of the draft Plan's policies in the emerging Local Plan would be a pragmatic result which provides a community insight and which safeguards the work undertaken to date.

It is therefore recommended the Town Council formally withdraw the Bakewell Neighbourhood Plan and negotiate with the Peak District National Park Authority for the incorporation of the draft Plan's policies within the Local Plan."

On that basis the Town Council resolved to accept the recommendations contained in the Neighbourhood Plan Group report and I am instructed to write to you formally withdrawing the Bakewell Neighbourhood Plan.

Regards,

John Rowe
 Town Clerk/Responsible Financial Officer
 Bakewell Town Council
 Town Hall, The Square, Bakewell DE45 1BT
www.bakewelltowncouncil.gov.uk
 Tel: 07717 137 526

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BAKEWELL NEIGHBOURHOOD PLAN WITHDRAWAL STATEMENT

Bakewell Town Council submitted their Neighbourhood Plan to the Peak District National Park Authority 15th June 2020. The Peak District National Park Authority then undertook a public consultation on the draft (Submission) Plan between 27th August 2020 and 4th December 2020.

Following the consultation, Mr Nigel McGurk was appointed by Peak District National Park Authority in December 2021 to carry out the independent examination of the Bakewell Neighbourhood Plan. The examination was undertaken by written representations.

Mr McGurk published his report on the Bakewell Neighbourhood Plan on 16th May 2021. It concluded that, subject to a series of recommended modifications, the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. Having considered the Examiner's recommendations, Bakewell Town Council, at its meeting on 2nd August 2021, resolved to withdraw its Neighbourhood Plan. A formal notice to the Peak District National Park Authority is appended to this Notice.

The Town Council now intends to work with the Peak District National Park Authority to include the aims and aspirations of the Neighbourhood Plan within the Peak District National Park Local Plan Review.

Town Clerk: John Rowe, Bakewell Town Council, Town Hall, The Square, Bakewell DE45 1BT www.bakewelltowncouncil.gov.uk

Further general information can be found at www.peakdistrict.gov.uk/planning/neighbourhood-planning/neighbourhood-plans/bakewell-neighbourhood-plan

DATE: 27th August 2021

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Policy	Submission draft	As modified by examiner	Officer comment
DB1 Development Boundary	<p>A. Future development of Bakewell will be contained within the Development Boundary as indicated on Map 2.</p> <p>B. Any new residential or industrial development within the Extension Areas should facilitate attractive, safe pedestrian and cycle routes to the town centre.</p> <p>C. Any development in an area of identified flood risk will need to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere.</p> <p>D. Development should reduce overall flood risk through the use of sustainable drainage systems where possible.</p> <p>E. Any development on land between Ashford Road and River Wye (Extension Area 3) should include a 10m buffer from the river bank.</p>	<p>Development within Bakewell's Development Boundary</p> <p>Development within Bakewell's Development Boundary must take account of the following:</p> <ul style="list-style-type: none"> Any development in an area of identified flood risk will need to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere. Development should reduce overall flood risk through the use of sustainable drainage systems where possible. Any development on land between Ashford Road and River Wye (Extension Area 3) should include a 10m buffer from the river bank. 	<p>It was always the intention for the neighbourhood plan to determine Bakewell's development boundary. The boundary devised via the neighbourhood plan process was adopted in the DMP. Core Strategy CC5 deals with flood risk. Therefore the amended neighbourhood policy does not now add any significant 'locally derived detail' to existing strategic policy.</p>

<p>ENV1 Protection and Enhancement of Bakewell's Setting</p>	<p>A. Development will be supported within the development boundary where it:</p> <ul style="list-style-type: none"> (i) respects the landscape's sensitivity and capacity to accommodate additional development; and (ii) includes ecologically appropriate landscaping and the provision of street trees of an appropriate scale, form and species, favouring native trees in less formal settings; and (iii) provides green infrastructure appropriate to the size of the development, restoring and enhancing connectivity for nature and people; and (iv) secures measurable net gains for biodiversity; and (v) limits, and where possible reduces the impact of light pollution from externally visible light sources. <p>B. Developers are encouraged to undertake a local landscape and visual impact</p>	<p>Landscape and Biodiversity</p> <p>Development must respect landscape character. The securing of measurable net gains for biodiversity and the planting of native species of trees which respect local scale and form will be supported. Proposals within the Development Boundary should be designed to minimise impacts on light pollution from externally visible light sources.</p>	<p>CS L1 requires development to conserve and enhance valued landscape character</p> <p>DMC11 requires that 'proposals should aim to achieve net gains to biodiversity'.</p> <p>DMC14 development that would cause any nuisance or harm to the rural character and dark skies of the area will not be permitted unless adequate controls are put in place.</p>
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	assessment in accordance with a proven methodology and submit this with a planning application.		
ENV2 Protection and Enhancement of Bakewell's Special Character	<p>A. Development in Bakewell will be expected to contribute positively to the quality of the built environment and public realm, including by the provision of new street trees of an appropriate scale, form and species.</p> <p>B. Applicants will be expected to demonstrate how the siting, design, layout and landscaping of the proposal align with the principles embedded in the National Park Design Guide and, where applicable, the Detailed Design Guide for Shopfronts, the Supplementary Planning Document for Extensions and Alterations, the Conservation Area Appraisal and the A-board Guidance Note, or as may be amended.</p>	<p>Green Infrastructure and Local Character</p> <p>All development must respect local character. It should be of a high quality and contribute to Bakewell's distinctive sense of place, having regard to guidance as set out in the National Park Design Guide and, where applicable, the Detailed Design Guide for Shopfronts, the Supplementary Planning Document for Extensions and Alterations, the Conservation Area Appraisal and the A-board Guidance Note. (retain Hyper Links)</p> <p>New housing development should contribute to local character and distinctiveness, having regard to topography, landscape features, habitats, buildings, orientation and micro-climate.</p>	

	<p>C. New housing development must be designed to:</p> <ul style="list-style-type: none"> (i) contribute to local character by retaining and creating a sense of place appropriate to its location; (ii) take advantage of existing topography, landscape features, habitats, buildings, orientation and micro-climate; (iii) define and enhance streets and spaces. <p>D. Applications for housing development comprising 10 or more units should include a Building for Life¹² assessment.</p>		
ENV3 Protection of Non-designated Heritage Assets	Policy DMC5 of the Peak District National Park Authority Part 2 Local Plan (Development Management Policies) applies to all applications for development affecting the heritage assets, or their setting, listed in paragraph 3.23.	Non-designated heritage assets and their settings will be conserved in a manner appropriate to their significance.	The intention of neighbourhood plan policy was to give some status to the list of non-designated assets. The revised policy does not do this.
ENV4 Local Green Spaces	The areas shown together in Table 1 and identified on Map 7 below Table 1 are designated as Local Green Spaces, where new development is ruled out other	The areas listed in Table 1 and shown on the plans below are designated as Local Green Space. The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.	NPA queried approach with NM (examiner). NM said (email 4.5.21) “The recommendations made re: Policy ENV4 enable the Policy to be revised to meet the basic conditions,

	than in very special circumstances.		<p>rather than be deleted. They do not nullify development plan policies, or serve to somehow “lessen” existing levels of protection. In effect, an additional layer of protection is provided.</p> <p>Officer comment The key is to have regard to national policy and be consistent with their management, but also be in general conformity (which is a closer test than the first) to the local development plan.</p>
H1 Provision of Affordable Housing	<p>The Neighbourhood Plan supports the development of new affordable housing within the development boundary of a range and number to address local need. All affordable housing units must comply with Policy DMH1, DMH2 and DMH3 of the Peak District National Park Authority Part 2 Local Plan</p>	Delete Policy H1.	

H2 Market Homes and Starter Homes on Previously Developed Sites	<p>A. Open market housing development on brownfield sites and previously developed land where re-development would enhance the built environment will be permitted.</p> <p>B. Starter Homes must comprise at least 50% of the total dwellings units permitted, with market housing or other enabling development being accepted only to the level necessary, as verified by an independent viability assessment undertaken by a Chartered surveyor, if necessary commissioned by the NPA but in all cases at the applicant's expense, which must include land purchase at values reflecting the policy constraint on re-development.</p> <p>C. Market Homes and Starter Homes will be restricted by legal agreement to primary full time occupancy remaining in perpetuity on subsequent sales.</p> <p>D. Starter Homes will be restricted by legal agreement to:</p>	Delete Policy H2	
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	<p>people who have lived in Bakewell parish or the adjacent parishes for a minimum of 10 years in the last 20 years</p> <p>first time buyers under the age of 40.</p> <p>E. Starter Homes must be built within the following floorspace thresholds:</p> <p>Number of bed spaces</p> <p>Maximum Gross Internal Floor Area (m2)</p> <p>One person 39</p> <p>Two persons 58</p> <p>Three persons 70</p> <p>Four persons 84</p> <p>Five persons 97</p> <p>F. Starter Homes will have permitted development rights for extensions, including roof alterations, removed.</p>		
H3 Specialist Housing	<p>(A) New residential schemes (whether new build or conversion, greenfield or brownfield, open market or social/affordable) that are proposed on reasonably flat locations with</p>	<p>“Within Bakewell’s Development boundary, the provision of new affordable housing, including Starter Homes and homes suitable for older and mobility impaired people, will be supported.”</p>	Undermines strategic policy.

	<p>relatively easy access to the town centre, must contribute to meeting specialist needs and the needs of the town's ageing population.</p> <p>(B) The number of such homes required within a proposed residential scheme will be determined in conjunction with the local housing authority with reference to the housing needs assessment.</p> <p>(C) The homes so required must meet either M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings) of the Building Regulations.</p>		
CF1 Newholme Hospital	<p>A) Applications for the redevelopment of the Newholme Hospital site must be accompanied by a heritage and landscape assessment detailing enhancements to the listed buildings, consideration of non-listed buildings for their heritage value, and landscaping of the site.</p>	<p>The redevelopment of Newholme Hospital will be supported subject to it conserving heritage assets in a manner according to their significance.</p> <p>Redevelopment should include the provision of community facilities and/or meet a community need such as the provision of affordable housing, Starter Homes and/or specialist housing/housing for older people.</p>	<p>Approval for redevelopment just granted.</p>

	<p>(B) Redevelopment of the Newholme Hospital site shall include the provision of community facilities (subject to the NHS wider estate reorganisation programme in accordance with paragraph 7.27 of the Peak District National Park Authority Part 2 Local Plan) and/or meet another community need such as:</p> <p>Affordable housing (in accordance with Policy H1)</p> <p>Starter Homes (in accordance with H2)</p> <p>Homes that meet specialist needs and the needs of the town's ageing population (in accordance with Policy H3)</p>		
CF2 Development of Community, Sports and Arts Facilities	<p>Proposals for the development of new community, sports and arts facilities shall be located within the Development Boundary, or in the case of playing fields, within or adjacent to, the Development Boundary. All facilities should make provision for access for all and link to existing</p>	<p>The development of new community, sports and arts facilities within the Development Boundary; and new playing fields within or adjacent to the Development Boundary, will be supported. New facilities should be accessible for all and the development of links between new facilities and existing pedestrian and cycle paths will be supported.</p>	

	pedestrian and cycle paths where possible.		
E1 Bakewell Central Shopping Area and Primary Shopping Area	Proposals for non-A1 retail uses within the Primary Shopping Area will normally be allowed provided that the proportion of A1 retail length along that shopping frontage does not fall below 70%. Where this proportion is already below 70% proposals for non-A1 uses will normally be resisted.	Bakewell Central Shopping Area Retail development in Bakewell Central Shopping Area will be supported	Replicates existing strategic policy.
E2 Employment Sites	A. The sites shown on Maps 9-13 are designated as employment sites and safeguarded for predominantly Use Class B employment uses. B. Where a mix of uses sought and deemed necessary to aid development, it will only be granted if it is not likely to put at risk the viability, vitality and character of the Central Shopping Area. C. A Class uses will only be permitted as on-site sales from a B Class unit, and must be ancillary to the unit's primary B Class use.	A. The sites shown on Maps 9-13 are designated as employment sites and safeguarded for predominantly Use Class B employment uses. D. Any development permitted at sites 1 and 4 must maintain and where possible enhance the continuity and integrity of the river corridor, including associated watercourses. Any new development should not be within a 10m buffer zone from the river bank. E. Any application for development at Site 1 should be accompanied by an arboriculture report, demonstrate in the design and layout of any proposal how the health and longevity of the trees will be maximised, and include suitable landscape planting to perpetuate and enhance tree cover on the site.	

	<p>D. Any development permitted at sites 1 and 4 must maintain and where possible enhance the continuity and integrity of the river corridor, including associated watercourses. Any new development should not be within a 10m buffer zone from the river bank.</p> <p>E. Any application for development at Site 1 should be accompanied by an arboriculture report, demonstrate in the design and layout of any proposal how the health and longevity of the trees will be maximised, and include suitable landscape planting to perpetuate and enhance tree cover on the site.</p> <p>F. Any development in an area of flood risk will need to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall flood risk</p>	<p>F. Any development in an area of flood risk will need to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall flood risk</p>	
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<p>TC1 Improvements for Non-Car Users</p>	<p>A. Applications for development must, where applicable:</p> <ul style="list-style-type: none"> i. demonstrate how accessibility and movement for cyclists, pedestrians, wheelchairs, pushchairs and mobility scooters is supported ii. include physical measures to reduce vehicle parking on pavements iii. include provision of delivery parking where possible. <p>B. The provision, maintenance and signing of safe pedestrian routes will be supported, including a new footpath and cycle links towards Ashford avoiding the A6, and the continuation of the Monsal Trail to Rowsley. Where appropriate to its scale and location, applications for development should show how the proposed scheme intends to provide links to the wider cycle and walking network and access to public transport.</p> <p>C. Development proposals which provide positive design</p>	<p>“The protection and enhancement of public rights of way and access will be supported.”</p>	<p>Replicates strategic policy</p>
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	to lessen the impact of traffic on people, cyclists and the town centre environment will be supported.		
TC2: Car and Cycle Parking	A. New development which would lead to a net decrease in public or private car parking will be strongly opposed. B. The provision of cycle parking racks in the town centre is supported, provided the character of the Conservation Area is not harmed and pavements are not obstructed.	“A. Development should not result in a net decrease in public or private car parking spaces. B. Development of cycling facilities in Bakewell town centre that respect local character and highway safety will be supported”	
TC3: Re-opening the Matlock – Buxton Railway	Reinstatement of the Matlock to Buxton railway is supported, subject to thorough investigation of the impact on the Monsal Trail and the creation of a new recreation route and local green space of equal or better quality.	Delete Policy TC3	
TC4: Broadband	A) Proposals for superfast broadband infrastructure are supported. (B) All new developments should provide access to	“The development of full fibre broadband connections, including associated infrastructure, will be supported.”	

	superfast broadband infrastructure.		
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13. APPROVAL OF HOLME VALLEY NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM (AM)

1. Purpose of the report

To consider the recommendations set out in the report by the independent examiner of Holme Valley Neighbourhood Plan and decide how to proceed.

Key Issues

- 2.** The Authority has been working with Kirklees Council (KC) to support Holme Valley Parish Council to write a neighbourhood plan for Holme Valley Neighbourhood Area, which straddles the boundary of the 2 planning authorities. KC is the lead authority.

In accordance with Regulations an independent examination of the submission draft Holme Valley Neighbourhood Plan has taken place and an examiner's report has been submitted to KC and the Authority. This decision will ensure that the Authority meets its legal requirements under paragraph 12 of schedule 4b of the Town and Country Planning Act 1990, to consider the examiner's report and determine if Holme Valley Neighbourhood Plan should proceed to referendum. (At the time of writing the same decision was due to be considered by KC's Cabinet on 31st August. Officers will provide an oral update at the Planning Committee.)

Appendix 1 sets out all the examiner's proposed modifications, and an officer assessment and recommendation regarding whether to accept the proposed modification. For all proposed modifications this has been undertaken by KC as lead authority, and additionally for those policies that either apply to or could impact on, the National Park, by PDNPA officers.

Appendix 3 sets out the policies as submitted and as modified (only for those policies that in the submission version of the plan applied to, or could impact upon, that part of the neighbourhood area that is within the National Park.)

The referendum is scheduled to take place on 4 November 2021.

3. Recommendations(s)

That members, in accordance with paragraph 12 of Schedule 4B of the 1990 Town and Country Planning Act:

- 1. Approve that following the inclusion of the Examiner's recommended modifications into the Plan (as set out in Appendix 1), the plan meets the basic conditions such that it can proceed to a referendum;**
- 2. Approve publication of a formal decision statement detailing the Authority's response to the Examiner's recommendations (Appendix 2);**
- 3. Determine that the referendum boundary will cover the designated Holme Valley Neighbourhood Area only.**

How does this contribute to our policies and legal obligations?

- 4.** This is a legal obligation for the Authority and for Kirklees Council under the Town and Country Planning Act 1990 (as modified). KC's Cabinet were due to make the same determination on 31 August 2021.

5. This proposal contributes to KPI 16 of the Corporate Strategy (number of communities shaping the place) and the 2024 target (20% of parishes have helped to shape their future.)

Background Information

Process to date

6. Holme Valley Neighbourhood Area was designated by the Peak District National Park Authority on 13 February 2015 and by KMBC on 27 January 2015 in accordance with Regulations. The draft plan and associated documents were submitted to KMBC and PDNPA on Monday 6 July 2020 and approved for Regulation 16 consultation and examination. The Regulation 16 consultation took place for a period of 8 weeks from 8 December 2020.
7. An independent examiner, Mr Peter Biggers BSc Hons MRTPI ('the examiner'), was appointed by KC in consultation with the PDNPA and Holme Valley Parish Council. Examination of the plan took place between March and June 2021 and was conducted by written representations. The examiner considered all the policies and the supporting text within the plan. The examiner's final report was received June 2021.
8. The role of the examiner is to assess whether a neighbourhood plan meets 'basic conditions' and other matters set out in Paragraph 8 of Schedule 4b of The Town And Country Planning Act 1990 (as applied to neighbourhood plans by section 38a of the Planning and Compulsory Purchase Act 2004) and to recommend whether the plan should (with or without modifications) proceed to a referendum. Only a plan that meets each of the basic conditions can be put to referendum and 'made'.
9. The 'basic conditions' for a neighbourhood plan are:
- having regard to national policy, it is appropriate to make the plan
 - the plan contributes to the achievement of sustainable development
 - the plan is in general conformity with the strategic policies contained in the development plan for the local area
 - the plan does not breach and is compatible with EU obligations
 - the plan meets human rights requirements.
10. The examiner must also consider whether the plan complies with provisions under sections 38a and 38b of the Planning and Compulsory Purchase Act 2004 (as amended). These are:
- it has been prepared and submitted for examination by a qualifying body
 - it has been prepared for an area that has been properly designated (under section 61g of the town and country planning act 1990 (as amended))
 - it sets out policies in relation to the development and use of land
 - it specifies the period during which it has effect
 - it does not include provisions and policies for 'excluded development'
 - it is the only neighbourhood plan for the area and does not relate to land outside

the designated neighbourhood area.

11. The examiner also considers whether the referendum boundary should be extended beyond the designated area should the plan proceed to referendum, and any other prescribed matters.
12. In the report the examiner must make one of the following recommendations :
 - the neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
 - the neighbourhood plan can proceed to a referendum subject to modifications
 - the neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

The role of the 2 planning authorities is then to decide what action to take in response to the examiner's report and recommendations, and to formalise this response by publishing a decision statement.

Consideration of the examiner's report and proposed modifications

13. The Examiner's Report sets out 22 main recommendations which are further subdivided to address issues in relation to the theme/policy being examined. The most significant of the recommendations is Recommendation 22 which states:

"I recommend to Kirklees Council that the Holme Valley Neighbourhood Development Plan, modified as specified, should proceed to a referendum based on the Holme Valley Neighbourhood Area as approved by Kirklees Council on 27 January 2015 and the Peak District National Park Authority on 13 February 2015."

14. Appendix 3 sets out the policies as submitted and as modified (only for those policies that in the submission version of the plan applied to, or could impact upon, that part of the neighbourhood area that is within the National Park.) In summary, the focus of the Examiner's recommendations is to:
 - a) Provide modified policy wording/policy justification so that they are "clearly written and unambiguous so it is evident how a decision maker should react to development proposals" in accordance with National Planning Policy Framework and Planning Practice Guidance.
 - b) Improve the clarity of the Plan by making the policies clear, concise, and precise.
 - c) Ensure consistency with Kirklees Local Plan policies.
 - d) Address areas where the Holme Valley NDP repeated policy advice already contained in the Kirklees Local Plan or the Peak District National Park Authority Plan and/or where it was inconsistent.
 - e) Recommendations 5 to 8 in relation to Policy 1, Policy 2 and Policy 3 based on jointly produced policy wording and policy justification between officers and Holme Valley Parish Council Steering Group addresses the extensive representations made by the council on these policies.
 - f) Deletion of Policy 14 reflects the position that the council is not proceeding with Community Infrastructure Levy at the current time.

Decision Statement

15. Regulation 18(2) states that the Authority must publish the actions which will be taken in response to the recommendations of the examiner. This is known as a 'decision statement'. A draft decision statement is at Appendix 2. It is recommended that the decision statement is published on the Authority's website as soon as possible after this report is agreed and in such other manner as is likely to bring the plan to the attention of people who live, work or carry on business in the neighbourhood area in accordance with Regulation 18.

Referendum boundary

16. The referendum area must be, as a minimum, the Holme Valley Neighbourhood Area. If the planning authorities consider it appropriate, the area may be extended. In making a report the examiner is required to consider whether the referendum boundary should be extended, and the authorities must consider any examiner recommendation in making their decision.
17. The examiner makes his recommendation on the referendum boundary at paragraph 0.11 in his report. He recommends that the plan should proceed to a referendum based on the designated neighbourhood area.
18. For this reason, it is recommended that the boundary for the referendum should be the neighbourhood area boundary as formally designated in 2015.

Referendum

19. To meet the requirements of the Localism Act 2011, a referendum which poses the question "Do you want Kirklees Council and Peak District National Planning Authority to use the Neighbourhood Development Plan for Holme Valley to help it decide planning applications in the neighbourhood area?" must take place. It is anticipated that the referendum will take place on 4th November 2021.
20. Following the referendum, if more than 50% of those voting vote 'yes', then the plan must be 'made' within 8 weeks of the referendum. A further report to committee will be made at that stage.

Legal issues

21. The role of the Authority at this stage is to decide what action to take in response to the examiner's report and any other prescribed matters. It is guided by Regulation 18 of the Neighbourhood Plan (general) Regulations 2012 (as amended). This states that before publishing its decision statement the council must consider the following.

- 1) **Whether to decline to consider a plan proposal under Paragraph 5 of Schedule 4b to the 1990 Act.**

There are no grounds to decline to consider the plan under paragraph 5. There are no previous plan proposal submissions or repeat proposals for this neighbourhood area.

- 2) **Whether there are reasons to refuse a plan proposal under Paragraph 6 of Schedule 4b to the 1990 Act.** Paragraph 6 says the Authority must consider:

- whether the qualifying body (Holme Valley Parish Council) is authorised to act in relation to the neighbourhood area concerned as a result of section 61f of the

1990 Act.

Holme Valley Parish Council is the qualifying body for this neighbourhood area.

- **whether the proposal by Holme Valley Parish Council complies with provision made by or under that section, in this case the Planning and Compulsory Purchase Act 2004, Section 38b (1) , which says:**

A neighbourhood development plan must specify the period for which it is to have effect. This is set out in the title of the plan. The period of the plan is 2019-2035.

A neighbourhood development plan may not include provision about development that is excluded development.

The plan does not contain any policies relating to excluded development.

A neighbourhood development plan may not relate to more than one neighbourhood area.

The plan does not relate to more than one neighbourhood area and there is no other neighbourhood development plan in place within this neighbourhood area.

3) What action to take in response to the recommendation of an examiner made in a report under Paragraph 10 of Schedule 4b to the 1990 Act (considered above), and what modifications, if any, they are to make to the draft plan under paragraph 12(6) of schedule 4b to the 1990 Act. Paragraph 12(6) sets out the modifications that the examiner can recommend be made to a neighbourhood plan proposal. It also states that if the Authority can make modifications to a neighbourhood plan to enable that plan to meet the 'basic conditions' or for the purposes of correcting errors, then it must make those modifications rather than refuse a plan proposal. The Authority must consider, under part (d), whether there are any other modifications which are required to ensure the basic conditions are met, to ensure the plan is compatible with convention rights, to ensure the requirements of legislation are met, or to correct errors.

No other modifications, further to those recommended by the examiner, are necessary other than minor modifications that relate exclusively to factual updates or grammatical and formatting corrections.

4) Whether to extend the area to which the referendum (or referendums are) to take place.

See section above on the referendum boundary.

- 22.** If the local authority is not satisfied that the plan meets the basic conditions, and/or is not compatible with convention rights or any other requirements of legislation are not met then they must refuse the plan.

There are no reasons to refuse the plan.

Are there any corporate implications members should be concerned about?

Financial:

23. There are implications for PDNPA staff time in assisting with making the modifications to the plan and publicising the decision statement. Kirklees Metropolitan Borough Council will undertake the referendum and apply for the £20k 'extra burdens' payment once the plan is approved for referendum. This will be used to pay for the examination and referendum. If any of this funding remains unspent it will be split between the 2 planning authorities at a ratio to be agreed by the heads of planning.

Risk Management:

24. The steps that the Authority is taking to respond to the submission of Holme Valley Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is low.

Sustainability:

25. Sustainability issues are fully considered in the neighbourhood planning process

Equality:

26. Equality issues are fully considered in the neighbourhood planning process

27. **Background papers (not previously published)**

[Examiner's Report](#)

[Draft Referendum Version Neighbourhood Plan](#)

28. **Appendices**

Appendix 1 - Schedule of Proposed Modifications

Appendix 2 - Decision Statement

Appendix 3 - Policies as submitted and as modified by the examiner.

Report Author, Job Title and Publication Date

Adele Metcalfe, Planning Policy Team Manager, 2nd September 2021

adele.metcalfe@peakdistrict.gov.uk

Appendix 1: Holme Valley Neighbourhood Plan Schedule of Modifications outlined in the Examiner's report 15th June 2021

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
Introduction and Background			
1A	18	<p>In all policies where it is not intended that the policy should apply within the Peak District National Park the following wording should be used in the form of a note immediately below the policy title and before the start of the policy:</p> <p><i>"Policy X does not apply to that part of the neighbourhood area that is within the Peak District National Park."</i></p> <p>In the supporting text preceding the policy where the status of the policy in respect of the National Park is also mentioned the same wording should be used.</p> <p>Where the relevant development plan policies are listed, ensure that where the policy is not to apply in the National Park that no PDNP policies are listed in the relevant policy boxes.</p> <p>Reason: 6.06 To ensure consistent referencing where the policies do not apply to the Peak District National Park Authority.</p>	Agree with modification 1A for the reason set out in the Examiner's report.
1B	18	<p>Relocate all proposals in blue shaded Holme Valley Parish Action boxes to a new Appendix 1 at the end of the plan.</p> <p>In each case simply include a cross reference to the Appendix at the end of the appropriate section to read for example:</p> <p><u><i>"Holme Valley Parish Actions 1</i></u></p> <p><i>Parish Actions relating to the built environment and design are set out in Appendix 1 (1)"</i></p> <p>Reason: 6.07 Neighbourhood Plans should relate to the development and use of land. To avoid confusion between policies and actions, Parish Council actions should be identified in an appendix and not in the body of the plan.</p>	Agree with modification 1B for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
Executive Summary			
2A	19	<p>Make consequential updates to the Executive Summary (if retained) and to paragraphs 1.1, 1.4 and the Timeline on P 12 of the Introduction as a result of the plan moving forward a stage - post examination.</p> <p>Reason: 6.1.2 An Executive summary is not a normal feature of a NDP. No formal recommendation is made to remove it but if it remains the modification will update the Plan with regard to procedure and the stage reached.</p>	Agree with modification 2A for the reason set out in the Examiner's report.
2B	19	<p>If retaining the Executive Summary - delete the words 'over the 15 years 2016-2031' in the first paragraph. Insert instead <i>"over the next 10 years to 2031"</i>.</p> <p>Reason: 6.1.2 to update the Plan time period.</p>	Agree with modification 2B for the reason set out in the Examiner's report.
2C	19	<p>If retaining the Executive Summary - in the 'Benefits of Having a NDP' section - add at the end of the first sentence: <i>"...and help shape the nature of future developments."</i> Delete the rest of the paragraph.</p> <p>Reason: 6.1.2 (see 2A).</p>	Agree with modification 2C for the reason set out in the Examiner's report.
Planning Context for Holme Valley NDP			
3	20	<p>In paragraph 2.18 Line 11 – Delete the words 'including Community Infrastructure Levy (CIL) funding'.</p> <p>Reason: 6.2.1 The reference to CIL is no longer being progressed by Kirklees Council.</p>	Agree with modification 3 for the reason set out in the Examiner's report.
Holme Valley NDP Vision and Objectives			

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4A	21	In paragraph 3.1 Line 4 delete the words 'next 15-20 years 'and replace with the words <i>"neighbourhood plan period"</i> . Reason: 6.3.6 Two minor clarifying corrections to reflect the plan period and recommendation 1B.	Agree with modification 4A for the reason set out in the Examiner's report.
4B	21	Add the words <i>"See Appendix 1"</i> at the end of paragraph 3.4. Reason: 6.3.6 To reflect recommendation 1B.	Agree with modification 4B for the reason set out in the Examiner's report.
Protecting Local Character			
5A	22	Delete paragraphs 4.1.16 and 4.1.17. Incorporate the revised and agreed text at Appendix B below to form a new section 4.1.17 of the neighbourhood plan. Reason: 6.4.1 To improve the operational relationship between policies 1 and 2, make the text clearer, more precise and easier to navigate, to outline key characteristics and character management principles for both landscape character and built character, to ensure the supporting text provides clear and concise evidence to ensure that policies 1 and 2 can operate and meet basic conditions.	Agree with modification 5A for the reasons set out in the Examiner's report.
5B	22	Ensure Map 2 in digital versions of the plan is as clear as possible and in printed copies arrange for the Map to be available at A3 size. Reason: 6.4.1 (vi) To clearly identify the landscape character areas.	Agree with modification 5B for the reason set out in the Examiner's report.
5C	22	Make any consequential adjustments to numbering, referencing and linking text in the supporting text following the revisions at Recommendation 5A. Reason: 6.4.1 To address revised text outlined in recommendation 5A.	Agree with modification 5C for the reason set out in the Examiner's report.
Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley			

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6A	23	<p>After the revised note at the start of Policy 1 confirming that the policy does not apply in the National Park replace the 1st, 2nd and 3rd paragraphs of the policy with the following wording: <i>"All development proposals should demonstrate how they have been informed by the key characteristics of the LCA in which they are located. Proposals should be designed in accordance with the character management principles in respect of landscape set out in paragraph 4.1.17 for each of the LCAs in order to avoid detrimental impact on the LCA".</i></p> <p>Reason: 6.4.1. (xiv) Modifications 6A-6H -With these modifications the Policy will be in accordance with Basic Condition a). Policy LP2 on place shaping and Policy LP32 on landscape in the KLP seek to protect the character, views and vistas of the Kirklees landscape. Policy 1 of the HVNDP as modified would add local detail to the strategic policies and would be in general conformity with them. The Policy, in protecting local landscape character, is likely to have a strongly positive contribution to achieving sustainable development. Accordingly, the Policy also meets Basic Conditions d) & e).</p>	Agree with modification 6A for the reason set out in the Examiner's report.
6B	24	<p>Delete the 4th paragraph of Policy 1 beginning 'Applicants also should have regard' as the parts of these elements relevant to landscape character will be covered in the modified character management principles in paragraph 4.1.17 and therefore covered by the modified first paragraph above.</p> <p>Reason: 6.4.1 see reason for 6A</p>	Agree with modification 6B for the reason set out in the Examiner's report.
6C	24	<p>In the 5th paragraph of Policy 1 beginning 'Overall, proposals ' Line 2 – delete the words 'built and' as the built environment is addressed in Policy 2.</p> <p>In line 3 delete the words after 'unsympathetic' and replace with the following:</p>	Agree with modification 6C for the reason set out in the Examiner's report.

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		<p>"...unsympathetic to the landscape character of the relevant LCA".</p> <p>In the sentence following amend the start to read: <i>"Throughout the neighbourhood area the design and siting of new development...."</i></p> <p>Reason: 6.4.1 see reason for 6A</p>	
6D	24	<p>In Policy 1 clause 1 lines 1-3 reword to read: <i>"Development should respect long distance public views of the upland areas (LCA1 Wessenden Moors, LCA2 Holme Moorland Fringe and LCA3 Hade Edge Upland Pastures) and..."</i></p> <p>In line 4-5 delete the wording: <i>'...and protect public views towards the significant local landmarks as identified in the HCA report'.</i></p> <p>Reason: 6.4.1 see reason for 6A</p>	Agree with modification 6D for the reason set out in the Examiner's report.
6E	24	<p>Delete clause 4 of Policy 1 in its entirety and renumber clauses accordingly.</p> <p>Reason: 6.4.1 see reason for 6A</p>	Agree with modification 6E for the reason set out in the Examiner's report.
6F	24	<p>In Policy 1 clause 5 - line 2 delete the words 'where appropriate' and replace with the words <i>"for new buildings"</i>.</p> <p>In lines 4-5 delete the words 'or other species where appropriate'.</p> <p>Reason: 6.4.1 see reason for 6A</p>	Agree with modification 6F for the reason set out in the Examiner's report.
6G	24	<p>Cut and paste Policy 1 clause 5 final sentence into Policy 2.</p> <p>Reason: 6.4.1 see reason for 6A</p>	Agree with modification 6G for the reason set out in the Examiner's report.

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6H	24	<p>Replace the subheading on Page 35 with the following: <i>"Protecting and Enhancing the Landscape Character of Holme Valley"</i>.</p> <p>Cut and paste paragraphs 4.1.19-22 and their subheading on Page 34 to follow after paragraph 4.1.27. Renumber all paragraphs accordingly.</p> <p>Reason: 6.4.1 see reason for 6A</p>	Agree with modification 6H for the reason set out in the Examiner's report.
Policy 2 Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design			
7A	27	<p>Retitle section 4.2 as <i>"Protecting and Enhancing Built Character of the Holme Valley and Promoting High Quality Design"</i> – consistent with the Policy 2 title.</p> <p>Delete the last sentence of paragraph 4.2.3.</p> <p>Delete Paragraph 4.2.4 in its entirety.</p> <p>Reason: 6.4.2. (v) Modifications are made to ensure consistency, and to ensure the policy is clear and unambiguous and provides clear guidance to developers. There are overlaps with Policy 1 which should be removed.</p> <p>Modifications 7A-7J will ensure that the policy will also be in general conformity with KLP Policies LP24, LP35, LP52 and LP63. The Policy, in protecting and enhancing a sense of place and local distinctiveness, is likely to make a strongly positive contribution to achieving sustainable development. Accordingly, the Policy will also meet Basic Conditions d) & e).</p>	Agree with modification 7A for the reasons set out in the Examiner's report.
7B	27	<p>Reword clause 1 of Policy 2 'Local Character' to read: <i>"Building designs in proposals for new development and alterations to existing buildings should respect the key characteristics and character management principles, relating to built character, of the Landscape Character Area in which they are located as set out in paragraph 4.1.17. They should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets including conservation areas."</i></p>	Agree with modification 7B for the reason set out in the Examiner's report.

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		Reason: 6.4.2. The modification seeks to ensure the policy is clear and unambiguous and provides clear guidance to developers.	
7C	27	In Policy 2 clause 2 in line 1 after the word 'place' insert the words: <i>"... by designing the site layout to respect the existing grain of development in the surrounding area and through use of local materials and detailing"</i> . (This wording is relocated from clause 4 see recommendation 7E below) Delete the last sentence which overlaps with Policy 5. Reason: 6.4.2. (v) The modification seeks to ensure the policy is clear and unambiguous and provides clear guidance to developers. To remove the overlap with Policy 5.	Agree with modification 7C for the reason set out in the Examiner's report.
7D	27	Delete the words 'Wherever possible' at the start of Policy 2 clause 3 and replace with the word 'Any'. End the clause at the end of line 4 on the word 'shelter' and delete the rest. Reason: 6.4.2. (v) To remove reference to ambiguous requirements and make the policy more precise.	Agree with modification 7D for the reason set out in the Examiner's report.
7E	27	In Policy 2 clause 4 - lines 3-4 delete the words 'or opportunities are identified for greater energy efficiency'. Relocate the last sentence to clause 2 (See recommendation 7C above). Reason: 6.4.2. (v) Delete as reference to energy efficiency is covered in HVNDP Policy 12.	Agree with modification 7E for the reason set out in the Examiner's report.
7F	27	In Policy 2 clause 7 – 2 nd bullet – revise the start to read: <i>"A design of public spaces that connects with..."</i> In clause 7 - 3 rd Bullet - delete the words 'Where appropriate' at the start of the bullet.	Agree with modification 7F for the reason set out in the Examiner's report.

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		Reason: 6.4.2. (v) To remove reference to ambiguous requirements and make the policy more precise.	
7G	28	<p>Delete Policy 2 clause 9 and reword clause 8 to read: <i>"Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.</i> Materials must be chosen to complement... environment. Local millstone grit and stone flags should be used <i>where these are the prevailing material"</i>.</p> <p>Reason: 6.4.2. (v) To remove repetition and amalgamate clauses 8 and 9.</p>	Agree with modification 7G for the reason set out in the Examiner's report.
7H	28	<p>Reword the first sentence of Policy 2 clause 11 to read: <i>"Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes"</i>.</p> <p>Reason: 6.4.2. (vi) To improve the clarity of the Policy and its relationship with Kirklees Local Plan Policy LP52.</p>	Agree with modification 7H for the reason set out in the Examiner's report.
7J	28	<p>Renumber clauses to reflect the modifications.</p> <p>Reason: Reformatting of the document in the light of modifications</p>	Agree with modification 7J for the reason set out in the Examiner's report.
Policy 3 Heritage Assets			
8A	31	<p>Delete Policy 3 and replace with an amended policy to read as follows: <i>Policy 3 Conserving and Enhancing Local Heritage Assets</i></p>	Agree with modification 8A for the reasons set out in the Examiner's report.

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		<p><i>"A list of buildings and structures which are identified as positive contributors to the designated conservation areas in Holme valley is set out at Appendix 2A. All development proposals affecting these character defining components of the designated conservation areas or their settings will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Part 1.</i></p> <p><i>A candidate list of buildings and structures identified as non-designated heritage assets is set out at Appendix 2B. All development proposals affecting these locally important heritage assets, (once formally identified), or their settings, will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Parts 2 and 3a and Policy DMC5 of the Peak District National Park Authority Part 2 Local Plan (Development Management Policies)</i></p> <p><i>When designing development proposals for all local heritage assets (positive contributors and (once formally identified) non-designated heritage assets), owners and developers should have regard to conserving the significance of the asset and the components which positively contribute to its character or appreciation as a heritage asset."</i></p> <p>Reason: 6.4.3. Policy 3 modifications are to simplify policy 3 and to ensure the intent is clear, in respect of both buildings which are positive contributors to the conservation areas and how proposals will be assessed and a candidate list of NDHA and how proposals will be assessed in respect of these. The Policy should direct owners and developers to take account of the significance of the assets identified in designing development proposals affecting the assets. With the modifications 8A-8D in place Policy 3 and Appendix 2 the supporting text would be clear and unambiguous and Basic Condition a) would be met. The Policy and local list when modified and implemented will help protect local heritage assets in the neighbourhood area maintaining a sense of place and contributing to the achievement of sustainability. The Policy, as modified would also be in general conformity with the Kirklees Local Plan. It therefore also meets</p>	

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		Basic Conditions d) and e).	
8B	31	<p>Replace Appendix 2 of the HVNDP with the revised Appendices of local heritage assets shown at Appendix E1 and E2 attached as separate documents to this report numbering them Appendix 2A and 2B and incorporating them in the modified HVNDP.</p> <p>Reason: 6.4.3. To ensure that the policy intention between buildings which are positive contributors to the conservation areas and how proposals will be assessed and a candidate list of NDHA and how proposals will be assessed in respect of these is clear.</p>	Agree with modification 8B for the reason set out in the Examiner's report.
8C	31	<p>Replace the supporting text at paragraphs 4.3.1 to 4.3.7 with the revised text 4.3.1 - 4.3.8 set out in Appendix C to this report.</p> <p>Reason: 6.4.3. To ensure that the policy intention between buildings which are positive contributors to the conservation areas and how proposals will be assessed and a candidate list of NDHA and how proposals will be assessed in respect of these is clear.</p>	Agree with modification 8C for the reason set out in the Examiner's report.
8D	31	<p>Delete the text relating to Article 4 directions in paragraphs 4.3.8 to 10 inclusive.</p> <p>Reason: 6.4.3. xi. The text on Article 4 directions which bears no relation to the content of this section of the plan or Policy 3 and therefore should be deleted to avoid confusion.</p>	Agree with modification 8D for the reason set out in the Examiner's report.
Policy 4 Design Codes for High Quality Shopfronts and Advertisements			
9A	33	<p>Cut and paste the first paragraph of Policy 4 to form design principle a)</p> <p>Delete current principle b) which largely repeats the new a).</p> <p>Renumber current principle a) as new b).</p> <p>Reason: 6.4.4 vi. Modifications 9A-9K will make Policy 4 clearer in its intent, more precise and</p>	Agree with modification 9A for the reason set out in the Examiner's report.

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		more concise. The Policy is in general conformity with Kirklees Local Plan Policy 25 on Advertisements and Shopfronts and as it is designed to improve quality of life for local communities and the built environment in town and village centres, it does contribute to achieving sustainable development and Basic Conditions a), d) and e) would therefore be met.	
9B	33	Cut and paste section 4 of the Policy on Fascias (minus the subheading) to follow on from principle c) as new principle d). Reason: see 9A reasons.	Agree with modification 9B for the reason set out in the Examiner's report.
9C	33	Renumber current principle d) as e). Insert after it as new principle f) section 5 to the Policy (minus the subheading) which deals with stallrisers, doors and windows. Reason: see 9A reasons.	Agree with modification 9C for the reason set out in the Examiner's report.
9D	33	Renumber and reorder the principles as necessary to create a clear and unambiguous section of policy. Reason: see 9A reasons.	Agree with modification 9D for the reason set out in the Examiner's report.
9E	33	Amend the second sentence of section 3 on accessibility to read: <i>"Accessibility should be improved where there is the opportunity to do so provided any special interest of the building is not compromised".</i> Reason: see 9A reasons.	Agree with modification 9E for the reason set out in the Examiner's report.
9F	33	In section 6 of Policy 4 – stop the listing of alternatives at c). Reword the remainder of the section (without reference lettering) as follows: <i>"In that part of the neighbourhood area outside the National Park the following additional alternatives will be acceptable:</i>	Agree with modification 9F for the reason set out in the Examiner's report.

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		<p>- <i>External shutters that are removed during working hours – decorative options for these themed on the shop's trade may be applicable.</i></p> <p><i>Externally mounted open mesh roller shutters provided that the box housing is concealed behind the fascia and the projection from the face of the building does not result in an increase in depth to the detriment of the appearance of the shopfront."</i></p> <p>Reason: see 9A reasons. Clarity as to where the policy applies in Kirklees and Peak District National Park Authority</p>	
9G	34	<p>In the section on Advertisements – General Principles paragraph 2 delete the first part of the sentence. Start the sentence at 'Where planning consent...'</p> <p>Reason: see 9A reasons.</p>	Agree with modification 9G for the reason set out in the Examiner's report.
9H	34	<p>Delete the last paragraph in the general principles dealing with illuminated signage so that the principles can apply to the whole neighbourhood area including the National Park and to avoid repetition with section 2.</p> <p>Reason: see 9A reasons.</p>	Agree with modification 9H for the reason set out in the Examiner's report.
9J	34	<p>In paragraph 1 of section 2 on fascia signs delete the last sentence regarding illumination as the general advice on fascia signs will apply within the National Park. Relocate this sentence at the end of the paragraph following clause f). Renumber clauses accordingly.</p> <p>Reason: see 9A reasons.</p>	Agree with modification 9J for the reason set out in the Examiner's report.
9K	34	<p>In clause e) stop the clause at the word 'area' in line 2 and add the words "<i>particularly within conservation areas</i>". Delete the remainder referring to 'bold bright colours'.</p> <p>Reason: see 9A reasons.</p>	Agree with modification 9K for the reason set out in the Examiner's report.

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9L	34	In the paragraph following clause f) insert in Line 1 after the word 'proposed' the words " <i>outside the National Park</i> ". Reason: see 9A reasons.	Agree with modification 9L for the reason set out in the Examiner's report.
9M	34	In the relevant policies box following Policy 4 add " <i>Policy DMS4 Shopfronts</i> " before 'DMS5 Outdoor advertising' in the last line. Reason: see 9A reasons.	Agree with modification 9M for the reason set out in the Examiner's report.
Policy 5 Promoting High Quality Public Realm and Improvements to Gateways and Highways			
10A	36	Amalgamate the second paragraph to Policy 5 with paragraph 1 to read as follows starting in the last line of paragraph 1: <i>"....settlements and villages. Such improvements will be supported where they are consistent with advice in the Kirklees Highways Design Guide SPD and where they:"</i> Reason: 6.4.4. (xi). To make the Policy clear, unambiguous and precise including reference to the Kirklees Highways Design Guide which provides significant advice on the matter of design in the public realm and should be referred to as a major contributory source.	Agree with modification 10A for the reason set out in the Examiner's report.
10B	36	In clause b) delete the words 'Where possible' insert in their place the words – " <i>Take opportunities to enhance or....</i> " Reason: 6.4.4. (xi). To improve clarity.	Agree with modification 10B for the reason set out in the Examiner's report.
10C	36	Delete the two paragraphs following clause c). Reason: 6.4.4. (xi). To improve clarity.	Agree with modification 10C for the reason set out in the Examiner's report.

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10D	36	<p>Delete the paragraph before clause d) and revise to read: <i>"Where works are being carried out in the public realm to improve highway safety and efficiency the character of a place should be maintained and the following principles will be applied:"</i></p> <p>Reason: 6.4.4. (xi). To improve clarity.</p>	Agree with modification 10D for the reason set out in the Examiner's report.
10E	36	<p>In clause f) change the word 'limited' to the word '<i>avoided</i>'.</p> <p>Reason: 6.4.4. (xi). To improve clarity.</p>	Agree with modification 10E for the reason set out in the Examiner's report.
10F	36	<p>In clause i) delete the words 'where appropriate' and revise wording to read "<i>...should be built into design in the public realm.</i>"</p> <p>Reason: 6.4.4. (xi). To improve clarity through the removal of ambiguous text.</p>	Agree with modification 10F for the reason set out in the Examiner's report.
10G		<p>Amend the section on Gateways and Highways as follows: <i>"Settlement 'Gateways'</i> <i>Where major new residential or commercial development is close to 'gateways' into Holme Valley settlements, or at route convergence points or rail and bus stations, consideration should be given to public realm improvements around the 'Gateway' including welcome signage and interpretation and landscaping and planting."</i> (Or similar wording).</p> <p>Reason: 6.4.4. (xi). To improve clarity that gateways refer to entrances to settlements.</p>	Agree with modification 10G for the reason set out in the Examiner's report.
Policy 6 Building Homes for the Future			
11A	39	<p>Reword paragraph 2 of Policy 6 to read: <i>"In addition to the housing sites allocated in the Kirklees Local Plan new housing development will be supported subject to the following considerations being met:"</i></p> <p>Delete paragraph 3 beginning 'Proposals are required....</p>	Agree with modification 11A for the reason set out in the Examiner's report.

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		Reason: 6.4.5 To clarify the relationship with the Kirklees Local Plan.	
11B	39	<p>Delete current clauses 1 and 3 of Policy 6 and include in an unnumbered paragraph following the final clause of the general principles section to read:</p> <p><i>"Proposals for residential development involving the redevelopment of previously developed (brownfield) sites or the conversion of mill buildings and other suitable buildings to create low-cost housing and apartments is particularly encouraged.</i></p> <p><i>Proposals for the conversion of former mill buildings to residential accommodation should take opportunities to include provision for suitable commercial or employment uses as part of mixed-use schemes including live/work type accommodation."</i></p> <p>Reason: 6.4.5 (iii) Clauses 1 and 3 should be separated out as policy objectives to make the policy clearer.</p>	Agree with modification 11B for the reason set out in the Examiner's report.
11C	39	<p>Insert new clause 1 to read:</p> <p>"The proposed housing is located within existing settlements not overwashed by green belt or is for housing acceptable in terms of national Green Belt policy".</p> <p>Reason: 6.4.5 (iv) The requirement for housing to be in an existing settlement is a principle but is not part of a list, the modification is to add clarity.</p>	Agree with modification 11C for the reason set out in the Examiner's report.
11D	39	<p>Delete clause 2 as it unnecessarily overlaps with Policy 2 and with the second part of Policy 6.</p> <p>Reason: 6.4.5 (iv) Clause 2 merely states that housing should be suitable in terms of design which is covered in Policy 2.</p>	Agree with modification 11D for the reason set out in the Examiner's report.
11E	40	<p>Reword clause 4 line 2 onwards to read:</p> <p><i>"...accordance with Local Plan Policy LP22 Parking and the Council's most up to date parking guidelines in the Highway Design Guide SPD. Additional parking provision to accommodate delivery vans is encouraged to minimise additional on street parking on nearby roads."</i></p>	Agree with modification 11E for the reason set out in the Examiner's report.

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		<p>Delete Appendix 4 or if retaining ensure these are the current standards from the SPD.</p> <p>Reason: 6.4.5 (vi) To make reference to the Kirklees Local Plan and the most up to date guidance.</p>	
11F	40	<p>Renumber clauses in the first part of the policy accordingly.</p> <p>Reason: 6.4.5 To reflect the Modifications for this policy.</p>	Agree with modification 11F for the reason set out in the Examiner's report.
11G	40	<p>In the second section of Policy 6 – House Types and Sizes – Delete the word 'major' in line 1 and the words 'of the Rural West Sub Area' in line 2.</p> <p>Reason: 6.4.5(vi) The inclusion of major undermines Kirklees Local Plan Policy LP11 and should be deleted.</p>	Agree with modification 11G for the reason set out in the Examiner's report.
11H	40	<p>Amend the start of the paragraph in Policy 6 on page 92 which starts 'In particular...' to read: <i>"New Housing developments of more than 10 houses or on sites of more than 0.4 hectares will be supported"</i>.</p> <p>Reason: 6.4.5 (vi) Policy 6 should not relate solely to major housing developments.</p>	Agree with modification 11H for the reason set out in the Examiner's report.
11J	40	<p>Insert the word "<i>and</i>" after clauses 1) and 2) in the second section of Policy 6 dealing with house types and sizes.</p> <p>Reason: 6.4.5 To link the clauses.</p>	Agree with modification 11J for the reason set out in the Examiner's report.
11K	40	<p>Delete clause 4) in the second part of the Policy and relocate in an unnumbered paragraph following clause 3) reworded to read: <i>"New housing provided through a Community Right to Build Order (following the procedure set out in the Neighbourhood Planning Regulations) or other community led housing project, including self-build schemes, will be particularly encouraged."</i></p>	Agree with modification 11K for the reason set out in the Examiner's report.

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		Reason: 6.4.5 As written clause 4 implies that community right to build schemes would be expected as part of all new major developments. This is not how community right to build schemes work.	
11L	40	<p>Reword the last sentence of paragraph 4.5.5 to read: <i>"However, through its policies the NDP can influence how housing sites allocated in the Kirklees Local Plan are developed."</i></p> <p>Reason: 6.4.5. (vii) To correct an inaccuracy in the plan where it states that the HVNDP can influence inclusion or exclusion of allocated sites.</p>	Agree with modification 11L for the reason set out in the Examiner's report.
11M	40	<p>In paragraph 4.5.10 line 4 delete the words 'infill building' replace with the words <i>"building within settlements"</i>.</p> <p>Reason: 6.4.5 (vii) Incorrect terminology used. The plan is seeking to refer to small additional sites rather than infill development which has a specific meaning.</p>	Agree with modification 11M for the reason set out in the Examiner's report.
Policy 7 Supporting Economic Activity			
12A	42	<p>Add to the end of clause 1 in Policy 7 the following: <i>"...or the development is acceptable in terms of national Green Belt policy"</i>. Delete the paragraph immediately following clause 7).</p> <p>Reason: 6.4.6 (ii) The policy as written conflicts with national policy on green belt.</p>	Agree with modification 12A for the reason set out in the Examiner's report.
12B	43	<p>In clause 2) line 2 delete the words 'within its existing site'.</p> <p>Reason: 6.4.6 To clarify the intention of the clause.</p>	Agree with modification 12B for the reason set out in the Examiner's report.
12C	43	<p>Delete clause 3). Replace with the following wording instead in a new unnumbered paragraph following clause 7):</p>	Agree with modification 12C for the reason set out in the Examiner's report.

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		<p><i>"Business development which involves the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site will be particularly encouraged".</i></p> <p>Reason: 6.4.6 (iv) Modification is required to confirm with national policy and encourage economic development of an appropriate scale in the valley in general conformity with Kirklees Local Plan Policy LP10.</p>	
12D	43	<p>Reword clause 4) to read: <i>"The site can be connected to the existing highway network and will not result in severe adverse traffic impacts on surrounding roads."</i></p> <p>Reason: 6.4.6 (iii) Although a site may not have existing access to the highway network, the appropriate test is that it can and the clause should be amended.</p>	Agree with modification 12D for the reason set out in the Examiner's report.
12E	43	<p>Reword clause 5) to read: <i>"The site is large enough to accommodate car parking, service areas and landscaped areas appropriate to the scale of the business."</i></p> <p>Reason: 6.4.5 There is currently not a parking standard for commercial use and the clause is therefore unworkable. The clause should be modified to refer to parking provision being appropriate to the scale of the business.</p>	Agree with modification 12E for the reason set out in the Examiner's report.
12F	43	<p>Delete clause 6 as it unnecessarily repeats Policy 1.</p> <p>Reason: 6.4.5 To remove repetition.</p>	Agree with modification 12F for the reason set out in the Examiner's report.
12G	43	<p>In the paragraph entitled 'Supporting Homeworking' of Policy 7 line 4 delete the words 'small-scale'.</p> <p>Reason: 6.4.5 (v) There is no reasons why extensions to accommodate home working should be small scale.</p>	Agree with modification 12G for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
12H	43	<p>In the section entitled 'Encouraging tourist and visitor facilities' of Policy 7 at clause 1) replace the current wording with the following:</p> <p><i>"The site is located outside the Green Belt or the development is acceptable in terms of national Green Belt policy".</i></p> <p>Reason: 6.4.5 To conform with national policy on Green Belt.</p>	Agree with modification 12H for the reason set out in the Examiner's report.
12J	43	<p>Delete clauses 2a) and 2f).</p> <p>Reason: 6.4.5 (iii) To remove repetition.</p>	Agree with modification 12J for the reason set out in the Examiner's report.
12K	43	<p>In clause 2g) delete the word 'additional' in line 1.</p> <p>Delete the word 'material' and replace it with the word 'severe' in line 2.</p> <p>Delete the words 'neighbouring properties and other existing users of the area' in lines 3-4.</p> <p>Reason: 6.4.5 (iii) At clause 2g) the same criterion as at clause 4) regarding impact on the highway network is repeated and needs to be modified as above. Moreover, clause 2g ends with a requirement that traffic movements do not have an adverse impact on (<i>unspecified</i>) 'other users of the highway network'. This is unclear, unreasonable and unenforceable and needs to be removed.</p>	Agree with modification 12K for the reason set out in the Examiner's report.
12L	43	<p>In clause 2h) delete all the words after the word 'infrastructure' in line 2.</p> <p>Reason: 6.4.5 (iii) It repeats clauses 2d and 2e.</p>	Agree with modification 12L for the reason set out in the Examiner's report.
12M	43	<p>Renumber the clauses to reflect the modifications.</p> <p>Reason: 6.4.5 To reflect the modifications made to this policy.</p>	Agree with modification 12M for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
12N	43	<p>Add to the end of clause 1 in Policy 7 the following: <i>"...or the development is acceptable in terms of national Green Belt policy".</i> Delete the paragraph immediately following clause 7).</p> <p>Reason: 6.4.5 To conform with national policy on Green Belt</p>	Agree with modification 12N for the reason set out in the Examiner's report.
Policy 8 Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres			
13A	45	<p>Delete the last 2 paragraphs of Policy 8 on page 103 beginning 'Within the primary shopping areas...' and 'Proposals which would lead...' which are no longer operable. Delete the related footnote 16.</p> <p>Reason: 6.4.6 (x) The introduce of the new use class E requires changes to the policy.</p>	Agree with modification 13A for the reason set out in the Examiner's report.
13B	45	<p>Reword clause 2 to read: <i>"Proposals should be designed to secure easy pedestrian access and cycle and car parking to standard (including electric vehicle charging points). The development should be within easy walking distance of public transport facilities, use clear signage and provide facilities for the disposal of litter."</i></p> <p>Reason: 6.4.6 (x) To address ambiguous terms such as "sufficient parking", "walking distance" and "useful signage".</p>	Agree with modification 13B for the reason set out in the Examiner's report.
13C	45	<p>Reword clause 3 to read : <i>"Retail development should be located in the primary shopping areas of Holmfirth and Honley as defined in map/plan x. If retail development is to take place outside the primary shopping areas proposals will be subject to the sequential test¹⁵".</i></p> <p>Reason: 6.4.6 (x) To clarify the area the policy applies to.</p>	Agree with modification 13C for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
13D	45	<p>Reword clause 4 to read: <i>"The reuse of upper floors for residential use will be supported subject to the use being compatible with ground floor commercial uses"</i>.</p> <p>Reason: 6.4.6 (x and xii) To make the policy clear and unambiguous and consistent with Kirklees Local Plan policy</p>	Agree with modification 13D for the reason set out in the Examiner's report.
13E	45	<p>In clause 5 change the policy reference in line 2 to read <i>"HVNDP Policies 2 and 4"</i>.</p> <p>Reason: 6.4.6 (xii) In the existing clause 5, Policy 4 only relates to architectural features of shop fronts and Policy 2 should also be included.</p>	Agree with modification 13E for the reason set out in the Examiner's report.
13F	45	<p>Delete the third from last paragraph in Policy 8 on page 103 beginning 'Businesses premises should...' and clause 6 on page 104 which are unnecessarily repetitive.</p> <p>Reason: 6.4.6 (x) To remove repetition of subject matter already covered in other HV NDP policies.</p>	Agree with modification 13F for the reason set out in the Examiner's report.
13G	45	<p>In clause 8 after the word 'the' insert the words <i>"other units within the local centre"</i>.</p> <p>Reason: 6.4.6 (viii) To reflect the policy area coverage.</p>	Agree with modification 13G for the reason set out in the Examiner's report.
13H	45	<p>Delete text in clause 7 and add it at the end of clause 9 after a linking word 'or'</p> <p>Reason: 6.4.6 (x) To remove repetition of issues covered in other HVNDP policies.</p>	Agree with modification 13H for the reason set out in the Examiner's report.
13J	45	<p>Renumber clauses in Policy 8 accordingly.</p> <p>Reason: 6.4.9 (xiii) To reflect other modifications made to Policy 8 to remove repetition.</p>	Agree with modification 13J for the reason set out in the Examiner's report.
13K	45	<p>Insert after the section in the supporting text on the night time economy a subsection entitled <i>"Brockholes and New Mill Local Centres"</i> with text which describes these centres and their role</p>	Agree with modification 13K for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
		<p>and provides justification for how Policy 8 seeks to control development in these centres and what is the objective and intent.</p> <p>The following text has been agreed between the two Councils and is acceptable:</p> <p><i>“Within Brockholes and New Mill, there are small shops and services concentrated together which perform an important function serving each of the local areas. These have both been defined as Local Centres in the Kirklees Local Plan. They include a convenience store for top-up shopping along with a mix of other services such as health and beauty salons, hot food takeaways and pubs.</i></p> <p><i>The role of Local Centres is to provide for top-up shopping and local services particularly food and drink as set out in Kirklees Local Plan Policy LP13. Development within them should be appropriate in scale to complement and support existing businesses in the centre and the visitor experience.</i></p> <p><i>Residential areas are immediately adjacent to these local centres and there are some residential properties intermixed with the shops and services. It is therefore important that any development protects or mitigates against any impacts on residential amenity.”</i></p> <p>Reason: 6.4.6/ 13K description To provide a description of the centres and their role and provide justification for how Policy 8 seeks to control development in these centres and to ensure consistency with Kirklees local Plan policy</p>	
Policy 9 Protecting and Enhancing Local Community Facilities			

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14A	47	<p>Replace the first parts of Policy 9 and clauses 1 and 2 with the following paragraph: <i>"Community facilities of value to the local community as listed in paragraph 4.7.10 will be protected and retained for community use. Development or change of use proposals involving their loss will be managed in accordance with Kirklees Local Plan Policy LP48"</i>.</p> <p>Reason: 6.4.7 (ii) To remove duplication of wording contained in Kirklees Local Plan Policy LP48 and ensure consistency between the aims of the two policies,</p>	Agree with modification 14A for the reason set out in the Examiner's report.
14B	48	<p>Replace Clause 3 of Policy 9 with the following paragraph: <i>"Where the proposal involves a community facility listed as an Asset of Community Value on a Community Assets Register the community must first be given the opportunity to acquire the asset to continue its operation before planning permission for an alternative use or development can be granted."</i></p> <p>Reason: 6.4.7 Modify the policy to refer to Asset of Community Value and Community Assets Register to make the policy clearer and reflect how the policy operates in accordance with legislation.</p>	Agree with modification 14B for the reason set out in the Examiner's report.
14C	48	<p>Second section of Policy 9 clause 1 delete wording after the word 'supported' in line 1 add: <i>"...particularly where the proposal will assist the retention of small community-based schools"</i>.</p> <p>Reason: 6.4.7. (vi) To aid clarity on what the policy is seeking to achieve.</p>	Agree with modification 14C for the reason set out in the Examiner's report.
14D	48	<p>Second section of Policy 9 clause 3 last line delete the words 'other policies' and replace with <i>"HVNDP Policy 12 and Policies LP31, and LP63 of the Kirklees Local Plan"</i>.</p> <p>Reason: 6.4.7 (vi) To provide clarity on other relevant policies.</p>	Agree with modification 14D for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
14E	48	Add " <i>Cultural and performance venues</i> " to the list of facilities at paragraph 4.7.10 of the plan. Reason: 6.4.7 (vii) To clarify the policy coverage without listing all the venues in the area.	Agree with modification 14E for the reason set out in the Examiner's report.
Policy 10 Protecting Local Green Spaces			
15	50	Insert after the word 'designated' in line 1 of Policy 10 the words " <i>and protected</i> ". Reason: 6.4.7 xxii. Policy 10 itself, in simply setting out which sites are designated, is however slightly at odds with the supporting text in paragraphs 4.7.29 which implies the purpose of the designation is protection. In order that the policy is clear and unambiguous as required by the NPPF and PPG there is a need for a minor modification so that the purpose of protection is made clear.	Agree with modification 15 for the reason set out in the Examiner's report.
Policy 11 Improving Transport, Accessibility and Local Infrastructure			
16A	52	Insert a footnote reference after the word 'design' in line 3 of clause 1 to Policy 11 and after the word 'design' in line 4 of clause 12. Footnote to read : " <i>Current guidance is in the Kirklees Highways Design Supplementary Planning Document November 2019</i> " Reason: 6.4.8b (ii) To provide information on the current detailed guidance.	Agree with modification 16A for the reason set out in the Examiner's report.
16B	52	Reword Clause 2 to read: "Traffic management interventions should be <i>designed</i> on the basis of two principles: <ul style="list-style-type: none"> <i>The user hierarchy set out in the Kirklees Local Plan Policy LP20 and Interventions that are the minimum necessary to achieve the traffic management objective and which do not adversely impact....</i>" Reason: 6.4.8 6.4.8 (ii) To clarify "minimal interventions".	Agree with modification 16B for the reason set out in the Examiner's report.

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16C	52	<p>Amend the start of clause 3 to read: <i>"Any highway works associated with new development should aim to protect the key characteristics of the Landscape Character Areas of the Holme Valley. These include for example grass verges....."</i></p> <p>Reason: 6.4.8 (ii) To make reference to the Landscape Character Areas rather than introduce new text into the Plan at paragraph 4.1.17.</p>	Agree with modification 16C for the reason set out in the Examiner's report.
16D	52	<p>Amend the start of clause 4 to read; <i>"All development proposals should take opportunities to provide safe access to local streets, footpaths....",</i></p> <p>Reason: 6.4.8 (iii) To address safe access without repeating Kirklees Local Plan policy or other HV NDP policy.</p>	Agree with modification 16D for the reason set out in the Examiner's report.
16E	52	<p>Insert the word <i>"local"</i> after the word 'Existing' in line 1 of clause 5.</p> <p>Reason: 6.4.8 (iii) Insert local to clarify that clause 5 is referring to local green infrastructure</p>	Agree with modification 16E for the reason set out in the Examiner's report.
16F	53	<p>In clause 6 reword the clause to read: <i>"Highway layouts should be imaginative in approach and include traffic calmed streets using a sense of enclosure to reflect.... Valley."</i></p> <p>Reason: 6.4.8 (ii) To aid clarity and the intent of the clause.</p>	Agree with modification 16F for the reason set out in the Examiner's report.
16F	53	<p>Reword the start of clause 7 to read: <i>"Designs should take account of and link to public transport, pedestrian and cycle routes especially where these....."</i></p> <p>Reason: 6.4.8 (iii) To reflect that the clause is about linkage to sustainable transport routes.</p>	Agree with modification 16F for the reason set out in the Examiner's report.

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16G	53	Delete Clauses 8 and 9 of Policy 11 Reason: 6.4.8 (iii) Repeats Kirklees Local Plan Policy LP20 therefore not required.	Agree with modification 16G for the reason set out in the Examiner's report.
16H	53	In clause 11 line 3 after the word 'facilities' insert " <i>where planning permission is required (e.g to access Holmfirth Town Centre)</i> " Delete the words 'or festivals / events in the valley' as these are more likely to be temporary arrangements not requiring planning permission. Delete the words 'comply with other relevant policies and' in Line 4 Reason: 6.4.8 (ii) in clause 11 some park and ride schemes if provided on a temporary basis will not require permission. The clause therefore needs to clarify that it will apply where planning permission is required. Also, in that clause, there is no need to state that proposals must comply with other policies of the plan as this is taken as read.	Agree with modification 16H for the reason set out in the Examiner's report.
16J	53	In clause 12 at the end of 1 st sentence add sentence to read: <i>"In the Peak District National Park parking provision should accord with Peak District Local Plan Part 2 Policies DMT6-8 and associated parking standards."</i> After that insertion stop clause 12 and start new clause 13 for the rest of the text but deleting the reference to the HVHCA and deleting the last sentence starting with the words 'Development schemes'. Reason: 6.4.8 To provide a reference point for the consideration of suitable materials.	Agree with modification 16J for the reason set out in the Examiner's report.
16K		Renumber clauses accordingly. Reason: 6.4.8 To reflect the Modifications outlined for this policy.	Agree with modification 16K for the reason set out in the Examiner's report.
Policy 12 Promoting Sustainability			

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17A	55	<p>Reword the introductory paragraph to Policy 12 to read: <i>"All development is expected to be designed to contribute to the following elements of sustainability and all major development (as defined in the NPPF) must prepare a sustainability statement which outlines how the development will contribute."</i></p> <p>Reason: 6.4.9 (iv) To ensure consistency with the supporting text that the policy applies to all development.</p>	Agree with modification 17A for the reason set out in the Examiner's report.
17B	55	<p>Delete clause 1 to Policy 12 relating to Green Belt policy and renumber the following clauses.</p> <p>Reason: 6.4.9 (iv) Reference to the Green Belt is in concise, confusing and repeats NPPF and should be deleted.</p>	Agree with modification 17B for the reason set out in the Examiner's report.
17C	55	<p>Add the word ' , air' after the word 'digestion' in line 4 of clause 2 to Policy 12.</p> <p>Reason: 6.4.9 (vi) air sources should be added.</p>	Agree with modification 17C for the reason set out in the Examiner's report.
17D	55	<p>Reword the start of clause 3 to read: <i>"New developments should develop opportunities to deliver on site heat networks using renewable energy sources."</i></p> <p>Relocate the rest of the clause dealing with viability to the end of the policy so that it applies to all requirements. (See Recommendation 17K).</p> <p>Reason: 6.4.9. (vii) onsite heat networks can operate at different scales so restriction to major developments should be removed and the text on viability relocated so it is clear that it applies to all developments.</p>	Agree with modification 17D for the reason set out in the Examiner's report.
17E	55	<p>Stop clause 4 after first sentence and delete remainder. Delete also the related footnote 21.</p> <p>Reason: 6.4.9 (x) The Policy would be clear and unambiguous, would be in general conformity</p>	Agree with modification 17E for the reason set out in the Examiner's report.

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		with the strategic policies and would contribute to sustainability. Basic Conditions a), d) and e) would therefore be met.	
17F	55	<p>Reword the start of clause 5 to read: <i>"All new non-residential buildings should be designed to achieve...."</i></p> <p>Reason: 6.4.9. The Policy should not be restricted to major development.</p>	Agree with modification 17F for the reason set out in the Examiner's report.
17G	55	<p>Delete Clause 6d) as it is repeated at clause 7 and revise clause 7 to read: <i>"All new buildings should incorporate technologies which generate or source energy from renewable, low carbon sources."</i></p> <p>Reason: 6.4.9. The Policy should not be restricted to major development.</p>	Agree with modification 17G for the reason set out in the Examiner's report.
17H	55	<p>Add the words <i>"where planning permission is required"</i> after the word 'properties' in line 3 of clause 8 to Policy 12.</p> <p>Reason: 6.4.9 (vi) alterations will frequently be permitted development and therefore the clause can only apply where planning permission is required. For clarity this should be added.</p>	Agree with modification 17H for the reason set out in the Examiner's report.
17J	55	<p>Amend the start of clause 9 to read: <i>"The inclusion in development proposals of community gardens and....."</i></p> <p>Reason: 6.4.9 (iv) It is not clear from the section 'Encouraging Sustainable Living' whether what is expected is that development proposals should be encouraged to incorporate community gardens and allotments. Given the preamble to the Policy it is assumed this is the case. It should be clarified.</p>	Agree with modification 17J for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
17K	55	<p>Add at the end of the Policy the following new paragraph: <i>"The requirements of this policy will be expected to be met unless it can be demonstrated that this would render the development unviable. In this case, developers must demonstrate that they have worked with 3rd parties, (commercial and community), to assess the viability of opportunities"</i>.</p> <p>Reason: 6.4.9 (x) To provide clarity on implementation.</p>	Agree with modification 17K for the reason set out in the Examiner's report.
Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain			
18A	56	<p>Delete the word 'major' from line 1 in paragraphs 1 and 2 of Policy 13.</p> <p>Reason: 6.4.9 (xiv) The inclusion of major would undermine Kirklees Local Plan Policy LP30 so should be deleted.</p>	Agree with modification 18A for the reason set out in the Examiner's report.
18B	56	<p>Insert the words <i>"in accordance with the latest national and local guidance on Biodiversity Net Gain"</i> at the end of the first sentence in Paragraph 2 of Policy 13.</p> <p>Note - If the Biodiversity Net Gain Technical Advice Note has been finalised and adopted by the time the plan is prepared for referendum it would be appropriate to refer to it in a footnote flagged from the end of this first sentence.</p> <p>Reason: 6.4.9 (xv) To make the policy more flexibility worded to response to changes in national/local guidance.</p>	Agree with modification 18B for the reason set out in the Examiner's report.
18C	57	<p>Cut and paste the last paragraph of the Policy from its current position to form a new paragraph immediately following the first sentence of paragraph 2 and revised to read: <i>"A biodiversity net gain will be expected to be achieved through development by:</i></p> <ol style="list-style-type: none"> 1. Managing habitats retained....improve quality <i>and /or</i> 2. Securing local off-site...overall benefit. 	Agree with modification 18C for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
		<p>Direct and indirect impacts upon biodiversity.....should be provided.”</p> <p>Reason: 6.4.9 (xvi) to express the policy intentions in a clearer and less ambiguous way.</p>	
Policy 14 Focusing Developer Contributions on Local Priorities			
19A	58	<p>Delete the whole of Section 4.10 along with Policy 14.</p> <p>Reason: 6.4.10 (ii) Kirklees has decided not to pursue CIL at the current time, therefore the section should be deleted.</p>	Agree with modification 19A for the reason set out in the Examiner's report.
19B	58	<p>Replace with a general section of text under a subheading “<i>Implementing and Monitoring the Neighbourhood Plan</i>” explaining how the HVNDP will be implemented broadly covering the points set out in paragraph iv above.</p> <p>New text agreed between the two Councils has been provided, is acceptable and should be used to replace the existing as follows:</p> <p><i>Implementation and Monitoring</i></p> <p><i>Implementation</i></p> <p><i>The policies in this Neighbourhood Development Plan, once made, will become part of the development plan for the area alongside the Kirklees Local Plan and the Peak District National Park Local Development Framework.</i></p> <p><i>The policies will be applied by Kirklees Council and the Peak District National Park Authority through the development management process in the determination of planning applications,</i></p>	Agree with modification 19B for the reason set out in the Examiner's report.

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		<p><i>together with the use of conditions and planning obligations under S106 of the Town and Country Planning Act 1990 where the tests for these are met.</i></p> <p><i>The Parish Council, applicants, developers and the community will be able to use the content and policies of the Neighbourhood Development Plan to inform representations to the relevant Local Planning Authority regarding planning applications within the Holme Valley.</i></p> <p><i>The Parish Council actions set out in appendix X to address the non-planning issues will be progressed by the Parish Council to support the achievement of the vision and objectives for the Holme Valley.</i></p> <p><i>Monitoring</i></p> <p><i>The Parish Council will put procedures in place to monitor the effectiveness of the Neighbourhood Development Plan through planning application decisions, the use of conditions and appeals.</i></p> <p><i>The Neighbourhood Development Plan may be reviewed by the Parish Council in line with changes to the Local Plan with this likely to take place at least once every 5 years from the date made and the Plan updated where necessary. The procedure for reviewing neighbourhood plans in place at that time in Neighbourhood Planning Legislation and the National Planning Practice Guidance will be followed.</i></p>	

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
		Reason: 6.4.10 (iv) The Parish Council wished to have a section in the NDP on Implementation. Text for inclusion was agreed between Holme Valley Parish Council and Kirklees Council and agreed as a modification.	
Appendices			
20A	60	Delete Appendix 6 in its entirety, remove the reference to it in footnote 11 to Policy 6 of the plan. Reason: 7.4.2 Delete Appendix 6 with the definition of affordable housing as this is already referenced in the Policy 6 footnote.	Agree with modification 20A for the reason set out in the Examiner's report.
20B	60	Renumber the appendices after making all changes and ensure referencing through the plan to them is correct. Reason: 7.4.3 Renumber the appendices in response to modifications which delete appendices and introduce new ones.	Agree with modification 20B for the reason set out in the Examiner's report.
Other Matters			
Typographical/Grammatical Errors			
21	61	Make typographical and grammatical corrections as set out in Appendix D at the end of this report (page 80). Reason: 7.5.1. Typographical/grammatical errors in the plan should be addressed. These are set out in Appendix D to the report.	Agree with modification 21 for the reason set out in the Examiner's report.
Overall Conclusion			
22	61	I recommend to Kirklees Council that the Holme Valley Neighbourhood Development Plan, modified as specified above, should proceed to a referendum based on the Holme Valley Neighbourhood Area as approved by the Kirklees Council on 27 January 2015 and the Peak District National Park Authority on 13 February 2015.	Agree with modification 22 for the reason set out in the Examiner's report.

Mod No:	Page No: Examiner's Report	Examiner's Modification and Reason (including reference within the Examiner's report)	KMBC and PDNPA response
		Reason: 8.1 Subject to the recommended modifications set out in the report, it is appropriate that the Holme Valley Neighbourhood Development Plan should proceed to a referendum.	

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Peak District National Park Authority

Decision statement on the independent Examiner's recommendations on the Holme Valley Neighbourhood Plan June 2021



Holme Valley Neighbourhood Development Plan Planning and Compulsory Purchase Act 2004 & The Neighbourhood Planning (General) Regulations 2012 (as amended)

Regulation 18 Decision Statement

1. Summary

- 1.1. Following an independent examination on the Holme Valley Neighbourhood Development Plan (Submission Plan) which took place during March – June 2021 and receipt of the Examiner's Report June 2021, Peak District National Park Authority ('the Authority') accepts the modifications to the Plan as recommended by the Examiner.
- 1.2. The Plan as modified in accordance with the Examiner's recommendations will proceed to referendum. The proposed date for the referendum is 4th November 2021.
- 1.3. In accordance with the Independent Examiner's recommendations, the Holme Valley Neighbourhood Plan will proceed to referendum based on the Holme Valley Neighbourhood Area as designated by Kirklees Council Authority on 27th January 2015 and the Peak District National Park Authority on 13th February 2015.
- 1.4. The Examiner's report and the Holme Valley Neighbourhood Development Plan (Submission Plan) and the Holme Valley Neighbourhood Development Plan (Referendum Plan) incorporating the recommendations of the Independent Examiner, together with the supporting documentation are available on the Kirklees Council's website at:

www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx
- 1.5. They are also available on the Holme Valley Parish Council Neighbourhood Planning website at:

https://www.holmevalleyparishcouncil.gov.uk/Neighbourhood_Plan_22997.aspx
- 1.6. Paper copies of the Decision Statement and the Examiner's report and the submission and Referendum versions of the Holme Valley Neighbourhood Plan will be made available for inspection at:

Holmfirth Library 47 Huddersfield Road, Holmfirth HD9 3JH,
Honley Library West Avenue, Honley HD9 6HF
Huddersfield Library Princess Alexandra Walk, Huddersfield HD1 2SU

subject to any council Covid-19 restrictions on the opening of public buildings.

- 1.7. If approved at referendum, the Holme Valley Neighbourhood Development Plan will form part of the statutory development plan and will be used alongside the Kirklees Local Plan and the Peak District National Park Authority Local Development Framework – Core Strategy 2011 and the Development Management Policies – Part 2 of the Local Plan for the Peak District National Park 2019 when determining planning applications within the Holme Valley Neighbourhood Area.

2. Background

- 2.1. The Holme Valley Neighbourhood Development Plan was produced by Holme Valley Parish Council as the qualifying body. All stages of the Plan preparation are outlined on its website at

https://www.holmevalleyparishcouncil.gov.uk/Neighbourhood_Plan_22997.aspx

- 2.2. The Plan area is as designated at 1.3 of this statement.

- 2.3. Early engagement on the Plan commenced in 2016. Followed by:

Issues and options consultation Summer 2017
First Draft Plan consultation June – July 2018
Pre-submission consultation (Regulation 14) July – September 2019
Formal Publicity Stage (Regulation 16) – December 2020 – February 2021.

- 2.4. In March 2021, Mr Peter Biggers BSc Hons MRTPI was appointed with the consent of the Peak District National Park Authority and Holme Valley Parish Council to undertake the examination of the Plan, and to prepare a report of the independent examination. The examination was conducted through written representations.

- 2.5. The Examiner's report was received on the 15th June 2021. It concludes that the Holme Valley Neighbourhood Development Plan, subject to recommended modifications meets the basic conditions and other relevant legal requirements set out in the legislation and can proceed to referendum.

3. Decisions and Reasons

- 3.1. The Neighbourhood Planning (General) Regulations 2012 (as amended) Regulation 17A requires that the Local Planning Authority publishes how it intends to respond to the Examiner's recommendations. Having considered each of the recommendations made in the Examiner's Report, and the reasons for them, Kirklees Council as lead Authority, with the agreement of the Peak District National Park Authority, has decided to make the modifications to the draft plan as recommended by the Examiner. These changes are necessary to ensure that the draft plan meets the basic conditions and legal requirements. This decision statement forms the Authority's formal response and will be publicised in accordance with statutory requirements.
- 3.2. The Authority is satisfied that subject to the modifications set out in the Examiner's Report, the Holme Valley Neighbourhood Development Plan meets the relevant Basic Conditions as defined in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under S38A and S.38B of the

Planning and Compulsory Purchase Act 2004 such that it can proceed to referendum.

- 3.3. To meet the requirements of the Localism Act 2011, a referendum which poses the question “Do you want Kirklees Council and Peak District National Park Authority to use the Neighbourhood Development Plan for Holme Valley to help it decide planning applications in the neighbourhood area?” As indicated above, it is anticipated that the referendum will take place on 4th November 2021.
- 3.4. The Authority agrees to instruct Kirklees Council Electoral Services Manager to conduct a referendum on the Plan.

This Decision Statement is dated 10 September 2021.

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Holme Valley Neighbourhood Plan

Policies as submitted and as modified by Examiner's recommendations



Policy	As in Holme Valley Neighbourhood Plan submission version	As in Holme Valley Neighbourhood Plan referendum version (as modified by the Examiner's Report)
Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley	<p>Policy 1 applies to that part of the Neighbourhood Area where Kirklees Council is the local Planning Authority.</p> <p>Where possible proposals should retain and positively respond to those elements of the relevant Landscape Character Area which contribute to the distinct identity of the area as described in the Holme Valley Heritage and Character Assessment report. The Landscape Character Areas are: • CA 3: Hade Edge Upland Pastures • CA 4: River Holme Settled Valley Floor • CA 5: Netherthong Rural Fringe • CA 6: Honley Village Centre • CA 7: River Holme Wooded Valley and • CA 8: Settled Slopes of the Holme Valley</p> <p>Development proposals should demonstrate how they have been informed by the different landscape and townscape elements which together contribute to the Key Characteristics and distinctive character of each of the identified Landscape Character Areas. Proposals should consider the Character Management Principles for each Landscape Character Area (see paragraph 4.1.17), in order to protect local heritage and character. Applicants also should have regard, where relevant, to the following aspects of local character which are described in Appendix 7: Movement and Connectivity; Settlement and Built Form; Heritage Assets; Land Use and Land Cover; Greenspace and Public Realm; and Views.</p> <p>Overall, proposals should aim to make a positive contribution to the quality of the built and natural environment and should not introduce or replicate changes which are unsympathetic and identified as issues to be addressed in the Holme Valley Heritage and Character Assessment report.</p>	<p>Policy 1 does not apply to that part of the neighbourhood area that is within the Peak District National Park. (Recommendation 1A)</p> <p>All development proposals should demonstrate how they have been informed by the key characteristics of the LCA in which they are located. Proposals should be designed in accordance with the character management principles in respect of landscape set out in paragraph 4.1.17 for each of the LCAs in order to avoid detrimental impact on the LCA. (Recommendation 6A)</p> <p>Overall, proposals should aim to make a positive contribution to the quality of the natural environment and should not introduce or replicate changes which are unsympathetic to the landscape character of the relevant LCA.</p> <p>Throughout the neighbourhood area the design and siting of new development and associated landscaping schemes should address the following: (Recommendations 6B and 6C)</p> <ol style="list-style-type: none"> 1. Development should respect long distance public views of the upland areas (LCA1 Wessenden Moors, LCA2 Holme Moorland Fringe and LCA3 Hade Edge Upland Pastures). (Recommendation 6D) In addition, views across the Valley must be considered, including from other areas looking towards the development scheme and proposals should pay particular regard to any long-distance visual impacts on approaches to settlements, and along through routes. Overall development proposals

	<p>In particular the design and siting of new development and associated landscaping schemes should address the following:</p> <ol style="list-style-type: none"> 1. Development should respect long distance public views from development to the upland areas of: CA 1 Wessenden Moors; CA 2 Holme Moorland Fringe; and CA 3 Hade Edge Upland Pastures, and protect public views towards any significant local landmarks as identified in the Heritage and Character Assessment report. In addition, views across the Valley must be considered, including from other areas looking towards the development scheme and proposals should pay particular regard to any long distance visual impacts on approaches to settlements, and along through routes. Overall development proposals should minimise any adverse visual impacts on the wider landscape setting of the development. 2. All agricultural buildings in the Green Belt should comply with Kirklees Local Plan Policy PLP54 and should have appropriate screening and landscaping. Buildings should use neutral colours and tones to reduce visual impact. 3. Boundary treatments should be sensitive to the relevant Landscape Character Area. Schemes should protect existing dry-stone walls wherever practicable and incorporate new dry-stone walls using natural stone in areas where these are a characteristic feature of the Landscape Character Area. Cast iron railings should be used in areas where these are a characteristic feature. Hedges should be retained and repaired. 4. New major developments should include pedestrian linkages to existing tracks and routes. 5. A full hard and soft landscaping scheme is to be submitted with all planning applications where appropriate. Landscaping schemes and planted boundary treatments should enhance Green Infrastructure. They should also use a suitable mix of native plant species, or other species where appropriate, in tree planting and hedgerows to support and enhance biodiversity in line with the Council's Biodiversity Action Plan and the relevant Biodiversity Opportunity 	<p>should minimise any adverse visual impacts on the wider landscape setting of the development.</p> <ol style="list-style-type: none"> 2. All agricultural buildings in the Green Belt should comply with Kirklees Local Plan Policy LP54 and should have appropriate screening and landscaping. Buildings should use neutral colours and tones to reduce visual impact. 3. Boundary treatments should be sensitive to the relevant Landscape Character Area. Schemes should protect existing dry-stone walls wherever practicable and incorporate new dry-stone walls using natural stone in areas where these are a characteristic feature of the Landscape Character Area. Cast iron railings should be used in areas where these are a characteristic feature. Hedges should be retained and repaired. 4. A full hard and soft landscaping scheme is to be submitted with all planning applications for new buildings. (Recommendation 6F) Landscaping schemes and planted boundary treatments should enhance Green Infrastructure. They should also use a suitable mix of native plant species in tree (Recommendation 6F) planting and hedgerows to support and enhance biodiversity in line with the Council's Biodiversity Action Plan and the relevant Biodiversity Opportunity Zones. Regard should be had to the location, setting, species, (Recommendation 6F) height, planting density and need for on-going maintenance and management, particularly in relation to future resilience linked to climate change. Careful consideration also should be given to the creation of a strong landscape structure throughout the site, appropriate to the setting. Planting of trees on hillsides and street planting will be encouraged to reduce flash flooding risks and increase health. Any large extensive planting schemes which are likely to impact on public views must include public consultation with the local community.
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	<p>Zones. Regard should be had to the location, setting, species height, planting density and need for on-going maintenance and management, particularly in relation to future resilience linked to climate change. Careful consideration also should be given to the creation of a strong landscape structure throughout the site, appropriate to the setting. Planting of trees on hillsides and street planting will be encouraged to reduce flash flooding risks and increase health. Any large extensive planting schemes which are likely to impact on public views must include public consultation with the local community. Use of "green" or "living" and "blue" roofs is encouraged where adverse impacts on local character and distinctiveness are minimised.</p>	
<p>Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design</p>	<p>1) Local Character Proposals for new development and alterations to existing buildings should respect the Landscape Character Area in which they are located with reference to the Character Management Principles for each Landscape Character Area (see paragraph 4.1.17) and the Key Characteristics and distinctive character of each of the identified Landscape Character Areas (as set out in Appendix 7). Proposals should seek to protect and enhance local built character and distinctiveness and historic landscape character. Suitable measures should be put in place to avoid any adverse impacts on heritage assets, including any conservation areas, and where this is not feasible, to minimise or mitigate damage.</p> <p>2) Sense of Place New developments should strengthen the local sense of place through use of local materials and detailing. Where historic features such as mill chimneys function as key focal points, they should be retained and restored as an integral part of new development schemes. Legibility improvements are encouraged such as signage, waymarking, trails and heritage focal points.</p> <p>3) Utilising Existing Assets Wherever possible, significant trees, internal boundaries and water courses on the site should be retained and incorporated in the new design. Proposals should consider the aspect of the site and the ways in which the site contours and vegetation can be used to provide areas of extensive shade or shelter. Advantage should be taken of sunny slopes in orientation of gardens and / or main elevations. Development of individual buildings and groups of buildings should utilise site characteristics to improve energy efficiency and maximise use of renewable technologies.</p>	<p>Policy 2 does not apply to that part of the neighbourhood area that is within the Peak District National Park. (Recommendation 1A).</p> <p>1. Local Character</p> <p>Building designs in proposals for new development and alterations to existing buildings should respect the key characteristics and character management principles relating to built character, of the Landscape Character Area in which they are located as set out in paragraph 4.1.17. (Recommendation 7B)</p> <p>They should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets including conservation areas. (Recommendation 7B)</p> <p>2. Sense of Place</p> <p>New developments should strengthen the local sense of place by designing the site layout to respect the existing grain of development in the surrounding area and (Recommendation 7C and 7E) through use of local materials and detailing. Where historic features such as mill chimneys function as key focal points, they should be retained and restored as an integral part of new development schemes. (Recommendation 7C)</p>

	<p>4) Innovation and Responding to Local Context The use of traditional materials and design will be supported. However, contemporary design and materials will be supported where the distinctive character of the area is enhanced or opportunities are identified for greater energy efficiency. Site layout should respect the existing grain of development in the surrounding area.</p> <p>5) Gated Communities Gated communities which restrict permeability are not characteristic of the Holme Valley area and will be resisted.</p> <p>6) Inclusivity and Accessibility Designs should promote inclusivity and promote accessibility for all and in particular have regard to the needs of the older population and those with mobility impairments.</p> <p>7) Public Spaces New development should make a positive contribution to the public realm. In particular, this should include: • A clear distinction between streets and other publicly accessible spaces and areas that are intended for private use; • A designed sequence of spaces that connects with and relates to the pattern of spaces already present in the area; • Where appropriate, the “greening” of public spaces by using trees and other suitable planting. • Open spaces should be designed to meet the needs of the development and located to satisfy their intended, specific function, such as toddler’s play, older children’s activities, sitting out, or visual amenity.</p> <p>8) Built Form and Materials Designs should respect the scale, mass, height and form of existing locally characteristic buildings, as described in the Key Characteristics, and Settlement Patterns and Built Form, for each of the Landscape Character Areas in the Holme Valley Heritage and Character Assessment and Appendix 7 of the NDP. Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment. Local millstone grit and stone flags should be used wherever possible.</p> <p>9) Scale and Proportion Scale, height and massing of development should be designed to reflect the setting and location of each individual site. Development should fit in and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties.</p>	<p>3. Utilising Existing Assets</p> <p>Any (Recommendation 7D) significant trees, internal boundaries and water courses on the site should be retained and incorporated in the new design. Proposals should consider the aspect of the site and the ways in which the site contours and vegetation can be used to provide areas of extensive shade or shelter. (Recommendation 7D)</p> <p>4. Innovation and Responding to Local Context</p> <p>The use of traditional materials and design will be supported. However, contemporary design and materials will be supported where the distinctive character of the area is enhanced. (Recommendation 7E)</p> <p>Use of "green" or "living" and "blue" roofs is encouraged where adverse impacts on local character and distinctiveness are minimised. (Recommendation 6G)</p> <p>5. Gated Communities</p> <p>Gated communities which restrict permeability are not characteristic of the Holme Valley area and will be resisted.</p> <p>6. Inclusivity and Accessibility</p> <p>Designs should promote inclusivity and promote accessibility for all and in particular have regard to the needs of the older population and those with mobility impairments.</p> <p>7. Public Spaces</p> <p>New development should make a positive contribution to the public realm. In particular, this should include:</p>
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	<p>10) Mixed Uses</p> <p>If a shop or service is proposed as a part of a development scheme applicants will be encouraged to locate the facility where it is accessible to the wider community.</p>	<ul style="list-style-type: none"> • A clear distinction between streets and other publicly accessible spaces and areas that are intended for private use; • A design of public spaces (Recommendation 7F) that connects with and relates to the pattern of spaces already present in the area; • The (Recommendation 7F) “greening” of public spaces by using trees and other suitable planting. • Open spaces should be designed to meet the needs of the development and located to satisfy their intended, specific function, such as toddler’s play, older children’s activities, sitting out, or visual amenity. <p>8. Built Form and Materials</p> <p>Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties. (Recommendation 7G)</p> <p>Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment. Local millstone grit and stone flags should be used where these are the prevailing material. (Recommendation 7G)</p> <p>9. Mixed Uses</p> <p>If a shop or service is proposed as a part of a development scheme applicants will be encouraged to locate the facility where it is accessible to the wider community.</p> <p>10. Protecting Amenity (Recommendation 7J)</p> <p>Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and</p>
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		prevent or reduce pollution as a result of noise, odour, light and other causes. (Recommendation 7H) Light pollution should be minimised, and security lighting must be appropriate, unobtrusive and energy efficient.
Policy 3: Conserving and Enhancing Local Heritage Assets	A list of proposed non-designated heritage assets is identified in the Holme Valley Neighbourhood Plan and further non-designated heritage assets may be identified during the plan period. The emerging list of non-designated heritage assets is provided in Appendix 2. Kirklees Local Plan Policy LP35 Historic Environment, in particular Parts 2 and 3a, and Policy DMC5 of the Peak District National Park Authority Part 2 Local Plan (Development Management Policies) will apply to all applications for development affecting the heritage assets, or their setting, once adopted.	<p>A list of buildings and structures which are identified as positive contributors to the designated conservation areas in Holme valley is set out at Appendix 2A. All development proposals affecting these character defining components of the designated conservation areas or their settings will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Part 1.</p> <p>A candidate list of buildings and structures identified as non-designated heritage assets is set out at Appendix 2B. All development proposals affecting these locally important heritage assets, (once formally identified), or their settings, will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Parts 2 and 3a and Policy DMC5 of the Peak District National Park Authority Part 2 Local Plan (Development Management Policies).</p> <p>When designing development proposals for all local heritage assets (positive contributors and (once formally identified) non-designated heritage assets), owners and developers should have regard to conserving the significance of the asset and the components which positively contribute to its character or appreciation as a heritage asset. (Recommendation 8A)</p>
Policy 4: Design Codes for High Quality Shopfronts and Advertisements	<p>Design Principles for Shopfronts</p> <p>1) General Principles</p> <p>Shopfronts should be designed to integrate into the existing building by respecting the period, scale and architectural style of the building and reflect the characteristics of the wider street scene.</p> <p>Proposals for new shopfronts, or alterations to existing shopfronts should consider the following design concepts to ensure that the proposal is sympathetic to the character and amenity of the locality.</p> <p>Designs should: a) Enclose and frame shop windows and entrances with essential visual and functional elements such as pilasters, fascias and stallrisers. Accurate and authentic detailing is essential; b) Use shopfronts that</p>	<p>Design Principles for Shopfronts</p> <p>1. General Principles</p> <p>Proposals for new shopfronts, or alterations to existing shopfronts should consider the following design concepts to ensure that the proposal is sympathetic to the character and amenity of the locality.</p> <p>Designs should:</p> <p>a) Be designed to integrate into the existing building by respecting the period, scale and architectural style of the building and reflect the characteristics of the wider street scene; (Recommendation 9A)</p>

	<p>do not dominate the architecture of the main building; c) Avoid linking two or more buildings with one fascia unless historically already established by continuous architectural pattern or shop use; d) Make sure that shopfronts have individual distinctive identities with different stallriser heights, window designs and fascias that positively contribute to the character and integrity of the building and the complexity and diversity of the street scene; e) Make use of energy-efficient measures with regard to any illumination arising from the shopfront, particularly through the use of LED lighting where appropriate; and f) Make use of recessed doorways, single and double to give more three-dimensional quality. g) Avoid use of uPVC windows in historic areas.</p> <p>2) Retention of Existing Shopfronts The retention of existing shopfronts, which contribute to the character of the building or area, will be encouraged and special care should be given to the preservation and sensitive restoration of original features where possible.</p> <p>3) Accessibility The sensitive alteration of existing traditional shops and town centre buildings to improve accessibility for all is supported. Accessibility should be improved wherever practically possible, provided the special interest of any historic building or buildings is not compromised. Overall proposals should not prejudice the character of the building or buildings and should have due regard for any features which make a particular building or buildings special or significant.</p> <p>4) Fascias Proposals for shopfronts should seek to incorporate moulded cornices weathered with a properly detailed lead flashing above the fascia.</p> <p>5) Doors and Windows Stallrisers are encouraged to protect shop windows and provide a visual break between the window and the street surface. Designs for shopfronts should include part-glazed door panels that reflect the height of the stallriser and the sub-division of large areas of glass wherever possible.</p> <p>6) Shutters and Grilles Solid roller shutters and the introduction of shutter boxes to the exterior of buildings have an adverse visual impact and will be resisted in that part of the neighbourhood area where Kirklees Council is the local planning authority.</p>	<p>Submission plan principle b) deleted (Recommendation 9A)</p> <p>b) Enclose and frame shop windows and entrances with essential visual and functional elements such as pilasters, fascias and stallrisers. Accurate and authentic detailing is essential;</p> <p>c) Avoid linking two or more buildings with one fascia unless historically already established by continuous architectural pattern or shop use;</p> <p>d) Seek to incorporate moulded cornices weathered with a properly detailed lead flashing above the fascia; (Recommendation 9B)</p> <p>e) Make sure that shopfronts have individual distinctive identities with different stallriser heights, window designs and fascias that positively contribute to the character and integrity of the building and the complexity and diversity of the street scene; (Recommendation 9C)</p> <p>f) Encourage the use of stallrisers to protect shop windows and provide a visual break between the window and the street surface. Designs for shopfronts should include part-glazed door panels that reflect the height of the stallriser and the sub-division of large areas of glass wherever possible; (Recommendation 9C)</p> <p>g) Make use of energy-efficient measures with regard to any illumination arising from the shopfront, particularly through the use of LED lighting where appropriate;</p> <p>h) Make use of recessed doorways, single and double to give more three-dimensional quality; and</p> <p>i) Avoid use of uPVC windows in historic areas.</p> <p>2. Retention of Existing Shopfronts</p> <p>The retention of existing shopfronts, which contribute to the character of the building or area, will be encouraged and special care should be given to the preservation and sensitive restoration of original features where possible.</p> <p>3. Accessibility</p> <p>The sensitive alteration of existing traditional shops and town centre buildings to improve accessibility for all is supported. Accessibility should be improved where there is the opportunity to do so provided any special</p>
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	<p>Any shopfronts in the Peak District National Park Authority part of Neighbourhood Area will not be permitted to have external security roller shutters.</p> <p>The following suitable alternatives will be supported: a) Security glass with alarm or internal cameras; b) A reduction in the size of window glass; c) Internal see-through shutters; or d) In that part of the neighbourhood area where Kirklees Council is the local planning authority only, external shutters that are removed during working hours - decorative options may be applicable, themed on shop trade e) In that part of the neighbourhood area where Kirklees Council is the local planning authority only, externally mounted open mesh roller shutters provided that the box housing is concealed behind the fascia or the extent to which it projects from the face of the building, does not result in increasing its depth or the creation of a sub-fascia.</p> <p>Design Principles for Advertisements</p> <p>1) General Principles</p> <p>Any shopfronts within the Peak District National Park Authority part of Neighbourhood Area will not be permitted illuminated signs except in accordance with DMP DMS 5. In that part of the neighbourhood area where Kirklees Council is the local planning authority, where planning consent is required, proposals for fascia, hanging and projecting advertisement signs should complement the design of the building and shopfront. Cumulative impacts of advertisements should be considered in relation to street scene and visual clutter. Advertisements should not overly dominate the public realm or have an adverse impact on local character. Consideration should be given to an advertisement's impact on highway safety. Advertisements which are distracting to road users, by the virtue of their scale, design or positioning should be avoided. Illuminated signs should be treated as an integral part of the overall design, and should be discreet, and energy efficient.</p> <p>2) Fascia Signs</p> <p>Proposals for fascia signs should seek to sympathetically integrate the design of the fascia with the shopfront, making use of traditional design fascias. New illuminated boxed fascias that project from the face of the building and the addition of new fascias on top of existing ones should be avoided.</p> <p>Lettering should: a) Convey the essential message of the retailer b) Either be a sign written onto the fascia or applied as individual lettering in a traditional manner directly to the structure of the building; c) Reflect the use and character of the shop and the building; d) Be of a style and size that relates to</p>	<p>interest of the building is not compromised. (Recommendation 9E) Overall proposals should not prejudice the character of the building or buildings and should have due regard for any features which make a particular building or buildings special or significant.</p> <p>4. Shutters and Grilles</p> <p>Solid roller shutters and the introduction of shutter boxes to the exterior of buildings have an adverse visual impact and will be resisted in that part of the neighbourhood area where Kirklees Council is the local planning authority. Any shopfronts in the Peak District National Park Authority part of Neighbourhood Area will not be permitted to have external security roller shutters.</p> <p>The following suitable alternatives will be supported:</p> <p>a) Security glass with alarm or internal cameras;</p> <p>b) A reduction in the size of window glass;</p> <p>c) Internal see-through shutters. (Recommendation 9F)</p> <p>In that part of the neighbourhood area outside the National Park the following additional alternatives will be acceptable:</p> <ul style="list-style-type: none"> - External shutters that are removed during working hours – decorative options for these themed on the shop's trade may be applicable. - Externally mounted open mesh roller shutters provided that the box housing is concealed behind the fascia and the projection from the face of the building does not result in an increase in depth to the detriment of the appearance of the shopfront. (Recommendation 9F) <p>Design Principles for Advertisements</p> <p>1. General Principles</p> <p>Any shopfronts within the Peak District National Park Authority part of Neighbourhood Area will not be permitted illuminated signs except in accordance with DMP DMS 5.</p>
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	<p>the area of the fascia or sign and building on which it is used; e) Use sensitive colours and appropriate shading and blocking of letters which reflect the local character and appearance of the area – for example in Conservation Areas bold bright colours are unlikely to be accepted; and f) Minimise impacts on the historic fabric of the building. In instances where illuminated fascia signs are proposed, they should be sensitively designed in order to be sympathetic to both the building they are attached to and the surrounding area, particularly if situated in a historic area. Illumination of fascias should not be excessive or intrusive and should make use of energy efficient methods of lighting such as via LED. Schemes should avoid light pollution into adjoining residential properties and not unnecessarily cause poorly directed light pollution elsewhere.</p> <p>3) Projecting Signs</p> <p>Projecting signs will be supported where they are sensitive to the design of the existing building and are a characteristic feature of the surrounding area. The use of internally illuminated projecting box signs that form a projecting part of a fascia should be avoided.</p> <p>Where a projecting sign is appropriate, proposals should make use of a traditional hanging sign, which is hung from a metal bracket that can add interest to the street without unobtrusive external illumination. Consideration should be given to the use of hanging symbols denoting the trade being carried on in the premises as an interesting and eye-catching alternative to a hanging board. Projecting signs should be of a high quality and relate to the size and scale of the existing building façade and do not appear either overly intrusive or inappropriately small. Projecting signs should be carefully positioned to take into account the design and architectural detailing of the existing building – normally below the first-floor windows. Projecting signs will be restricted to one sign per building and should relate only to the business which occupies the premises.</p>	<p>Where (Recommendation 9G) planning consent is required, proposals for fascia, hanging and projecting advertisement signs should complement the design of the building and shopfront.</p> <p>Cumulative impacts of advertisements should be considered in relation to street scene and visual clutter. Advertisements should not overly dominate the public realm or have an adverse impact on local character.</p> <p>Consideration should be given to an advertisement's impact on highway safety. Advertisements which are distracting to road users, by virtue of their scale, design or positioning should be avoided.</p> <p>Submission plan last paragraph in the general principles deleted (Recommendation 9H)</p> <p>2. Fascia Signs</p> <p>Proposals for fascia signs should seek to sympathetically integrate the design of the fascia with the shopfront, making use of traditional design fascias.</p> <p>Lettering should:</p> <ul style="list-style-type: none"> a) Convey the essential message of the retailer b) Either be a sign written onto the fascia or applied as individual lettering in a traditional manner directly to the structure of the building; c) Reflect the use and character of the shop and the building; d) Be of a style and size that relates to the area of the fascia or sign and building on which it is used; e) Use sensitive colours and appropriate shading and blocking of letters which reflect the local character and appearance of the area particularly within conservation areas; (Recommendation 9K) and f) Minimise impacts on the historic fabric of the building. g) New illuminated boxed fascias that project from the face of the building and the addition of new fascias on top of existing ones should be avoided. (recommendation 9J) <p>In instances where illuminated fascia signs are proposed outside the National Park (Recommendation 9L), they should be sensitively designed in order to be sympathetic to both the building they are attached to and the</p>
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		<p>surrounding area, particularly if situated in a historic area. Illumination of fascias should not be excessive or intrusive and should make use of energy efficient methods of lighting such as via LED. Schemes should avoid light pollution into adjoining residential properties and not unnecessarily cause poorly directed light pollution elsewhere.</p> <p>3. Projecting Signs</p> <p>Projecting signs will be supported where they are sensitive to the design of the existing building and are a characteristic feature of the surrounding area.</p> <p>The use of internally illuminated projecting box signs that form a projecting part of a fascia should be avoided.</p> <p>Where a projecting sign is appropriate, proposals should make use of a traditional hanging sign, which is hung from a metal bracket that can add interest to the street without unobtrusive external illumination. Consideration should be given to the use of hanging symbols denoting the trade being carried on in the premises as an interesting and eye-catching alternative to a hanging board.</p> <p>Projecting signs should be of a high quality and relate to the size and scale of the existing building façade and do not appear either overly intrusive or inappropriately small. Projecting signs should be carefully positioned to take into account the design and architectural detailing of the existing building – normally below the first-floor windows.</p> <p>Projecting signs will be restricted to one sign per building and should relate only to the business which occupies the premises.</p>
Policy 5: Promoting High Quality Public Realm and Improvements to Gateways and Highways	<p>Public Realm</p> <p>Proposals for public realm improvements should enhance the quality of life for residents and visitors alike and should be an integral part of transport links through towns, settlements and villages.</p> <p>Proposals for public realm enhancements will be supported subject to other policies where they:</p> <p>a) Are of a high-quality design and sensitive to the visual appearance of surrounding buildings and street scene, especially in the case of a Heritage Asset or within a Conservation Area; b) Where possible, enhance or open up</p>	<p>Policy 5 does not apply to that part of the neighbourhood area that is within the Peak District National Park. (Recommendation 1A).</p> <p>Public Realm</p> <p>1. Proposals for public realm improvements should enhance the quality of life for residents and visitors alike and should be an integral part of transport links through towns, settlements and villages. Such improvements will be supported where they are consistent with advice in</p>

	<p>views towards existing locations of interest, such as the river or public spaces within the town and local centres, so that new developments improve rather than hide existing points of interest. c) Prioritise pedestrians and then cyclists, providing seating and safe, accessible routes for all.</p> <p>Where public realm enhancements are proposed as part of development schemes, proposals should include, where possible, cycle and car parking with electric charging points, clear and useful signage to local public transport facilities, and low energy street lighting.</p> <p>Large commercial bin storage areas should be suitably screened as part of proposals to enhance the public realm and improve waste management. 1. To ensure a balance is achieved between highway safety and highway dominance, and to ensure that the character of a place is maintained whilst still enabling a safe and sustainable highway, the following principles should be applied: 2. d) Design and materials in public realm improvements and highways schemes should be sensitive to local character. e) Traffic dominance should be minimised through surface treatment and layout; f) Visual clutter should be limited; g) Provision of shared public space should be maximised whilst accommodating vehicular movement where necessary; h) Consideration should be given to accessibility for everyone; i) Consideration of Green Infrastructure⁸ should be built into the public realm where appropriate; j) Street furniture should not act as a hazard to pedestrians or distract motorists unnecessarily. k) Signage and interpretation should be clear and visually unobtrusive; l) Lighting should limit light pollution and the use of columns.</p> <p>Gateways and Highways Where major new residential or commercial development is close to gateways into the Holme Valley, for example at entry points along the main transport routes including roads along valley floors and at rail stations including as identified on Map 17 Key Gateways, consideration should be given to gateway improvements. Such improvements could include for instance, welcome signage, landscaping and planting and relevant information about visitor facilities.</p>	<p>the Kirklees Highways Design Guide SPD and where they (Recommendation 10A)</p> <p>a) Are of a high-quality design and sensitive to the visual appearance of surrounding buildings and street scene, especially in the case of a Heritage Asset or within a Conservation Area;</p> <p>b) Take opportunities to enhance or (Recommendation 10B) open up views towards existing locations of interest, such as the river or public spaces within the town and local centres, so that new developments improve rather than hide existing points of interest.</p> <p>c) Prioritise pedestrians and then cyclists, providing seating and safe, accessible routes for all.</p> <p>Submission plan two paragraphs following clause c) deleted (Recommendation 10C)</p> <p>1. Where works are being carried out in the public realm to improve highway safety and efficiency the character of a place should be maintained and the following principles will be applied: (Recommendation 10D)</p> <p>2.</p> <p>d) Design and materials in public realm improvements and highways schemes should be sensitive to local character.</p> <p>e) Traffic dominance should be minimised through surface treatment and layout;</p> <p>f) Visual clutter should be avoided; (Recommendation 10E)</p> <p>g) Provision of shared public space should be maximised whilst accommodating vehicular movement where necessary;</p> <p>h) Consideration should be given to accessibility for everyone;</p> <p>i) Consideration of Green Infrastructure should be built into design in the public realm; (Recommendation 10F)</p> <p>j) Street furniture should not act as a hazard to pedestrians or distract motorists unnecessarily.</p> <p>k) Signage and interpretation should be clear and visually unobtrusive;</p> <p>l) Lighting should limit light pollution and the use of columns.</p> <p>Settlement 'Gateways'</p>
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		Where major new residential or commercial development is close to 'gateways' into Holme Valley settlements, or at route convergence points or rail and bus stations, consideration should be given to public realm improvements around the 'Gateway' including welcome signage and interpretation and landscaping and planting. (Recommendation 10G)
Policy 7: Supporting Economic Activity	<p>Policy 7 only applies to that part of the Neighbourhood Area where Kirklees Council is the local planning authority.</p> <p>Supporting Businesses in the Holme Valley</p> <p>In addition to site allocations in the Kirklees Local Plan, proposals will be supported which result in the creation or sustainable expansion of existing and new businesses, particularly those defined¹³ as micro (sole traders or those with fewer than ten employees) or small (ten to fifty employees) in all business sectors.</p> <p>Such proposals will be supported where the following all apply: 1) The site is located outside the Green Belt; 2) The proposal supports new business investment or the expansion of an existing business within its existing site; 3) The proposal is for the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site; 4) The site is connected to the existing highway and transport network and will not generate additional and unacceptable adverse traffic impacts on surrounding roads; 5) The site is large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; 6) The proposals take account of their impact on the natural environment and contribute to the protection, conservation and enhancement of the natural beauty and distinctive local character of the landscape; and 7) The proposals recognise the overall aim to reduce carbon emissions through sustainable design and promoting access by walking, cycling and public transport.</p> <p>Where the proposal is part of a farm diversification scheme or comprises new development within the Green Belt, it must be acceptable having regard to Green Belt policy and Kirklees Council's Local Plan Policy LP10.</p> <p>Supporting Homeworking</p>	<p>Policy 7 does not apply to that part of the neighbourhood area that is within the Peak District National Park. (Recommendation 1A).</p> <p>Supporting Businesses in the Holme Valley</p> <p>In addition to site allocations in the Kirklees Local Plan, proposals will be supported which result in the creation or sustainable expansion of existing and new businesses (other than retail businesses covered in NDP Policy 8), (Recommendation 12A) particularly those defined as micro (sole traders or those with fewer than ten employees) or small (ten to fifty employees). (Recommendation 12A)</p> <p>Such proposals will be supported where the following all apply:</p> <ol style="list-style-type: none"> 1. The site is located outside the Green Belt or the development is acceptable in terms of national Green Belt policy; (Recommendation 12B) 2. The proposal supports new business investment or the expansion of an existing business; (Recommendation 12C) Submission Plan clause 3 deleted (Recommendation 12D) 3. The site can be connected to the existing highway network and will not result in severe adverse traffic impacts on surrounding roads; (Recommendation 12E) 4. The site is large enough to accommodate car parking, service areas and landscaped areas appropriate to the scale of the business; (Recommendation 12F) 5. The proposals recognise the overall aim to reduce carbon emissions through sustainable design and promoting access by walking, cycling and public transport. Submission Plan clause 6 deleted (Recommendation 12G)

	<p>Proposals which promote the role of home-working within the economy will be supported. These include, where planning permission is required, improvements to broadband and telecommunications infrastructure and small-scale extensions to existing residential dwellings which are subsidiary to the main dwelling, subject to other policies in the NDP, Kirklees adopted Local Plan Policies LP10 and LP20 and national planning policies.</p> <p>Development proposals should incorporate suitable infrastructure to support integrated communication technologies as part of the initial design process.</p> <p>Encouraging Tourist and Visitor Facilities</p> <p>Proposals that contribute to and strengthen the visitor and tourist economy of Holme Valley are supported. These include the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions and new development, where proposals are acceptable having regard to other local and national policies.</p> <p>All proposals must demonstrate how they meet the following specific criteria:</p> <p>1) In all cases where development is proposed in the Green Belt, regard must be had to relevant local and national Green Belt planning policies. 2) Development for new and of existing caravan, chalet, camping, cabin or lodge style developments, or other visitor accommodation, may be supported where they: a) Address other policies in the NDP and Kirklees Local Plan and national planning policies; b) Contribute to improving the offer to tourists; c) Are appropriately screened; d) Provide adequate car parking spaces; e) Are accessible to people with disabilities; f) Contribute to the conservation of the landscape character and natural environment, do not have a material adverse impact on the natural beauty of the area; g) Do not generate additional traffic movements of a scale and type likely to have material adverse impact on highway safety and efficiency, neighbouring properties and other existing users of the area; and h) Mitigate any adverse impact on the capacity of road, sewerage or other infrastructure and contain adequate provision for parking and access for people with disabilities.</p>	<p>Business development which involves the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site will be particularly encouraged. (Recommendation 12D)</p> <p>Supporting Homeworking</p> <p>Proposals which promote the role of home-working within the economy will be supported. These include, where planning permission is required, improvements to broadband and telecommunications infrastructure and extensions (Recommendation 12H) to existing residential dwellings which are subsidiary to the main dwelling, subject to other policies in the NDP, Kirklees adopted Local Plan Policies LP10 and LP20 and national planning policies.</p> <p>Development proposals should incorporate suitable infrastructure to support integrated communication technologies as part of the initial design process.</p> <p>Encouraging Tourist and Visitor Facilities</p> <p>Proposals that contribute to and strengthen the visitor and tourist economy of Holme Valley will be supported. These include the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions and new development, where proposals are acceptable having regard to other local and national policies.</p> <p>All proposals must demonstrate how they meet the following specific criteria:</p> <ol style="list-style-type: none"> 1. The site is located outside the Green Belt or the development is acceptable in terms of national Green Belt policy. (Recommendation 12J). 2. Development for new and of existing caravan, chalet, camping, cabin or lodge style developments, or other visitor accommodation, may be supported where they: Submission Plan Clause a) and f) deleted (Recommendation 12K) <ol style="list-style-type: none"> a) Contribute to improving the offer to tourists; b) Are appropriately screened;
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		<div><div>c) Provide adequate car parking spaces;</div><div>d) Are accessible to people with disabilities;</div><div>e) Do not generate traffic movements of a scale and type likely to have severe adverse impact on highway safety and efficiency; and (Recommendation 12L)</div><div>f) Mitigate any adverse impact on the capacity of road, sewerage or other infrastructure (Recommendation 12M)</div></div>
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<p>Policy 12: Promoting Sustainability</p>	<p>All major development as defined in the NPPF20 must prepare a sustainability statement which outlines how the development will evaluate and contribute to the following elements of sustainability. Promoting Renewable Energy 1) In all cases where development is proposed in the Green Belt regard must be had to relevant local and national Green Belt policies. 2) In that part of the neighbourhood area where Kirklees Council is the local planning authority, proposals for individual and community scale energy from hydro-electric, solar photovoltaic panels, biomass, anaerobic digestion and ground source heating will be supported where they can be achieved without conflicting with the NDP policies to protect and enhance the landscape and built character of the Valley. 3) New major developments should install district heating from renewable resources and will be expected to deliver an on-site heat network, unless it can be demonstrated that this would render the development unviable. In this case, developers must demonstrate that they have worked with 3rd parties, commercial or community, to assess the opportunity. Energy Efficiency 4) Sustainable, energy efficient designs should be used in all new buildings. Reclaimed materials from sustainable sources should be used where possible.21 5) Wherever possible all new non-residential buildings should achieve a BREEAM rating of excellent or outstanding. 6) All new buildings should aim to meet a high level of sustainability, design and construction and be optimised for energy efficiency, targeting zero carbon emissions. This might include: a. Orientation to optimise passive solar gain. b. Use of high quality, thermally efficient building materials, subject to consideration of local character and context - see Policies 1 and 2. c. Installation of loft and wall insulation and double/triple glazing. d. On site energy generation from renewable resources. 7) Wherever possible, all new buildings should incorporate technologies which generate 50% energy from low carbon or renewable sources. 8) Retrofitting of older properties to reduce energy demand and to generate renewable energy is encouraged where proposals are sensitive to local character. Alterations to existing properties should be designed to reduce energy demand and comply with sustainable design and construction. Encouraging Sustainable Living 9) The creation of community gardens and further allotments space in the valley for local food growing will be supported.</p>	<p><u>All development is expected to be designed to contribute to the following elements of sustainability and all major development (as defined in the NPPF) must prepare a sustainability statement which outlines how the development will contribute. (Recommendation 17A)</u></p> <p>Promoting Renewable Energy</p> <p><u>Submission Plan clause 1 deleted (Recommendation 17B)</u></p> <ol style="list-style-type: none"> 1. In that part of the neighbourhood area where Kirklees Council is the local planning authority, proposals for individual and community scale energy from hydro-electric, solar photovoltaic panels, biomass, anaerobic <u>air</u> (Recommendation 17C) digestion and ground source heating will be supported where they can be achieved without conflicting with the NDP <u>policies</u> (Recommendation 21) to protect and enhance the landscape and built character of the Valley. 2. <u>New developments should develop opportunities to deliver on site heat networks using renewable energy sources. (Recommendation 17D)</u> <p>Energy Efficiency</p> <ol style="list-style-type: none"> 3. <u>Sustainable, energy efficient designs should be used in all new buildings. (Recommendation 17E)</u> 4. <u>All new non-residential buildings should be designed to achieve (Recommendation 17F) a BREEAM rating of excellent or outstanding.</u> 5. All new buildings should aim to meet a high level of <u>sustainable</u> (Recommendation 21), design and construction and be optimised for energy efficiency, targeting zero carbon emissions. This might include: <ol style="list-style-type: none"> a. Orientation to optimise passive solar gain.
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		<p>b. Use of high quality, thermally efficient building materials, subject to consideration of local character and context - see Policies 1 and 2.</p> <p>c. Installation of loft and wall insulation and double/triple glazing.</p> <p><u>Submission Plan clause 6d deleted. (Recommendation 17G)</u></p> <p>6. <u>All new buildings should incorporate technologies which generate or source energy from renewable, low carbon sources. (Recommendation 17G)</u></p> <p>7. Retrofitting of older properties to reduce energy demand and to generate renewable energy is encouraged where proposals are sensitive to local character. Alterations to existing properties <u>where planning permission is required (Recommendation 17H)</u> should be designed to reduce energy demand and comply with sustainable design and construction.</p> <p>Encouraging Sustainable Living</p> <p>8. <u>The inclusion in development proposals of community gardens and (Recommendation 17J)</u> further allotment space in the valley for local food growing will be supported.</p> <p><u>The requirements of this policy will be expected to be met unless it can be demonstrated that this would render the development unviable. In this case, developers must demonstrate that they have worked with third parties, (commercial and community), to assess the viability of opportunities.(Recommendation 17K)</u></p>

14. DORE NEIGHBOURHOOD PLAN (CW)

1. Purpose of the report

To 'make' (bring into force) Dore Neighbourhood Plan part of the statutory development plan for Dore Neighbourhood Area.

Key Issues

- following a positive referendum result, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Peak District National Park Authority must 'make' (bring into force) Dore Neighbourhood Development Plan part of the statutory development plan for Dore Neighbourhood Area.
- If "made", the plan would also form an element of the statutory development plan for the Peak District National Park.
- A referendum asking 'Do you want Sheffield City Council and the Peak District National Park Authority to use the Neighbourhood Plan for Dore to help them decide planning applications in the neighbourhood area? took place on 12 August 2021. One thousand nine hundred and eighty six (1986) people voted 'yes' and one hundred and six (106) voted 'no'.
- Sheffield City Council (SCC) will determine whether the plan should be made on 6th October 2021.

2. Recommendations(s)

1. That the Committee makes Dore Neighbourhood Plan thus forming part of the statutory development plan for Dore Neighbourhood Area and the Peak District National Park.

How does this contribute to our policies and legal obligations?

3. This is a legal obligation under Section 38 A (4) of the Planning and Compulsory Purchase Act 2004.

Background Information

4. Dore Neighbourhood Area and Forum were designated by both authorities on 16 October 2014 and the Forum designation was renewed on 16 October 2019 in accordance with Regulations.
5. Following submission by Dore Neighbourhood Forum of the draft Dore Neighbourhood Plan to the Peak District National Park Authority (PDNPA) and Sheffield City Council (SCC), and in accordance with Neighbourhood Planning Regulation 16, the plan was publicised and representations were invited. This took place between 14 September 2020 and 26 October 2020.
6. An independent examiner, Mr Nigel McGurk BSc (hons) MCD MBA MRTPI ('the examiner'), was appointed by SCC in consultation with the PDNPA and Dore Neighbourhood Forum. Examination of the plan took place between November 2020 and January 2021 and was conducted by written representations. The examiner considered all of the policies and supporting text within the plan, and whether the plan

met the basic conditions required by legislation.

7. The examiner's report was received on 26 January 2021 and was made available for viewing on the councils' web-sites. The examiner concluded that Dore Neighbourhood Plan, as modified by his recommendations, met the basic conditions set out in the legislation.
8. The Peak District National Park Authority (at a meeting of the Planning Committee on 25 June 2021) and Sheffield City Council (decision taken by Head of Planning on 25 June 2021), determined that the modifications recommended by the examiner be accepted and that Dore Neighbourhood Plan met the basic conditions, was compatible with Convention rights and complied with the definition of a neighbourhood development plan and so should proceed to a referendum.

Proposals

9. That Dore Neighbourhood Plan be made part of the statutory development plan for Dore Neighbourhood Area. In doing so the plan would also form part of the development plan for the Peak District National Park.

Are there any corporate implications members should be concerned about?

Financial:

10. none

Risk Management:

11. The steps that the Authority is taking to respond to the referendum on Dore Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is negligible.

Sustainability:

12. Sustainability issues are fully considered in the neighbourhood planning process

Equality:

13. Equality issues are fully considered in the neighbourhood planning process

14. Background papers (not previously published)

None.

15. Appendices

Appendix 1 - [Dore Neighbourhood Plan Referendum Version](#)

Report Author, Job Title and Publication Date

Clare Wilkins
Sustainable Communities Policy Officer, 01 September 2021
clare.wilkins@peakdistrict.gov.uk

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

1. APPEALS LODGED

No new appeals have been lodged during this month.

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/1120/1077 3270329	Installation of replacement windows and repairs/modifications to some window openings at Carpenters Cottage, Main Street, Winster	Written Representations	Dismissed	Delegated

The Inspector considered that the proposed installation of stone mullions in the historic window openings, would not be authentic to the listed building and the historic setting of the village and conservation area. The appeal was dismissed.

NP/DDD/0320/0224 3273608	Proposed vehicle pull-in with pedestrian path at 3 Wheatlands Lane, Baslow	Householder	Dismissed	Delegated
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The Inspector considered that the scale and extent of the excavation would be very prominent and out of character with the country lane, and would diminish the distinct sense of enclosure and continuity experienced within the land that is derived from the stone retaining walls. The Inspector also considered that the development would have an adverse effect on highway safety. The development also failed to accord with the development plan as a whole. The appeal was therefore dismissed.

NP/DDD/1220/1143 3271911	Erection of two affordable local needs dwellings at Hardy Lane, Tideswell	Written Representations	Dismissed	Committee
NP/DDD/0620/0548 3271913	Erection of three affordable local needs dwellings at Hardy Lane, Tideswell			

The Inspector considered the above appeals together and found that it would be difficult to reconcile the siting of the dwellings and the future use of the gardens and parking areas with the presence of the mature trees.

The Inspector felt that it was unclear as to how the dwellings built beneath the trees with low canopies, or how the external amenity space, almost wholly oversailed by the large tree canopies, could be anything but dark and not particularly useable, or allow sufficient light to enter the dwellings, and found that it highly likely that other issues relating to the trees would be raised in the longer term. The appeals were dismissed.

4. **RECOMMENDATION:**

To note the report.