

Public Document Pack

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Our Ref: A.1142/3038

Date: 17 June 2021



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 25 June 2021**

Time: **10.00 am**

Venue: **The Palace Hotel, Buxton, SK17 6AG**

(Venue Site Plan attached)

SARAH FOWLER
CHIEF EXECUTIVE



Link to meeting papers:

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

AGENDA

VENUE LOCATION PLAN - ATTACHED

- 1. Roll Call of Members Present, Apologies for Absence and Members Declarations of Interest**
- 2. Urgent Business**
- 3. 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.
- 4. Full Application - New Affordable Dwelling - Land off Tagg Lane, Monyash**
- *(Pages 7 - 18)*
Site Plan
- 5. Full Application - The Proposed Installation of a 25m lattice mast, supporting 3 no antenna, 2 no 600mm dishes, together with 3 no ground based equipment cabinets contained within a foul weather enclosure, satellite dish and ancillary development thereto including a permanent generator, housed within a secure compound on Land adjacent to Howden Reservoir, Upper Derwent , Hope Valley** *(Pages 19 - 36)*
Site Plan
- 6. Full Application - Provision of Education Suite and Ancillary Accommodation to Facilitate Diversification of Farm Activities at High Lees Farm, New Road, Bamford** *(Pages 37 - 56)*
Site Plan

Appendix 1
- 7. Full Application - Proposed Demolition of Existing Factory and Construction of New Dwelling, The Factory, Alma Road, Tideswell** *(Pages 57 - 70)*
Site Plan
- 8. Full Application - Placement of Shed and Modification to Drive Entrance at Beaumaris, Tower Hill, Rainow** *(Pages 71 - 78)*
Site Plan
- 9. Dore Neighbourhood Plan - to Submit for Referendum** *(Pages 79 - 124)*
Appendix 1

Appendix 2

Appendix 3

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 Palace Hotel, Buxton. 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 P Brady
Cllr M Chaplin	Cllr D Chapman
Cllr A Gregory	Ms A Harling
Cllr A Hart	Cllr I Huddleston
Cllr A McCloy	Cllr Mrs K Potter
Cllr K Richardson	Miss L Slack
Cllr G D Wharmby	

Other invited Members: (May speak but not vote)

Mr Z Hamid	Prof J Haddock-Fraser
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Constituent Authorities
Secretary of State for the Environment
Natural England



Committee Date:

Item Number:

Application No:

Grid Reference:

Title: 6 Lines Maximum!



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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 it's 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

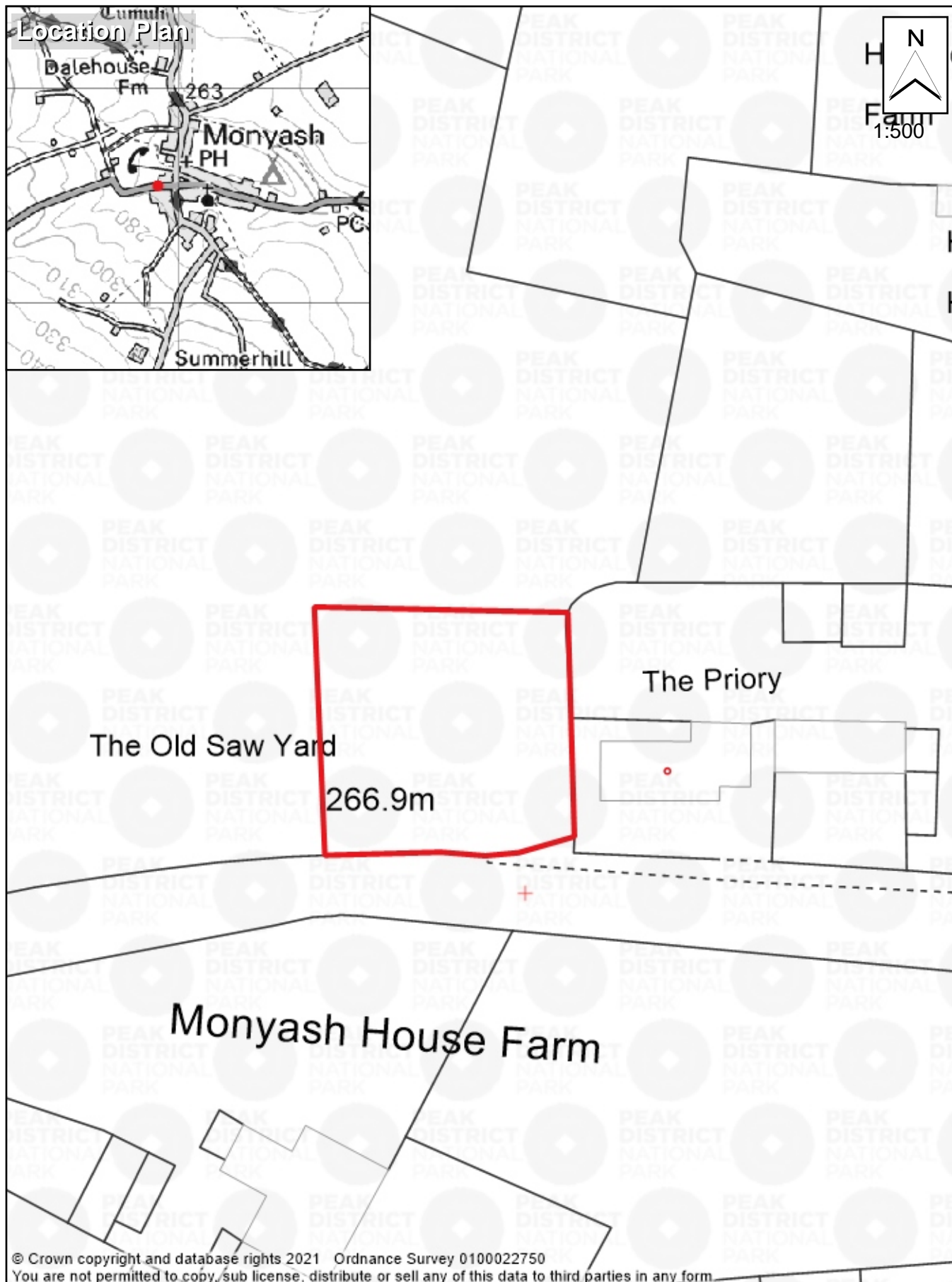
- 65. None arising.

List of Background Papers (not previously published)

- 66. None

Report Author and Job Title

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



Committee Date: Friday 25th June 2021

Item Number: 4

Application No: NP/DDD/0121/0073

Grid Reference: 414912, 366539

Title: Land off Tagg Lane
Monyash



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5. FULL APPLICATION: THE PROPOSED INSTALLATION OF A 25M LATTICE MAST, SUPPORTING 3 NO ANTENNA, 2 NO 600MM DISHES, TOGETHER WITH 3 NO GROUND BASED EQUIPMENT CABINETS CONTAINED WITHIN A FOUL WEATHER ENCLOSURE, SATELLITE DISH AND ANCILLARY DEVELOPMENT THERETO INCLUDING A PERMANENT GENERATOR, HOUSED WITHIN A SECURE COMPOUND ON LAND ADJACENT TO HOWDEN RESERVOIR, UPPER DERWENT, HOPE VALLEY NP/HPK/1120/1041, JK

APPLICANT: The Secretary of State for the Home Department.

1. Summary

2. The application site lies within an area of deciduous woodland on the west valley side adjacent to Howden reservoir.
 3. The proposal is to erect a 25m high telecoms mast together a ground level equipment compound including a permanent generator together with a separate smaller satellite compound, served by a new entrance and tarmac road up from Derwent Lane.
 4. Plans show the mast would project approx. 6.5m above the tree canopy and in longer views from the north and the south east it would skyline making it a prominent and intrusive feature causing harm to this unspoilt landscape.
 5. The proposed tarmacadam access, road and its associated concrete retaining wall together with the proposed close boarded fencing to the compound would add prominent and inappropriate features out of keeping within this landscape which would further harm valued landscape character.
 6. Insufficient detail has been provided as to the proposed permanent generator which has the potential to cause serious harm to the tranquillity and quite enjoyment of the valley and impact adversely upon the residential amenity of the nearby dwelling.
 7. The surrounding trees which would provide essential screening were any mast to be approved are excluded from the application site. Being outside the control of the applicant, no long term planning control including appropriate management to maintain the tree cover can be secured.
 8. Several trees are to be removed but these and the impacts on those remaining have not been assessed by an appropriate tree report. Furthermore the ecological implications have not been progressed past the desk based report stage as recommended.
 9. Whilst our policies provide support in principle for telecoms infrastructure to deliver this essential emergency service, this is provided the valued characteristics of the National Park Landscape are not harmed. This proposal would introduce a mast, new access road and a permanent generator which would cause unacceptable harm to the valued character, appearance and tranquillity of this part of the Upper Derwent Valley. For the above reasons we therefore recommend that permission is refused.
- 10. Site and Surroundings**
11. The site is located within the 'West Cable Tip Plantation' on the west side of Howden Reservoir in the Upper Derwent Valley some 215m to the north of Howden Dam, a Grade II Listed structure.

12. The application site area comprises a section of the wooded valley side which stretches up steeply from the inside of a rising bend on Derwent Lane up to a boundary wall between the trees and the open moorland approx. 124m to the west. The woodland comprises a stand of mainly sycamore on the lower slopes transitioning to oak and coniferous species on the higher slope next to the moorland boundary. There is an adjacent block of plantation conifers immediately to the north which appear to be in poor condition with a number of fallen as well as apparently dying trees.
13. The moorland to the west of the boundary wall continues to rise and is Natural Zone and part of the Dark Peak SSSI as well as the South Pennine Moors Special Area of Conservation (SAC) and Peak District Moors Special Protection Area (SPA). The moorland and the plantation are also designated CROW access land.
14. The application site and the woodland around including the reservoirs are owned and managed by Severn Trent Water Ltd primarily for the catchment and storage of drinking water but also for their amenity value in connection with the areas high volume recreational use.
15. **Background**
16. The Emergency Services Mobile Communications Programme (ESMCP) is the Home Office led programme responsible for the new Emergency Services Network (ESN). It aims to provide a 4G integrated voice and broadband data communications service for the blue light emergency services. ESN has initially been deployed by enhancing an existing commercial network configured to give the three emergency services priority over other users.
17. This proposal is for the Extended Area Services (EAS). This is to provide additional infrastructure to extend the ESN into primarily remote and commercially unviable areas where little or no mobile network coverage exists.
18. **Proposal**
19. The construction of new telecommunications site with 25m (overall height 26.3m to top of antenna) galvanised lattice mast sited within a fenced compound housing the ground level equipment cabinet and separate permanent generator. A separate smaller compound much further up the hillside would house a satellite dish and both would be accessed via a new entrance and tarmac access track off Derwent Lane with pathway up to the satellite dish. Plans also show a traffic mirror on the opposite side of the lane from the access which would be outside of the application site area.
20. The application is supported by the following documents/reports;
21.
 - i) A desk based ecological assessment.
 - ii) Further explanatory information/justification statement
 - vi) Detailed plans
 - vii) A safety compliance certificate declaring conformity with public radio wave exposure safety guidelines
22. **RECOMMENDATION:**

That the application be REFUSED for the following reason;

1. **Visual harm to valued landscape character and appearance especially from the mast top sky-lining in key views from the north and south west across the reservoir.**

2. Harm to valued landscape character from the tarmac access road and new entrance coupled with the inappropriate fencing to the main compound.
3. The use of generator to provide power is unsustainable and contrary to Policy CC1 and in absence of any detailed noise report proving otherwise, generator noise would likely cause harm to the tranquility of area and neighbouring amenity.
4. The screening effect provided by the surrounding trees are outside of the applicant's ownership and control. Trees are shown to be removed to accommodate the development however no tree report has been submitted to cover this or to provide a plan for the long term management of the tree cover to maintain screening effect. 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, the proposed mast could become a more intrusive feature, causing further harm to the special quality of the landscape.
5. Insufficient information on ecological issues as desk based assessment recommendation of follow up reports have not been carried out so potential harm and a net benefit to biodiversity cannot be established.
6. The proposal is therefore contrary to policies GSP1, CC1, GSP3, L1, DMU4, DMC3, DMC11, DMC13, and the NPPF.

23. **Key Issues**

24. Whether the principle of the proposed development is acceptable.
25. The impact of the development upon the scenic beauty and other valued characteristics of the National Park.
26. Whether the need for the development, notably emergency services cover, outweighs any harm identified and taking into account the economic and social benefits of the development.

27. **Planning History**

28. 2018 – In pre-application discussions an alternative site on the opposite side of the valley was sought and preferred by officers however the applicants determined this did not meet their coverage and buildability requirements. Consequently on balance without prejudice support to apply for this site was given in principle.

29. **Relevant Nearby Mast Planning History**

30. Approval for a tall EE/ESN pole mast on Ladybower Viaduct
31. Approval for an ESN street works style pole mast beside the bridleway on the east side of Ladybower Reservoir

32. **Consultations**

33. Highway Authority: - No objections subject to conditions.

34. In view of the nature of the adjoining lane, which carries a prohibition of driving order and resultant anticipated low vehicle volumes and speeds there are no highway objections in principle to the proposals. However it is recommended that the following conditions and footnotes be appended in any consent granted.(conditions summarised)

1. Provision of construction compound within site curtilage in accordance with details to be agreed in advance.
2. Before any other operations are commenced, form new access and provided with 2.4m x 25m visibility splays in both directions.
3. Access track shall be no steeper than 1 in 14 for the first 10m and measures implemented to prevent the flow of surface water onto the adjacent highway.
4. No gates or other barriers within 5m of the highway boundary

Footnotes re;

- a. prior notification regarding access works within the highway.
- b. The first 5m of the driveway should not be surfaced with a loose material.
- c. measures to prevent surface water run-off from within the site
- d. steps shall be taken to keep road clear of mud etc. during construction.

35. Derwent and Hope Woodlands Parish Council - object

36. Accepts that communication masts are a necessary part of modern life, in the Upper Derwent Valley it is essential that sites are chosen that disguise the mast as much as possible. The mast would have an adverse impact on this very rural and wild landscape where it would be visible and overbearing. It is to be accessed by a tarmaced road which we also object to. The appearance of such a track is not appropriate in this setting. A gravelled track would be more in keeping.

37. PDNPA Ecologist – Further information is required. Summarised comments below;

38. The ecological report was produced in 2018 and is a desk based assessment. Recommendations for further assessment and site survey work should be followed.

39. Plans focus on the development associated with the reservoir road and the antenna compound. There is an additional track/underground cabling that leads to a 'VSAT' compound located further uphill (c100m), there do not appear to be any detailed plans to show this part of the development or to what extent it affects designated sites. Further plans are required to show this element of the proposal.

40. The ecological surveys and assessment should consider the design in its entirety, including the working construction footprint and all infrastructure. The report should clearly set out any impacts on ecological receptors and protected sites and include maps at an appropriate scale. Any Habitats Regulations Assessment should consider alternatives to the proposal including the 'do nothing' scenario. The final report and any associated CEMP should seek to minimise impacts and provide suitable and appropriate mitigation and compensation, as well as proposals to demonstrate biodiversity net gain

41. Natural England

42. Reply awaited.
43. Representations
44. 5 representations have been received all objecting to the development and raising the following grounds including lengthy letters from the CPRE and National Trust;
45. CPRE Agree justification meets Policy DMU4 B.
46. Note there would be space for additional antennae and dishes. Unless mobile phone technology for public use is supplied alongside that for the emergency services, there is little point in having the mast in place.
47. Site for the proposed mast would be largely screened in distant views by the backdrop of conifers further up the slope. In close views from the road the mast would be seen through the sycamore trees particularly in winter against the sky.
48. The generator and access track would draw attention to the development and have a profound and unacceptable impact on the special qualities of this part of the National Park.
49. Use of a generator is unsustainable and contrary to CC1. No details about the generator except its size, so we do not know the noise levels it would create or the fuel it would use. Where noise is likely to be detrimental to neighbouring uses or to the tranquillity of the wider landscape, a noise impact assessment is required (Development Management Policies, 2019, para 3.132). The failure to provide such a survey means the application does not meet Development Management Policy DMU4A.
50. The mast would stand within an area of extraordinary tranquillity, a special quality which is sought by visitors to the Upper Derwent. The road north of Fairholmes is closed to vehicles on Sundays, is only lightly trafficked during the week and is well used every day by cyclists and walkers – 500,000 visitors annually are drawn to this honeypot in the Park. Undeveloped places of tranquillity is one of the 7 special qualities of the Peak District National Park and is key to the health and well-being of the nation.
51. There is no electricity supply north of Fairholmes but the future of all energy supplies is electric. To propose a 24-hour generator that may require regular journeys by lorry to deliver fossil fuel would be unsustainable and thereby unacceptable. It therefore fails policy CC1 (which applies to all developments) both in relation to use low carbon and renewable energy and achieving the highest possible standards of carbon reduction (CC1 criteria 2 and 4).
52. Alternative solutions, both standard and bespoke, for off-grid power do exist – has the applicant investigated the options? Two properties located between Howden and Derwent dams also need to be electrified. This planning application needs to take a long-term view of sustainable development and find a quiet/silent green power solution for the long-term or put in an electricity cable from Fairholmes, preferably to be undergrounded (as per policy DMU2 B) or – if as overhead line - the route will need to be carefully selected as to minimise visual intrusion.
53. The tarmac track up a steep bank, with concrete blocks is also out of keeping with the character of the area. The soakaways are also likely to be inadequate. The forestry access track ascending from Westend to Alport Castles has an equally steep ascent but is constructed of graded stone with wooden run-off channels. It has weathered and re-vegetated, and would minimise run-off, unlike tarmac. Such a track should be substituted for the proposed new access.

54. The impact of the generator and of the tarmac access road contravenes Core Strategy Policy GS3 'Development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal;' Policy DMC14 A(ii) Pollution and disturbance, as they adversely impact on the amenity, tranquillity, biodiversity or other valued characteristics of the area; and Policy DMU4 C as the landscape and other valued characteristics of the National Park would be harmed. The development should therefore be refused in its present form.
55. On the application form, the applicant has answered 'No' to any trees on site and to any trees influencing the development, which is contrary to information given in other documents -- the compound would be located in a mature sycamore stand.
56. The Desk Based Ecological Assessment para 3.13 states some tree clearance will be required to facilitate construction and that the remote compound will be connected to the proposed mast site by underground cables. As some vegetation clearance will be required for this element of the works, effects on protected or priority habitats are likely to result from the proposals at this location'. Para 4.10 states 'As the proposals will fall within 15m of the stem of any tree and some tree loss will be necessary.'
57. Which, and how many, trees would actually be removed? The Proposed Access Track drawing 109, the Vision Splay Exiting Site drawing 113 and the Existing Ground Levels drawing 110, indicate the removal of 5 trees around the compound and of 5 trees for the access track. However, cable would be laid to the additional remote compound which lies 105 m uphill and within the conifers. What tree clearance would be required for this?
58. Concern about the location of the additional remote compound. Given that the SPA, SAC and SSSI designations lie west and uphill does this compound actually lie within them? For this reason and as the remainder of the development lies within the Impact Risk Zones for all of these designations, Natural England needs to comment on this application.
59. National Trust - "holding objection" pending submission of further information on landscape and visual impacts, sound levels and associated impact on tranquillity, and any adjustments to the design required to minimise these impacts, and makes the following summarised comments;
60. Recognises need so do not object to the principle of the development.
61. Unclear whether a pole rather than a lattice mast would be sufficient to support the required infrastructure but consider a pole would be preferable due to the lesser visual impact.
62. Location allows for the mast to be partly screened by surrounding woodland. Drawings show indicative height of trees in relation to mast but no accurate measurement of the trees is given.
63. There is also no assessment of how visible the mast will be from locations in the surrounding area including Public Rights of Way. We therefore request that the drawings are amended to clearly show the height of the surrounding trees in relation to the mast, along with further information about the likely landscape and visual impacts (e.g. photomontages from all directions).
64. A planning condition is used to secure dark green colouring for the mast and structures.
65. If track is to be used only intermittently suggest that a stoned track or tramlines would be preferable – having a softer appearance that is more in keeping with the local landscape and informal tracks in the area.

66. A Tree Survey may be required to support this application, given the wooded location and potential to impact on trees or tree roots.
67. The Supplementary Information states that 'Mature trees will form a back drop to the compound from all public vantage points'. While this has not been demonstrated by visualisations, it is nevertheless evident that the application will rely on the surrounding forestry woodland to provide a partial screen. This assumes that the woodland will be retained. However, clear felling as part of a forestry regime could result in a very stark view of the lattice tower. We therefore request that a planning condition is used if possible to secure the future management of this woodland and prevent clear felling.
68. Request the Authority considers whether there is any need for additional understorey planting to mitigate for any tree losses as well as helping for screening.
69. It would be helpful to understand the sound level that will be generated, whether this will be continual or intermittent, and at what distance this will be perceptible above background noise at a level that would impact on the character and tranquillity of the area. If necessary noise mitigation should be incorporated into the design.
70. The four individual representations raised similar grounds;
71. Serious impact on the visual amenity of the Upper Derwent Valley - the structure would tower above the trees on the prominent forested hillside.
72. Contrary to the application form, where the applicant states that the site cannot be seen from a public road, public footpath, bridleway or other public land, visual inspection shows this to be untrue.
73. On the application form, the applicant erroneously states that there are no trees on the development site. Policy DMU4 states: "Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the landscape or other valued characteristics of the National Park".
74. Questions why the applicant "wish to avoid pre-commencement conditions wherever possible."
75. Providing radio and broadband communication to an extra 4 or so miles of a (very) minor road, which has seen very few incidents over the years, is a very weak justification for despoiling the landscape. How far ahead is the Home Office looking? Satellites will soon render ground-based communications obsolete.
76. Unsustainable installation of a fossil fuel generator, the fuel delivery and consumption that will be necessary for the life of the installation, and the noise impact of a generator.
77. The construction of a new access track using a concrete block retaining wall and bitumen surfacing, neither of which are in keeping with other access tracks in the valley,
78. The location is one of the most popular spots in the Upper Derwent Valley. Ornithologists sit for hours precisely at that road corner to take in the commanding views of the hills and valleys that this location uniquely offers. Visitors stopping for picnics on their walks & cycles frequently rest at this spot too for similar reasons. The visual impact of the access track and its concrete block retaining wall, and the noise impact of a generator, while not desirable anywhere, will be significantly more impactful set at this otherwise tranquil and highly popular location.

79. The generator is in an elevated position and noise will carry; currently a quiet engine can be heard hundreds of meters away in what is often a traffic free location.
80. The Howden Hydro Electric scheme was constructed in recent years a few hundred meters away (and, at the time, excavation was carried out all along the access track to it, presumably to lay in cables). What consideration has been given to siting the mast on the East side of the valley using this sustainable power source / infrastructure? Why has this been ruled out (or if not considered, why not)?
81. This application will set a long term precedent for communication infrastructure in the Upper Derwent Valley and any installation needs to be sustainable and in keeping with the nature of the area. A fossil fuel generator and bitumen surfaced access track with concrete block retaining wall are clearly not that. The site chosen is a very popular one with visitors seeking to quietly enjoy the national park and the proposed scheme at this location will have a significant detrimental impact
82. Residents were previously notified of the planning application for emergency services mast to be installed on land below Ashes Farm, Derwent where there is mains electricity. Why is it now deemed more feasible to site it above Howden reservoir where there is no mains electricity? Will it allow mobile phone coverage lower down the valley? How can it be environmentally acceptable or cost effective to have a generator running 24 hours a day? Has anyone considered this?
83. **National Planning Policy Framework (NPPF)**
84. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
85. The National Planning Policy Framework (NPPF) has been revised (2019). The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In particular Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
86. In relation to telecommunications development, Paragraph 112 of the framework document sets out the objectives of the Communications Infrastructure. It states that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being'. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
87. Paragraph 113 of NPPF states: "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate".

88. 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.

89. **Main Development Plan Policies**

90. **Core Strategy**

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

92. 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.

93. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements.

94. 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.

95. L3 - 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.

96. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

97. **Development Management Policies**

98. The supporting text in the Development Management DPD includes a section on telecommunications development. This states:

99. *10.18 The nature of the landscapes of the National Park makes the assimilation of telecommunications infrastructure and associated equipment very difficult without visual harm.*

100. *10.19 Modern telecommunications networks are useful in reducing the need to travel, by allowing for home working. They can be a vital aid to business and to emergency services and the management of traffic. However, as with other utility company development, the National Park Authority must carefully avoid harmful impacts arising from this type of development, including that needed to improve services within the National Park itself. Telecommunications development proposed within the National Park to meet an external national need, rather than to improve services within it, may well be of a scale which would cause significant and damaging visual harm and in such circumstances alternative less damaging locations should be sought.*

101. 10.20 *In exceptional circumstances where it can be demonstrated that telecommunications infrastructure is essential, rather than desirable to the industry, the National Park Authority will seek to achieve the least environmentally damaging but operationally acceptable location. It will request that the full range of technical information is supplied by the company regarding the siting, size and design of the equipment proposed to facilitate evaluation of the least obtrusive but technically feasible development in line with guidance in the NPPF.*

102. 10.21 *New equipment should always be mounted on an existing structure if technically possible and development should be located at the least obtrusive site. Particular care is needed to avoid damaging the sense of remoteness of the higher hills, moorlands, edges or other prominent and skyline sites. Upland or elevated agricultural buildings, which are not uncommon in the National Park, may provide a suitable alternative to new structures in the landscape. If necessary, the National Park Authority will seek expert advice to help assess and minimise the impact of the design and siting of telecommunications infrastructure. Evidence will be required to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest. Fixed line Code Operators should refer to the Code of Practice for Cabinet siting and Pole siting, June 2013.*

103. Policy DMU4 Telecommunications infrastructure

- a. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the landscape or other valued characteristics of the National Park.
- b. Development proposals for radio and telecommunications must be supported by evidence to justify the proposed development.
- c. Telecommunications infrastructure will be permitted provided that:
 - i. the landscape, built heritage or other valued characteristics of the National Park are not harmed;
 - ii. it is not feasible to locate the development outside the National Park where it would have less impact; and
 - iii. the least obtrusive or damaging, technically practicable location, size, design and colouring of the structure and any ancillary equipment, together with appropriate landscaping, can be secured.
- d. Wherever possible, and where a reduction in the overall impact on the National Park can be achieved, telecommunications equipment should be mounted on existing masts, buildings and structures. Telecommunications equipment that extends above the roofline of a building on which it is mounted will only be allowed where it is the least damaging alternative.
- e. Substantial new development such as a mast or building for the remote operation and monitoring of equipment or plant not part of the code-system operators' network will not be permitted.

104. The Code of Best Practice on Mobile Network Development in England (2016)

105. The Code of Best Practice provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England.

106. Assessment

107. Principle of Development

108. Proposed is the installation of a new telecommunications site with a lattice mast to carry antennae and dishes to deliver mobile communications and infill a current gap in service along Derwent Lane on the west side of Howden and Derwent reservoirs and the immediate surrounding valley for the benefit of the emergency services network (ESN).
109. Relevant policies in the Development Plan offer support in principle for the erection of new telecommunications infrastructure provided that the development does not harm the valued characteristics of the National Park and where it is not feasible to site the development outside the National Park. The Authority's policies are consistent with the National Planning Policy Framework which is supportive of the development of communication networks where justified but also states that great weight should be given to conserving National Park landscapes.
110. The essential need for coverage of the immediate local roads proves the need for a new mast to be in this location to provide the necessary service and meet policy. There are therefore no objections in principle to the development and it is considered that the main issue is the impact of the proposed development upon the valued characteristics and landscape of the National Park and whether the visual, acoustic and ecological impacts of the installation would be outweighed by the public benefits.
111. **Design and Appearance**
112. The telecommunications site would comprise the erection of a 25m high galvanised lattice mast, supporting three antenna taking the overall height to 26.3m along with two 600mm dishes. The proposed mast is a lightweight tapered lattice style, typical for these installations and an appropriate design for this context provided the mast and all associated antenna and dishes along with supporting brackets etc. are pre-coloured dark green with a matt finish to minimise its visual impact.
113. A ground level equipment cabinet 2.25m wide by 2.75m deep x 2.45m high would house the smaller cabinets and together with a permanent generator 2.2m wide x 3.7m deep x 1.2m high. These would be sited within a 9m x 11m secure compound bounded by a 1.8m high close boarded fence. The cabinets would be coloured 'Holly Green'. The close boarded fencing is not a normal specification for these sites and would not be an appropriate fencing detail in this location. We presume it has been specified by the developer to mitigate noise from the proposed generator? However in the absence of a detailed noise report we do not know. In normal circumstances were the development to be approved we would have suggested a condition omitting this in favour of a lightweight metal mesh fence coloured dark green.
114. A separate smaller satellite dish compound is also proposed to enclose a pole mounted 1.2m satellite dish (unspecified height above ground). This would be sited on higher land to the west some 108m away and 12.5m higher than the main compound and linked to it via a 1.5m wide access track and by underground cables. The compound would be a 2m x 2m x 2m high timber boarded compound located next to existing stone wall which is around 1.5-8m high bounding the woodland from the open moorland. The ground slopes steeply down the hillside only a short distance from the wall and officers consider the submitted plans showing land built up by around 450mm to level the site to be optimistic. We also consider the compound should be amended to a simple dark green fenced enclosure. Provided the dish and all mountings are coloured dark matt green there are no objections to the design subject to clarification over detail reserved by condition in the event of any approval.
115. Access to the compound would be via a new 3m tarmac access road with a gate set 6-7m back from the entrance created off the road running around the reservoir. This

tarmacadam access would be sited on the inside of the rising bend with a stone surfaced splayed section adjacent. The access road would rise very steeply approx. 13m up the steep bank before turning south onto a flatter area of ground where it would transition to hardcore to meet the site where the main compound would be located. The outside of the final turn in the access road (widened to 3.6m) would be cut into the rising ground and plans show this held back by a concrete block retaining wall 10m long and around 1m high. Officers, having walked the route do have strong concerns about the practicality of the route because it is so steep and experience of other sites at such gradients have required ribbed concrete to provide sufficient grip. Notwithstanding these concerns we also consider it to be wholly impractical to build the proposed track up to the satellite compound because of the steepness of the slope. At best it would have to take a much more circuitous route and incorporate steps most likely to afford reasonable access and not slip or be washed down the hillside. Revised/further detailed information is required for this and how this might impact upon the trees and ecological interest if permission were to be approved.

116. Normally the first few metres of any new access off the highway up to the gate would need to be a hard surfaced to reduce/stop loose material being dragged onto the highway. We consider a full tarmacadam drive would be too formal a treatment in this location and harmful to its valued characteristics. Bearing in mind once commissioned, the traffic to the site would be just occasional maintenance and therefore we consider a suitably designed forest track style drive in gritstone hardcore with appropriate drainage grips would be more appropriate. Amended plans would have been sought/conditioned to this effect in the event of any approval.
117. Subject to the above conditions there are no objections to the design or appearance of the mast or the proposed compounds.
118. The highway Authority requirements for access visibility splays would require some removal of the bankside vegetation on the northern side to accommodate but this would be acceptable. Meeting the 1 in 14 slope requirement over the first 10m would also not be possible without redesign and realignment of the route.
119. **Landscape Impacts**
120. In order to operate the antenna and dishes are required to sit above the canopy of the adjacent trees. The elevation drawing shows that approx. 6.5m will sit above the trees are shown outlined in the background. Unusually no specific measurement for the canopy tops is shown on the drawing. No photomontages or landscape visual assessment has been submitted either which is surprising given the location in a protected landscape. Nevertheless we have assessed the impact of the visible antenna and dishes from the street and from across the valley.
121. Whilst the top of the mast would protrude above the current tree heights, it would be set back and high above the road. If dark coloured in close views along the lane the mast top would not be visible and if glimpsed views through the trees are had to the lower level of the mast the impact would be low and acceptable in summer with the leaves but more noticeable and low to moderate in winter time.
122. In longer views back from directly across the reservoir the mast top would be seen largely against the background tree cover. However bearing in mind this woodland is largely deciduous, if painted an appropriate matt green colour, the mast top would be reasonably well screened in summer when the leaves are out in full. When the leaves are off (which is most of the year) the mast would become clearly visible in winter views where it would begin to detract somewhat from the landscape character and appearance.

123. In views from the north and the south west looking up to the site from bridleway down the east side of the Derwent reservoir the mast top would skyline and be a clear visually intrusive feature causing harm to this undeveloped and special landscape. In the view from the south this would also adversely impact upon the setting of the listed Dam.
124. In respect of the developments direct impact upon the individual trees, the plans show 11 need to be removed and along with some low shrubs and overhang for the access visibility splay. 5 or 6 of the trees are large sycamore and officers concern is that their loss will reduce tree screening or open up the site to wind impacts as can be evidenced in the coniferous plantation a few metres to the north. No tree report is included so we do not know/cannot assess the impact of these tree losses. In this respect the proposal is contrary to Policy DMC13.
125. Furthermore the majority of the screening effect is provided by surrounding trees. Had the development been acceptable a means to properly secure the retention and management of the trees would have been necessary to ensure their longevity and the maintenance of the screening cover. This would normally be via inclusion of them within the application site or alternatively via a Planning Obligation. In this case neither is provided for.
126. Whilst we understand the importance of the service to be provided and note our policies support the principle, in applying both the NPPF and our own local planning policies, it is clear that great weight needs to be applied to protection of the special landscape quality of the National Park landscape in difficult cases like this where there is conflict between competing interests.
127. In this case there is clear evidence that as submitted the siting of the mast would result in certain harm to landscape from its skylining in key views and from the proposed road and generator. Furthermore without secure control and management over the retained trees there is a likelihood for more substantial landscape harm although with the deciduous planting it would seem more secure, however we have no information as to the landowners intentions with regard to the trees.
128. **Ecological Impacts**
129. Despite the plans showing 11 trees to be removed along with lane side bushes and overgrowth north of the access to make way for the access track and compound the application forms state No to the questions about a) Are there trees or hedges on the proposed development site? And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?
130. No tree impact report has been provided although the submitted 'Desk Based Ecological Report' states that;
- "Some tree clearance will be required to facilitate construction of the proposed access road, however it is anticipated that no further trees will be removed during construction of the site compound. This is because the proposed mast site is located in an area of relatively sparse tree growth. Furthermore, the additional remote compound is to be installed approximately 105m west, uphill and away from any trees, in order to improve satellite signal. This remote compound will be connected to the proposed mast site by underground cables. As some vegetation clearance will be required for this element of the works, effects on protected or priority habitats are likely to result from the proposals at this location."*

131. The impact upon tree and ecology cannot be fully assessed nor a net gain for biodiversity established at this present time which is required to be demonstrated for all developments. Given the site visit findings about the potential routing of any pathway up the steep hillside to the satellite dish site amended plans would be required for ecological and tree impact assessments

132. We cannot therefore properly assess the impact upon ecological interests on the site (and adjacent protected sites from noise) or confirm any net biodiversity gain in this proposal which is therefore contrary to DMC11.

133. **Amenity Impact**

134. This area of the Upper Derwent Valley is an extremely popular tourist and recreational destination/resource mainly accessed from the nearby car parks and visitor centre at Fairholmes. The landowner manages these recreational pressures on the area alongside the valley's primarily role for drinking water catchment purposes.

135. Large numbers of visitors walk and cycle around the reservoirs as well as hike over the higher ground of the valley tops and adjacent moorland to enjoy the undeveloped landscape and its tranquillity it provides away from nearby urban centres. Expansive views are available over the reservoir to this site from the north and particularly from the east side as well as closer views through the trees. Although this is a manmade landscape centred around the reservoir construction the area has naturalised and this 'unspoilt' landscape largely free of development away from the dam's themselves is highly prized for its amenity value and sensitive to change.

136. There would be an impact on amenity from the visual intrusion but more so and in a wholly unacceptable way from potential noise from the generator spoiling the tranquil nature of the locality. In addition the nearest dwelling is situated immediately to the south of Howden Dam and whilst the dam would screen any visual impact, amenity harm would occur from any generator noise in this quite locale. Construction traffic and associated activity would also be noticeable in this tranquil area and because of the current lightly trafficked road. Provided this is well managed there would be unlikely to be any adverse impacts, and none post any construction.

137. **Highway Impact**

138. Despite officers concerns about the location of the access on the inside of a bend (which the applicants see a need for the highway visibility mirror) and the overstep access gradients there are no objections in principle from the Highway Authority.

139. Whilst officers would have some concerns about conflicts between construction traffic and the high numbers of non-vehicle based users of the lane this could be mitigated by an appropriate construction management plan. Post construction the level of traffic associated with a telecoms site drops to the occasional maintenance visit.

140. There are therefore no highway concerns over the access and traffic implications in principle, subject to the suggested conditions.

141. **Conclusion**

142. The site would provide essential coverage for the new blue light Emergency Service Network where there is currently a gap in the planned service rollout. The site is not capable of accommodating the mast and base equipment compound without landscape harm.

143. Furthermore the majority of the screening relies upon the surrounding trees which cannot be secured in planning terms or managed. This is because the applicants have no ownership or control over the surrounding land. Whilst we recognise the need for the service this harm to valued landscape coupled with unknown impacts upon trees, ecology and the tranquillity of the area has demonstrated that it fails to represent the least intrusive option for covering this section of the road and valley as required by our telecoms policy. Consequently the officer recommendation is one of refusal as set out above.

144. **Human Rights**

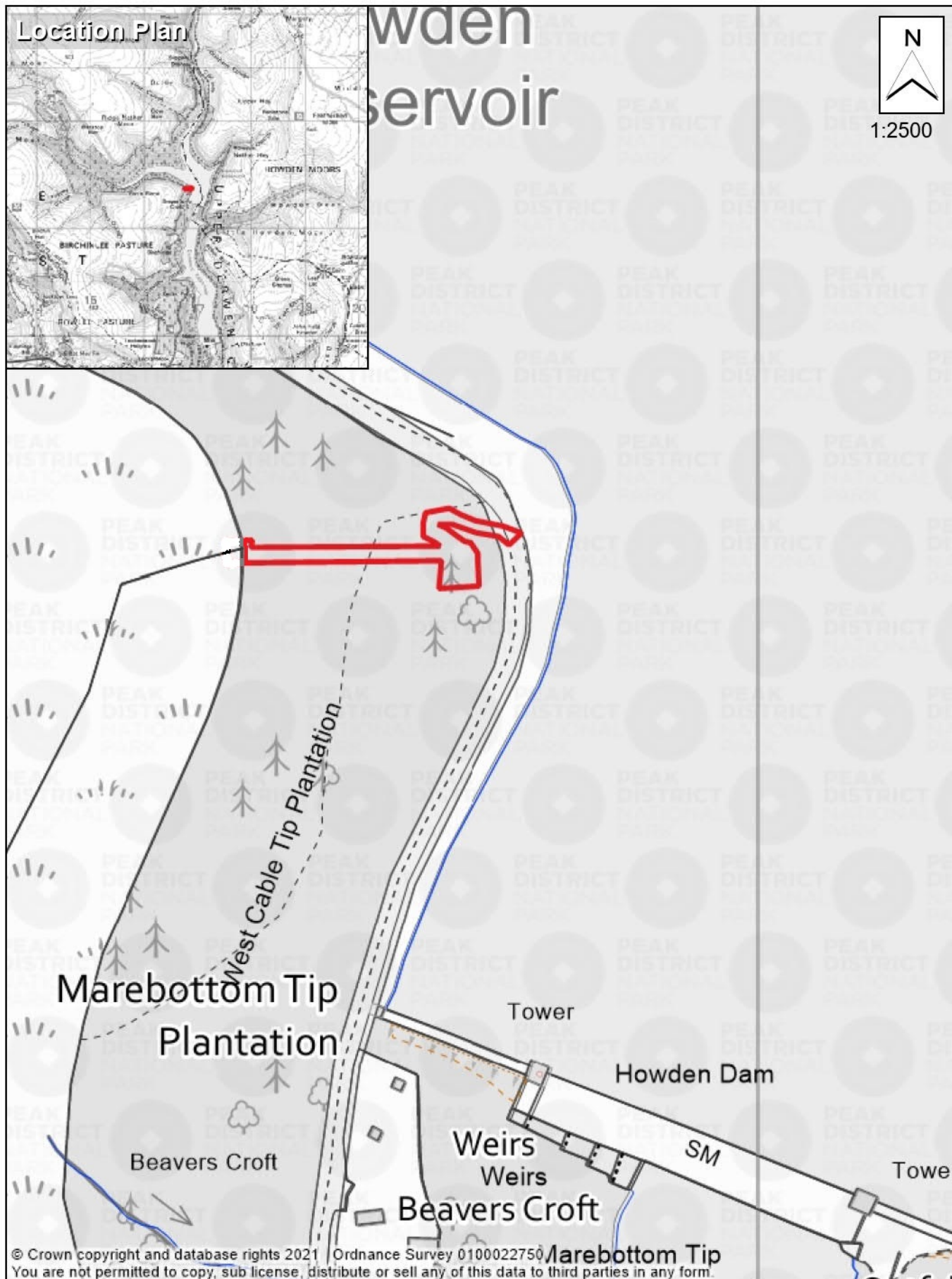
145. Any human rights issues have been considered and addressed in the preparation of this report.


146. List of Background Papers (not previously published)

147. Nil

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

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Committee Date:	Friday 25th June 2021	Title: Land at Howden Reservoir Upper Derwent	 PEAK DISTRICT NATIONAL PARK
Item Number:	5		
Application No:	NP/HPK/1120/1041		
Grid Reference:	416897, 392495		

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6. FULL APPLICATION - PROVISION OF EDUCATION SUITE AND ANCILLARY ACCOMMODATION TO FACILITATE DIVERSIFICATION OF FARM ACTIVITIES AT HIGH LEES FARM, NEW ROAD, BAMFORD (NP/HPK/0817/0832, P.10149, 421556 / 383751, 23/08/2017, ADM)

APPLICANT: MR & MRS MAY

Summary

1. This application was considered by the Planning Committee in June 2018, with the Committee resolving to approve it subject to a number of planning conditions and, crucially, to the signing of a Section 106 agreement to secure the long-term management of the land associated with application site at High Lees Farm. However, it has not been possible for the applicants to sign the agreement because part of the land holding is owned by a pension company.
2. Discussions have taken place since the Planning Committee meeting in June 2018 to find a resolution to the issue. This report sets out what has been discussed and recommends approval on that basis.
3. The Planning Committee report from the meeting in June 2018 is attached as an appendix to this report as information so this report does not set out the proposal, planning policies and issues in detail, but focusses on the issues relating to the Section 106 agreement.

RECOMMENDATION:

That the application be APPROVED subject to prior entry into a S106 legal agreement to tie the education suite and ancillary accommodation to the revised schedule of land and buildings at High Lees Farm and subject to the following conditions:

1. Statutory time limit for implementation.
2. No development shall commence until development phasing plan has been submitted and approved. Development to be carried out in accordance with approved details.
3. No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.
4. Travel plan to be submitted and approved prior to first occupation of the education suite and ancillary accommodation.
5. Landscape scheme to be submitted, approved and implemented prior to the first occupation of the development.
6. Submit and agree sample of roof material and sample panel of stonework for education suite and ancillary accommodation together with details of paving and surfacing materials.
7. The package treatment plant shall be installed prior to the first occupation of education suite and ancillary accommodation.

8. The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the education suite and ancillary accommodation and shall be permanently so maintained.
9. Development shall not be carried out other than in accordance with recommendations of submitted protected species survey report.
10. Restrict use specifically to education suite and accommodation all ancillary to High Lees Farm and to be retained within a single planning unit.
11. Restrict residential accommodation to holiday accommodation only.
12. Restrict the maximum number of guests to no more than 16 at any time.
13. Restrict the use of agricultural buildings for the purposes of agriculture only.
14. Remove agricultural buildings when no longer required for the purposes of agriculture.
15. Remove permitted development rights for alterations and extensions from residential accommodation.
16. Specification of colour finish for sheeting and doors to agricultural buildings.

Key Issues

4. As noted in the summary above, this application was considered by the Planning Committee in June 2018, with a resolution to approve the application subject to a number of conditions and to the prior signing of a Section 106 legal agreement to secure the long-term management of the land associated with High Lees Farm. The Committee minute, 74/18, was as follows:

“Members had visited the site on the previous day. The Officer introduced the report and reported an amendment to Condition 6 to include details of paving and surfacing materials.

The following spoke under the Public Participation at Meetings Scheme: Ms Kate May, Applicant

Members were impressed with the ambitious nature of the project and that the applicant had engaged with the Authority from the very beginning and were pleased that the farm was being brought back into use.

The Officer recommendation to approve the application, subject to an amendment to Condition 6 was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to prior entry into a S106 legal agreement to tie the education suite and ancillary accommodation to the land and buildings at High Lees Farm, and subject to the following conditions.

1. Statutory time limit for implementation
2. No development shall commence until development phasing plan has been submitted and approved. Development to be carried out in accordance with approved details.

3. *No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.*
 4. *Travel plan to be submitted and approved prior to the first occupation of the education suite and ancillary accommodation.*
 5. *Landscape scheme to be submitted, approved and implemented prior to the first occupation of the development.*
 6. *Submit and agree sample of roof material and sample panel of stonework for education suite and ancillary accommodation together with details of paving and surfacing materials.*
 7. *The package treatment plant shall be installed prior to the first occupation of education suite and ancillary accommodation.*
 8. *The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the education suite and ancillary accommodation and shall be permanently so maintained.*
 9. *Development shall not be carried out other than in accordance with recommendations of submitted protected species survey report.*
 10. *Restrict use specifically to education suite and accommodation all ancillary to High Lees Farm and to be retained within a single planning unit.*
 11. *Restrict residential accommodation to holiday accommodation only.*
 12. *Restrict the maximum number of guests to no more than 16 at any time.*
 13. *Restrict the use of agricultural buildings for the purposes of agriculture only.*
 14. *Remove agricultural buildings when no longer required for the purposes of agriculture.*
 15. *Remove permitted development rights for alterations and extensions from residential accommodation.*
 16. *Specification of colour finish for sheeting and doors to agricultural buildings.”*
5. Following the Planning Committee meeting Officers engaged with the applicants to agree the details of the Section 106 agreement which would have included 41.5 hectares of land within a Whole Farm Plan (WFP), but it became apparent that the applicants could not legally include all the land holding associated with High Lees Farm within the legal agreement as they do not have control over all the land initially identified. Out of a total area of 41.5 hectares, 11 hectares are owned by the applicants and the remaining 30.5 hectares are owned by a pension company, although this land is managed by the applicants. Consequently, there was concern that the revised WFP covered by the section 106 agreement would only guarantee the long-term management of the 11 hectares owned by applicants and would not secure any conservation benefits for the remaining 30.5 hectares; this is not the case, as is explained below.
 6. As three years have now elapsed since the resolution in 2018, the application is being brought back to Planning Committee to recommend a revised Section 106. It is understood that the pension fund trustees would accept obligations that benefit their land but not obligations that fetter it, so as is explained below, all but 2.6 hectares of the farmland would in fact be covered by the WFP. For clarity, the Section 106 would have required positive conservation measures on the land (which the pension fund trustees can accept) but it would also have fettered their ability to dispose of land, which their legal obligations as trustees would prevent them from agreeing.
 7. In addition to this, the original application identified 4.5 hectares of land edged red that is owned by a pension fund and which was included in the original WFP. In discussion, the applicants' agent has pointed out that 1.9 hectares of that made no contribution to the income elements of the original WFP as it is steeply sloping and has been planted with trees since the planning process commenced. He therefore suggests that in real

terms the difference between the original WFP and the revised WFP is only the 2.6 hectares of land owned by the pension fund. He therefore considers that the revised WFP demonstrates that the proposal remains financially viable without that land and that the diversification uses remain subordinate to the farm business. They therefore propose that the obligation in respect of disposal in the Section 106 Agreement only binds the land hatched green on the submitted plan. Officers consider this to be acceptable.

8. The draft Section 106 Agreement contains provisions relating to the management of woodland (land hatched blue equating to 26 hectares) including an obligation to erect stock proof boundaries by 31 January 2022.
9. The applicants' agent also sets out the following additional land management measures to be included in the Section 106 Agreement:
 - i. To repair/reinstate as necessary the drystone wall between points A, B and C (as marked on the attached plan)*
 - ii. To repair/reinstate as necessary the drystone wall between points C and D (as marked on the attached plan)*
 - iii. To repair the drystone walls or install stock proof fencing where necessary between points C, E and F (as marked on the attached plan)*
 - iv. To erect a stock proof fence between points F, G and D (as marked on the attached plan)*
 - v. To review and implement the recommendations of the Soil Survey for the 22 September 2020 on the land edged green (11 hectares) and the land hatched red and edged by a black dashed line (2.9 hectares). From these recommendations the farm will undertake the following to all permanent grassland fields by 31 March 2022,*
 - Use of an aerator to relieve surface compaction and improve aeration to help improve water percolation and reduce run off.*
 - Application of ground lime to return soil to an optimum pH and promote efficient use of nutrients by the crop and improve soil biodiversity.*
 - Over-seeding existing grassland swards with legumes such as clovers, trefoils and vetches to encourage deeper rooting, nitrogen fixation, increased production of diverse root exudates encouraging soil micro and macro-fauna.**The overall aim of the soil biodiversity regime is to reduce the use of organic and chemical fertilisers on the land".*
10. These specific proposals are considered to be beneficial conservation works that would enable sustainable farming on the site.
11. Overall, the scheme for the buildings (which is unaffected by the revised section 106) would enhance the group of buildings at the farm which would lead to landscape and biodiversity enhancements. The design of the proposed development is considered to be of a high standard and in accordance with the Authority's design guide.
12. Since the application was considered in June 2018 the Authority has adopted the Development Management DPD, replacing the Local Plan 2001. However, there were no fundamental changes in policy that would change the Authority's approach to this particular development.

Conclusion

13. We have considered the proposed revisions to the Section 106 agreement in the light of the original proposal and resolution. Taking into account the constraints on the applicants in that they do not have ownership and control of some of the holding, the proposed revised section 106 agreement is considered to be acceptable as it would still

achieve the substantial majority of what was set out when the application was originally considered in 2018. Even on the small section of pension fund-owned land that would not be within the section 106 agreement and WFP, there is no reason to believe that this will not be managed sympathetically, but the legal constraints mean that this cannot be guaranteed.

14. On this basis the planning merits of the application, as set out in the Planning Committee report in 2018, particularly paragraphs 9.7 to 9.16, remain relevant and valid.
15. In the absence of any further material considerations, the proposed development is considered to be in accordance with the development plan. Accordingly, the proposal is recommended for approval subject to the prior entry into a legal agreement and subject to planning conditions set out above.

Human Rights

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

List of Background Papers (not previously published)

Nil

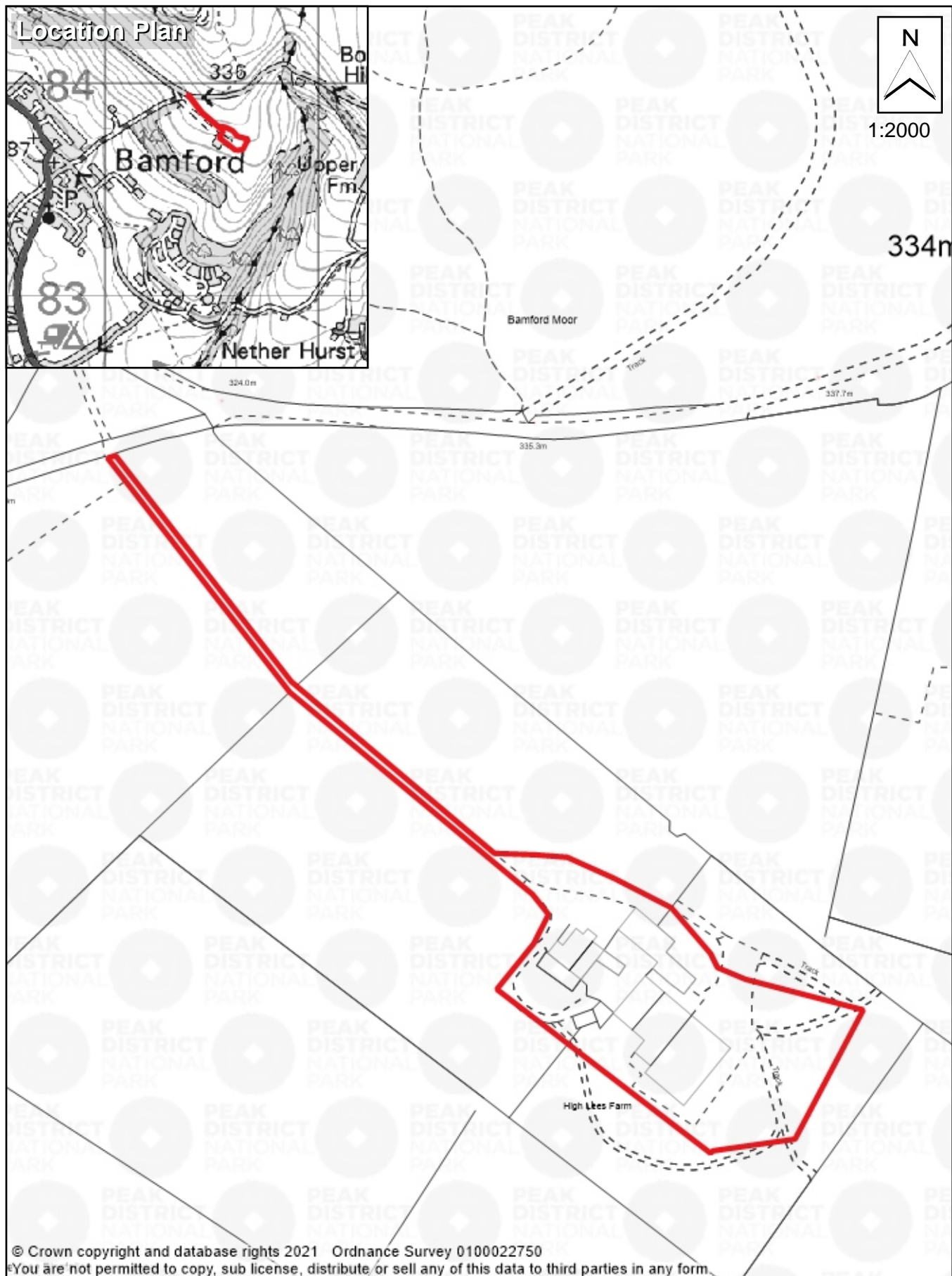
Appendices:


Appendix 1:

Report on NP/HPK/0817/0832 to Planning Committee meeting held on 15 June 2018.

Report author: John Keeley

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Committee Date:	Friday 25th June	Title: High Lees Farm New Road Bamford	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/HPK/0817/0832		
Grid Reference:	421556, 383751		

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13. FULL APPLICATION - PROVISION OF EDUCATION SUITE AND ANCILLARY ACCOMMODATION TO FACILITATE DIVERSIFICATION OF FARM ACTIVITIES AT HIGH LEES FARM, NEW ROAD, BAMFORD (NP/HPK/0817/0832, P.10149, 421556 / 383751, 23/08/2017)

APPLICANT: MR & MRS MAY

1. Site and Surroundings

- 1.1. High Lees Farm is located in open countryside approximately 800m to the north east of Bamford. The farmstead is accessed via a track from The Clough and includes the farm house and a range of modern agricultural buildings.
- 1.2. The farmhouse was originally a barn and was converted and extended following the grant of planning permission in 1978. The farmhouse is subject to an agricultural occupancy condition.
- 1.3. The land at the farm extends to 104 acres (42 ha) of which 56 acres is grazing land with the remainder woodland.

2. Proposal

- 2.1. Demolition of existing agricultural buildings and the erection of education suite and ancillary accommodation, a replacement agricultural building and car port.
- 2.2. This application has been subject to discussions between the agent, applicant and Officers and amended plans have been submitted as a result. This report is written on the basis of the amended plans.
- 2.3. Five existing modern agricultural buildings would be demolished (sheds 2 – 5 and shed 7).
- 2.4. An education suite and ancillary accommodation would be erected on the site of sheds 3 – 5. The building would provide for a training room with ancillary office and store and three units of accommodation (one 2 bedroom and two 3 bedroom units) which would be occupied by guests attending the education suite. The education suite and accommodation would have a maximum capacity for 16 guests at any one time.
- 2.5. A larger replacement agricultural building would be erected on the site of shed 2 with extended area of hardstanding to the south east.
- 2.6. A car port and bin store would be erected to the north west of shed 1.
- 2.7. A sewage treatment plant would be installed to serve the development to the south west of the farmhouse.
- 2.8. A "Grasscrete" track would be formed to provide farm access around the north of the farmstead.
- 2.9. As part of the scheme the existing retained agricultural buildings would be re-clad in green profiled metal cladding to match the new agricultural buildings.
- 2.10. As part of the scheme a wider scheme of landscape planting is proposed including groups of native trees including Rowan, Silver Birch, Field Maple and Hazel around the farmstead.
- 2.11. The scheme has been proposed as farm diversification and as required to provide additional income to support a sustainable form of agriculture on the land holding in accordance with a Whole Farm Conservation Plan and wider field management and historic woodland management works.

3. RECOMMENDATION

That the application be **APPROVED** subject to prior entry into a S106 legal agreement to tie the education suite and ancillary accommodation to the land and buildings at High Les Farm, and subject to the following conditions.

1. Statutory time limit for implementation
2. No development shall commence until development phasing plan has been submitted and approved. Development to be carried out in accordance with approved details.
3. No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.
4. Travel plan to be submitted and approved prior to be first occupation of the education suite and ancillary accommodation.
5. Landscape scheme to be submitted, approved and implemented prior to the first occupation of the development.
6. Submit and agree sample of roof material and sample panel of stonework for education suite and ancillary accommodation.
7. The package treatment plant shall be installed prior to the first occupation of education suite and ancillary accommodation.
8. The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the education suite and ancillary accommodation and shall be permanently so maintained.
9. Development shall not be carried out other than in accordance with recommendations of submitted protected species survey report.
10. Restrict use specifically to education suite and accommodation all ancillary to High Lees Farm and to be retained within a single planning unit.
11. Restrict residential accommodation to holiday accommodation only.
12. Restrict the maximum number of guests to no more than 16 at any time.
13. Restrict the use of agricultural buildings for the purposes of agriculture only.
14. Remove agricultural buildings when no longer required for the purposes of agriculture.
15. Remove permitted development rights for alterations and extensions from residential accommodation.
16. Specification of colour finish for sheeting and doors to agricultural buildings.

4. Key Issues

- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the valued characteristics of the National Park and potential benefits of allowing the development.

5. Relevant Planning History

- 5.1. 1978: NP/HPK/875/660: Outline planning permission granted for conversion of existing grain storage building into private dwelling. Condition 3 imposed on this permission restricted occupancy to an agricultural worker.
- 5.2. 1978: Related S.52 agreement revokes previous planning permission for the erection of a farmhouse at the site.
- 5.3. 1978: NP/HPK/1275/1042: Planning permission granted for alteration and extension of existing barn to form 1 no. residential house.
- 5.4. 1984: NP/HPK/284/115: Planning permission granted for extension to dwelling.
- 5.5. 2015: NP/HPK/0515/010: Lawful development certificate for existing use granted in respect of occupation of dwelling in breach of agricultural occupancy condition.
- 5.6. 2015: NP/HPK/0915/0812: Planning permission refused for the removal of agricultural occupancy condition from application NP/HPK/1275/1042.
- 5.7. 2017: NP/NPK/0917/0914: Planning permission granted conditionally for re-modelling and extension of farmhouse.

6. Consultations

- 6.1. Parish Council: Make the following comments:
- 6.2. Have no adverse comments about the revised plans and recognise that the applicants are trying to reinvigorate a site which has been rather neglected.
- 6.3. The Parish Council however remain concerned about the possibility of these proposals making worse the already difficult and congested traffic and parking situation on New Road on busy days as the number of proposed parking spaces appears to be too few to cope with the maximum number of people planned to use the facility. Given the distance to the railway station and bus stops it is unlikely that anyone will travel to the site by public transport.
- 6.4. The Parish Council also raise on-going issues with the private electricity cable to the site causing the ongoing closure of Bamford Clough, however this is a separate matter and not a material planning consideration.
- 6.5. Borough Council: No response to date.
- 6.6. Highway Authority: Initially requested further information on the proposed number of visitors. Based on the proposed numbers and days of operation a highway objection would not be sustainable when considered against the potential traffic of the farm. The level of use should be tied up by planning condition. In view of the location of the premises a Travel Plan is necessary.
- 6.7. Natural England: No objection subject to the imposition of a planning condition on any permission to require a construction management plan. This is to ensure that the development does not damage or destroy the interest features for which Eastern Peak District Moors Site of Special Scientific Interest has been notified.
- 6.8. PDNPA Ecology: No response to date.
- 6.9. PDNPA Landscape: No objections but considers that further planting to the south and east sides of the development are required to increase screening and aid integration into the local landscape. Therefore a planning condition is required on any permission to require

the submission and implementation of a landscape plan.

7. Representations

7.1. No representations have been received to date.

8. Policies

8.1. 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:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- 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.

National Planning Policy Framework

- 8.2. 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 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 saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
- 8.3. Para 115 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.*'
- 8.4. Para 28 of the NPPF states that policies should support economic growth in rural areas by taking a positive approach to sustainable new development and should promote the development and diversification of agricultural and other land-based rural businesses and support the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well designed new buildings.
- 8.5. Para 34 of the NPPF says that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take into account policies set out elsewhere in the NPPF, particularly in rural areas.
- 8.6. Para 36 of the NPPF says that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

Development Plan policies

- 8.7. 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.
- 8.8. Policy GSP2 sets out the strategy for achieving enhancement in the National Park. GSP2 B says that proposals need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area and should not undermine the achievement of other Core Policies. GSP2 C says that when development is permitted a design will be sought that respects the character of the area and where appropriate landscaping schemes sought complimenting the locality and helping to achieve biodiversity objectives.
- 8.9. 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.
- 8.10. Policy DS1 sets out the development strategy within the National Park and says that in the countryside (outside of the Natural Zone) development of farm diversification, recreation and tourism or other development required to secure effective conservation and enhancement will be acceptable in principle.
- 8.11. 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.
- 8.12. Policy L2 states that all development must conserve or enhance any sites, features or species of biodiversity enhancement and where appropriate their setting. Policy LC17 is a more detailed policy relevant for statutorily designated sites, features, or species of international, national or regional importance.
- 8.13. Policy E2 sets out the strategy for business development in the countryside. E2 B says that on farmsteads, small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for land management. The primary business must retain ownership and control of the site and building, to ensure that income will be returned to appropriate management of the landscape.
- 8.14. Policy LC14 gives more detail for farm diversification proposals and says that diversification of economic activity on a farm will be restricted to the specific use or range of uses for which permission is given rather than a use class. New buildings will not be permitted if the diversified use can be appropriately located in existing vernacular buildings or in a non-vernacular building which would remain appropriate to the area. Finally LC14 (d) say that development will not be granted unless there is sufficient certainty of long-term benefit to the farm business as an agricultural operation.
- 8.15. Policy RT1 sets out the strategy for recreation, environmental education and interpretation development. RT1 A is supportive in principle of facilities, RT1 B says that new provision must justify its location in relation to environmental capacity, scale and intensity of use. In the open countryside clear demonstration of need for such a location will be necessary.

RT1 C says that where possible development must re-use existing traditional buildings and should enhance any appropriate existing facilities. Where this is not possible the construction of new buildings may be acceptable.

- 8.16. Policy RT2 sets out the strategy for hotels, bed and breakfast and self-catering accommodation. RT2 A allows for the change of use of a traditional building to serviced or self-catering holiday accommodation except where it would create unacceptable landscape impact. RT2 C says that new build holiday accommodation will not be permitted, except for a new hotel in Bakewell.
- 8.17. Policy LR6 says that in the countryside where self-catering accommodation is acceptable its use will be restricted to holiday accommodation.
- 8.18. Policy LC4 says that where development is acceptable in principle it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible enhances the landscape, built environment and other valued characteristic of the site.
- 8.19. Policy LC13 allows for agricultural development in principle provided that buildings are sited close to the existing group where possible and that in all cases development is sited in the least damaging location and avoiding important local views.
- 8.20. Policy LC21 is relevant for development that presents a risk of pollution or disturbance to (inter alia) the amenity, ecology or other valued characteristics of the area, existing recreation activities or the water environment. Permission will not be granted unless adequate measures to control emissions within acceptable limits are put in place.
- 8.21. Policy LT10 requires adequate parking provision and LT18 requires safe access as a pre-requisite for any development.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, DS1, L1, L2, E2, RT1 and RT2

Relevant Local Plan (LP) policies: LC4, LC13, LC14, LC17, LC21, LR6, LT10 and LT18

9. Assessment

9.1. Principle of proposed development

- 9.2. Officers understand that the property has not been commercially farmed for a number of years. The previous occupants of the farmhouse were not fully or mainly employed in agriculture contrary to the agricultural occupancy condition and this point was accepted by the Authority in granting the Lawful Development Certificate in 2015. Nevertheless the farmhouse remains within the same ownership as the wider landholding and it would be desirable for the holding to be farmed in a sustainable manner.
- 9.3. The applicant's intention is to regenerate the farm as a sustainable agricultural business and to enhance the farm for the conservation and management of wildlife habitats and biodiversity locally. The applicants have commissioned a Whole Farm Conservation Plan Survey carried out by the Authority's Countryside and Economy Adviser and the recommendations of this survey have been included in the Whole Farm Business Plan.
- 9.4. The land is not currently farmed but following the Conservation Plan and Business Plan the intention is to develop livestock on the holding up to 332 sheep and up to 15 breeding cows based upon the Conservation Plan.
- 9.5. The applicants have carried out a structural report on the existing agricultural buildings.

This states that all cladding and roof coverings for the buildings (with the exception of barn 1) require replacing and that barns 2 and 4 are not fit for purpose and would need to be demolished and replaced. Alterations to the existing farm buildings along with replacement buildings are proposed within this application and Officers are satisfied from the submitted information that there is a functional requirement for these buildings to serve the agricultural business in accordance with LC13.

- 9.6. The applicants state that on its own the intended farm business would not be financially viable and therefore not sustainable in the long term. This is due to the projected income from the business not being sufficient to support itself or a full time worker and due to the high initial levels of investment that would be required to repair and provide replacement buildings to accommodate the business along with works to the wider holding.
- 9.7. Officers have seen the Business Plan, projected incomes and investment costs and are satisfied that on its own an agricultural business commensurate with the optimal management of the land in terms of enhancing landscape and biodiversity would be unlikely to be viable.
- 9.8. Therefore along with the agricultural development proposed the applicant's also seek planning permission for the erection of a training room along with ancillary residential accommodation within the farmstead on the site of three of the existing farm buildings in poor condition.
- 9.9. The stated intention is to use the training room to provide environmental, conservation and public health related training events, linked where possible to the farming activities. The intention is that High Lees Farm will retain ownership and control of all the buildings and that income from the training events will be used for supporting the farm business and management of the landscape.
- 9.10. Officers requested information in regards to projected income from the training events to ensure that this element of the business would remain sub-ordinate to the farm business. The applicants have carried this work and as a result the design has been amended to reduce the capacity of the facility. The development is now designed to accommodate up to 16 people at any one time with the intention to run two, two day training events each month along with making the space available for local businesses and organisations.
- 9.11. The NPPF, policy E2 and policy RT1 together offer support in principle for development intended to support agricultural businesses in the countryside and for environmental education development. The farm business is new and therefore it could be argued that the development is not required to support an established agricultural business. However clear evidence has been submitted to evidence the applicant's stated intentions, the proposed stocking numbers, the requirements for buildings and also the projected viability of the agricultural business.
- 9.12. The evidence is also clear that the farm business in itself would not be financially sustainable and that diversification is required to enable the management of the wider holding in accordance with the Whole Farm Conservation Plan. Officers are also satisfied that this part of the business would be small scale and that the level of income generated by the proposed training events would be sub-ordinate to the farm business in accordance with E2 and RT1.
- 9.13. The training events would include a residential element which would be in the form of three self-contained dwellings within the building, with a total of eight bedrooms and associated living spaces. The proposal is that these provide accommodation for some of those attending training events but there would also be the potential for these to be let individually or collectively as holiday accommodation.
- 9.14. Policies E2 and RT1 both allow for new buildings in principle to facilitate development

however policy RT2 states explicitly that new build holiday accommodation will not be permitted.

9.15. However, it is recognised that the accommodation would be linked to the training events at the site and that there are other benefits in terms of the treatment and removal of existing agricultural buildings and securing environmentally appropriate management of the holding. In this context the proposed development does offer enhancements in accordance with policy GSP2. The provision of accommodation in this development would not undermine the aims of Core policies and therefore in principle the proposed accommodation is considered to be acceptable.

9.16. If permission is granted a planning condition to secure a phasing plan for development would be recommended to secure the investment in the farm buildings.

9.17. Design and landscape impact

9.18. The proposed training room and ancillary accommodation would replace three existing modern agricultural buildings in poor repair and therefore would be sited adjacent to the existing building group between the farmhouse and the farm buildings that would be retained. The replacement agricultural building and car port would also be sited close to the existing group in accordance with LC13. The development as a whole therefore would not result in any significant increase in terms of built mass and would not be prominent or harmful in the wider landscape.

9.19. The application proposes to clad the walls and roof of the new agricultural buildings and the existing agricultural buildings in dark green metal sheeting. Due to the varying age and disrepair the existing group of agricultural buildings are a variety of colours and finishes and the blue cladding of the largest building (shed 6) is particularly prominent when seen across the valley and from the east. Therefore the replacement of the sheeting in an appropriate uniform dark recessive colour would provide a significance enhancement in landscape terms.

9.20. Furthermore the application proposes new planting around the built group to break up views and better integrate the group into the local landscape. This is welcomed and subject to a detailed scheme being submitted and approved in accordance with advice from the Authority's Landscape Officer this would also provide enhancement in landscape terms.

9.21. The proposed agricultural buildings are of a suitable design relative to their function and are acceptable subject to the colour finish of the metal sheeting for the roof, walls and doors which can be secured by planning condition.

9.22. The design of the training room and accommodation building has been the subject of negotiations between Officers, the agent and the applicant. Officers were concerned about the form, massing and detailing of the building as initially proposed and that the building essentially looked like a converted modern portal framed building rather than a new building which designed to reflect the local built tradition in accordance with the Authority's design guidance.

9.23. The revised building has an 'H' plan form which has allowed the building to be set into the levels of the site. The training room and two bedroom unit at the higher level accessed from the car park to the north with the two three bedroom units on two levels 'dug in' to the ground levels and built around a central courtyard.

9.24. This approach has allowed for a more traditional form and massing with narrow gables reflecting the orientation of the original barn (now converted and extended to create the farmhouse) and the use of coursed gritstone. The use of vertically proportioned window openings with larch cladding between and a standing seam metal roof gives a more contemporary appearance while the overall form is traditional and will be read as such in

the wider landscape.

9.25. The use of solar photovoltaic panels on the south facing roof is welcomed as is the proposed biomass boiler which will help maximise energy savings in accordance with policy CC1.

9.26. The overall design approach for both the new agricultural buildings and the training and accommodation building is of a high standard and in accordance with policies GSP3, LC4, LC13 and the Authority's Design Guide. If permission is granted conditions would be recommended to secure appropriate materials and finishes to secure this.

9.27. Highway safety and amenity of road users

9.28. Concern has been raised in regard to the potential traffic generation of the development and how this could affect congestion on New Road, especially during busy days. Officers acknowledge that New Road can be congested during busy days with parked cars.

9.29. The proposed development envisages a maximum of 16 guests at any one time and a sufficient level of parking would be provided on site (8 spaces proposed to be created) with ample further space for parking within the yard if required. Therefore it is unlikely that the proposed development would lead to additional parking or congestion on New Road. If permission is granted a condition to restrict the maximum number of guests would be recommended.

9.30. The site is relatively remote from public transport links and it is therefore also acknowledged that visitors to the site will likely use the private car. Generally speaking development such as this should be sited close to public transport links; however, the NPPF requires this policy to take into account other policies which are supportive of rural enterprises especially in farm diversification cases.

9.31. The NPPF does however require a travel plan in circumstances such as this. The applicant has proposed to do this and Officers agree with the Highway Authority that a planning condition requiring a Travel Plan is necessary to secure this.

9.32. There are no issues raised in regard to the use of the existing access by the development and therefore having had regard to comments from the Highway Authority it is concluded that subject to conditions the development would not harm highway safety or the amenity of road users.

9.33. Ecology

9.34. The site is located to the south of Bamford Moor which is designated as part of the Eastern Peak District Moors Site of Special Scientific Interest (SSSI), the Peak District Moor Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC).

9.35. Concerns were raised initially by Natural England in regard to the potential for construction to disturb protected birds known to use the designated site and surrounding land. However on the basis of the amended scheme Natural England is satisfied that subject to a construction management plan to detail the timing and location of construction activities to minimise the risk of disturbance that the development is acceptable.

9.36. Having had regard to this advice, Officers are satisfied that subject to condition the development would not harm the interest features associated with the designated sites.

9.37. The affected buildings have been surveyed for protected species. The report found that the agricultural buildings are unlikely to support roosting bats as they are unsuitable due to the bright light within the buildings and the nature of the construction. The report concluded that works should avoid the bird breeding season unless a suitable qualified ecologist has established that no birds are nesting and that swallow bowls and general purpose nest

boxes should be included.

9.38. Subject to conditions to secure a construction management plan and the recommendations of the submitted protected species report Officers are satisfied that the proposed development would not harm protected sites or protected species or their habitat.

9.39. Other Issues

9.40. Given the location of the site and the distance to neighbouring properties there are no concerns that the development would harm the amenity of neighbouring properties. There is also sufficient distance between the farmhouse and the new development.

9.41. The application proposes a new package treatment plant to deal with foul sewage from both the farmhouse and the development. Given the distance from the site to the mains sewer there are no objections in principle to a package treatment plant provided that this is installed before the development is occupied.

9.42. Legal agreement

9.43. Section 106 of the 1990 Act says any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (a planning obligation).

9.44. Policies E2 and LC14 require the primary agricultural business to retain control over the diversification business and therefore a restriction upon separate sale would be considered to be a 'lawful' obligation because it would restrict the development and the use of the land in a specified way. The agent has indicated that the applicants would be willing to enter into a planning obligation to secure this.

9.45. However, for the offer of a legal agreement to be capable of constituting a material planning consideration in the determination of the application, the proposed legal agreement and the obligations to be entered into by the applicant must also meet three tests, which are set out in identical terms in S.122 (2) of The Community Infrastructure Levy Regulations 2010 and the NPPF.

9.46. The proposed legal agreement would meet these tests because a restriction upon separate sale is required to make the development acceptable in planning terms and because the restriction would relate specifically to the development land and buildings farmed by the applicants and therefore would be directly related to the development and fairly and reasonably related in scale and kind to the development.

10. Conclusion

10.1. In the context of this site, the justification put forward by the applicants and the enhancement offered by the proposed development the principle of the proposed development is considered to be acceptable and in accordance with the development plan when read as a whole and the NPPF.

10.2. The proposed development would enable sustainable farming on the site and would enhance the group of buildings at the farm which would lead to landscape and biodiversity enhancements.

10.3. The design of the proposed development is considered to be of a high standard and in accordance with the Authority's design guide.

10.4. Potential impacts upon highway safety and amenity are acceptable and can be further mitigated by planning conditions to control the level of use of the proposed development

and securing a travel plan. Potential impacts upon nearby designated conservation sites during construction can be appropriately mitigated by a construction management plan.

- 10.5. In the absence of any further material considerations the proposed development is considered to be in accordance with the development plan. Accordingly the proposal is recommended for approval subject to the prior entry into a legal agreement and subject to planning conditions outlined in this report.

11. Human Rights

- 11.1. All human rights issues have been considered and addressed in the preparation of this report.

12. List of Background Papers (not previously published)

None

Report Author and Job Title

Adam Maxwell, North Area Senior Planner

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7. FULL APPLICATION - PROPOSED DEMOLITION OF EXISTING FACTORY AND CONSTRUCTION OF NEW DWELLING, THE FACTORY, ALMA ROAD, TIDESWELL (NP/DDD/1120/1024, SPW)

APPLICANT: MR JOHN WATSON

Summary

1. This application proposes the demolition of a 20th century factory, artificial stone building of no architectural or historic interest and the erection of an open market dwelling in the village of Tideswell. It is in close proximity to other dwellings, some of which are also listed buildings. The site is within Tideswell Conservation Area and currently detracts from its special character and interest. The factory is potentially unneighbourly, particularly by virtue of over-looking. Its removal and replacement by an open market dwelling is therefore considered to be acceptable in principle as it would represent a significant enhancement. The proposed scheme is considered to achieve that enhancement and is therefore recommended for approval.

Site and Surroundings

2. The application relates to a building that was erected in the 1960s as a factory. It is concrete framed, with split-faced artificial stone walls. As the site slopes from east to west, the building is single storey when viewed from Alma Road (north-east elevation), but two storey on the south-west elevation, which faces into a yard shared with the flats in the Old College. The building has a shallow pitched corrugated sheet roof and occupies most of the length of the site, other than its southern end which is occupied by two single storey storage buildings which form the boundary with St John's Road, and which have doors at either end.
3. The building sits on the north-eastern boundary of the site, abutting the yard, which is accessed off St John's Road. There is a parking/turning area in front of the building on the Alma Road side, with access off Alma Road. There is a high boundary wall along the highway edge to the north of this access, with no pavement.
4. All other buildings in this part of Tideswell are traditionally houses and flats. Immediately to the south-west is a grade II listed building, known as the Old College, which was converted into flats in the early 1980s. This shares an access to the factory's lower floor level. The south-east limestone boundary wall running along St. John's Road is listed grade II. On the opposite side of St. John's Road is Eccles Hall, which is also listed grade II. Blake House, facing the south west end of St. John's Road is also grade II listed. Rockingham Lodge is the dwelling to the north-west of the site, facing onto the square.
5. The site is within the Tideswell Conservation Area.
6. The building is in poor condition, as described in greater detail in the submitted structural report. There are a number of trees on and near the site boundaries. These are described in detail in the submitted tree survey.

Proposal

7. It is proposed to demolish the existing concrete framed, former factory building on Alma Road, Tideswell and replace it with a new dwelling on the northern part of the site. The proposed dwelling will be faced externally with natural limestone and the

roof clad in natural blue slates. The scheme retains part of the existing basement, which will be re-modelled and faced with natural limestone, for use as ancillary accommodation in connection with the proposed dwelling.

8. The existing factory building was constructed in the 1960's using a concrete frame which is now degenerating. Details of this are provided in the submitted Structural Engineer's appraisal. The report concludes that the main form of framed precast concrete used for the building, its age of approximately 60 years and its current condition caused by extensive water ingress mean that it is uneconomical to repair and upgrade the main 2 storey section of the building to current standards. It recommends that partial demolition to remove the aging precast concrete is carried out as part of the redevelopment of the site.

Planning History

9. The factory is understood to have been built in the 1960s, but there is no recent planning history.
10. Pre-application advice: Prior to submitting the application, the applicant sought pre-application advice on the conversion of the existing building to a dwelling. He was advised that this was unlikely to be acceptable because of the form and character of the existing building. He was also advised that he needed to demonstrate that the building was no longer required for employment purposes.
11. This advice was followed up in July 2019 with a site meeting to discuss in principle the redevelopment of the site for residential use. The initial concept was to retain and convert the existing building to form 2 dwellings. Officers set out the policy parameters with regard to residential development on the site and advised that before an application for an open market house could be approved, it would have to be demonstrated that:
 - the site is not suitable for affordable dwelling(s); and
 - the existing industrial use of the site is inappropriate for its location; and
 - the scheme offers significant enhancement of the site.
 - With regard to the scheme discussed at that time, officers considered provided the above could be demonstrated that it was unlikely that policies would approve two dwellings on the site; and that the concept of retaining/converting the existing building because of its form and massing. A scheme for a new dwelling which would provide significant enhancement was more likely to be supported.
12. Following this pre-application advice, the scheme as now submitted is for a single open market dwelling, with the existing factory to be largely demolished.

RECOMMENDATION:

13. That the application be **APPROVED** subject to the following conditions:
 - **Statutory time limit for implementation**
 - **Development in accordance with amended plans, subject to design conditions:**
 - **Submit and agree stone sample and agree panel.**
 - **Submit and agree slate sample.**
 - **Windows to be white painted timber unless otherwise agreed.**
 - **Other minor design details**
 - **No development shall commence until construction management plan has been submitted and approved. Development to be carried out in accordance with approved details.**

- **Submit scheme for enhancement of doors of the adjacent storage building and implement to agreed timescale.**
- **Landscaping scheme to be implemented prior to or within first planting season of the first occupation of the dwelling.**
- **The parking and manoeuvring areas shall be laid out, constructed and available for use prior to the first occupation of the dwelling.**
- **Development shall not be carried out other than in accordance with recommendations of submitted tree survey report.**
- **Remove permitted development rights for alterations, extensions and outbuilding, and boundary on boundary facing the Old College.**
- **Ancillary accommodation in basement to remain ancillary to dwelling and be used for no other purpose.**
- **The existing storage buildings along St John's Road shall not be used other than for domestic storage purposes, without the Authority's approval.**

Key Issues

- Would the submitted scheme achieve significant enhancement to the Conservation Area and the setting of adjacent listed buildings?
- Would the scheme remove a potentially unneighbourly use and would the proposed dwelling have an acceptable impact on the amenity of neighbouring properties?
- Is the employment use still required and should it be retained?
- Is the impact on trees acceptable?

Consultations

- 14 **Highway Authority:** The proposed dwelling will be accessed via the existing access to Alma Road which upon inspection of Street View images appears to have substandard emerging visibility due to the height of the boundary wall. Exit visibility at the access should be commensurate with 85th percentile vehicle approach speeds or the speed limit in the absence of appropriate speed readings. On this basis, recommended exit visibility sightlines for an access at this location would be 2.4m x 43m. Whilst such splays are not considered achievable, in view of the extant use of the site as a factory it is considered the proposed change of use to a single dwelling is unlikely to cause intensification in use, however the Highway Authority would recommend that the existing boundary wall be lowered to no greater than 1m, relative to the adjoining nearside carriageway level, to assist with emerging visibility. The Design and Access Statement notes the retention of an existing store/micro-brewery proposed be retained within the site. In view of the above, details on the number of vehicles/employees currently using the site for parking to use the storeroom would confirm parking provisions for residents of the proposed dwelling. No details have been submitted regarding the storage of bins and collection of waste, an area for standing of waste bins on refuse collection days should be provided adjacent to, but not within, the public highway to serve the dwelling.
- 15 It is recommended that the applicant is given opportunity to submit revised details demonstrating measures to satisfactorily address the above issues. However, should the proposal be acceptable in planning terms and your Authority is minded to approve the application in its submitted form, I would be grateful for the opportunity to discuss possible highway related conditions and notes for inclusion in any decision notice issued.
- 16 **District Council:** No reply
- 17 **Parish Council:** The Parish Councillors have discussed this application in detail and was felt

that representatives from the PC should attend a site visit. This has now been conducted by a selection of councillors visiting the site alone to ensure social distancing could be maintained fully. The Parish Council have discussed the application and do not have any objections. The Parish Council support the application.

18 **Tree Officer (PDNPA):** I am happy with the tree survey's program of works for the Factory, Alma Road and the new landscape plans.

Representations:

19 10 representations have been received in response to public notification.

20 Four object to the application on a number of grounds, including the following:

- The height of property proposed will impact its close neighbours and is inconsistent in scale to the land available for a 2 garden particularly if the 6 parking spaces noted in 8.3 are to be provided. There must be an alternative design under which the applicant is able to make a commercial return on their investment which results in a building(s) which benefits all of those living around it.
- As a general point we can confirm that the use of St. John's Road for commercial vehicles use creates safety issues and have twice had cars parked outside our property damaged by vans using this route. It is noted elsewhere however we would like to highlight again, that this road is narrow, has no pavement and is heavily used by pedestrians, a large proportion of which are school children. It seems however that there is an inconsistency in claiming the site is not suitable as a factory and the applicants stated long term intention to open and run a micro-brewery from this site.
- The building will sit in a conservation area. Cladding the roof in in natural blue slate is not consistent with other properties in the area which are stone slate.
- In relation to 1.2 Intarak Solutions Ltd the company was incorporated with a registered office in Bakewell in 2013 and failed. There is no evidence presented to confirm its failure was the result of its location in Tideswell.
- This application is for one 5/6 bedroom dwelling, with cinema/gym. This is totally out of context, given that the houses in the area are predominantly cottages. Equally, with the large number of holiday cottages here, there is a very real need for affordable housing in Tideswell and the Peak Park overall
- The loss of a place of work in Tideswell.
- An inappropriate development of a three storey six bedroom, six bathroom house with leisure centre in Tideswell conservation area.
- Loss of privacy, noise and disturbance to the home I have lived in for over thirty five years. A Georgian listed grade ii three hundred year old house adjacent to the site.
- The Factory is relatively discreet within its site if it operates within the covenants and regulations is much less of a nuisance than a new development. It is also of benefit to a working village. It would be difficult to separate the ownership of The Factory on Alma Road from The Long Shed on St Johns Road/corner of Alma Road. The long shed has no parking. Access to the garage doors opposite The Old College can only be gained after adequate notice is given. The garage doors to Alma Road have a deep verge, but no parking the doors open onto the road which is sited on the corner of a dangerous T junction. The Long Shed is two buildings. They are on two levels with no access between the two buildings. The Factory site contains an electricity sub station sited near to Alma Road it has rights of way and easements which would prevent some of the six car parking spaces on the new development.
- The development looks down into my garden and rooms in my house including bedrooms, with seven windows orientated towards my property.
- Likely to lead to the loss or damage to the existing trees which contribute greatly to the character of the conservation area. This area is the most densely tree-covered area and to lose any of these trees would greatly impact on the appearance of the

conservation area.

21. Four make general comments, summarised as follows:

- We are not against the redevelopment of the existing factory site for residential use but feel it could easily be done with only a minimal impact on our privacy and quality of life. This application takes neither of these factors into consideration. The development is too large to be in keeping with the houses along Alma Road and needs to be significantly set back from the boundary and our existing structures. There is absolutely no consideration made with regards to overlooking our garden; will have 6 windows and a glass annex with double doors facing our garden.
- There is concern that a larch tree in our garden is very close the development and may be impacted by it, however we cannot check this due to the absence of the tree survey. There are also a significant number of trees on the development site that form an essential part of the character and appearance of the conversation area, any loss of these trees will have a significant negative impact on the area. A number of these trees also currently screen our property from the site and their removal would increase the development's impact.
- We have concerns regarding the significant height of the proposed building which will result in the building overlooking many neighbouring gardens / properties including ours. The height is also significantly greater than the existing building. We feel this will result in the loss of ours and neighbours' privacy.

22. One response says: Support the application because:

- The corrugated concrete/asbestos roof will be removed by specialists.
- My windows won't be over-looked.
- Noise & dust will be kept to a minimum.
- I will have a clear view of the green space between St John's Rd & Bishop Pursglove school to the east.
- A definitive improvement on the view of the factory.

23. Two others support:

- Pleased to see something is finally being done with the building and site. Since the factory closed the building is falling into disrepair and is becoming an eye sore. It is only a matter of time before children gain access to the site, causing further damage and putting themselves in danger. Confident that any work will be carried out efficiently, with the minimum of fuss and to a high standard. Far from objecting to the planning application I welcome it.
- As a former tenant of the property, saddened recently to see the state of disrepair the building has fallen into whilst unoccupied. It would certainly appear to be hazardous in its current condition. I would suggest that the use of the building as a commercial property would be limited by the general access to the warehouse space for commercial vehicles - something we encountered, and general restrictions over use based on its location. I think a change of use to a residential property that is well designed and executed would be an enhancement.

Key Policies

24. 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. It was last updated in February 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and those in the Development Management DPD adopted in May 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 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.'*

Development Plan

26. The main Development Plan policies which are relevant to this proposal are: Core Strategy policies GSP2, GSP3, HC1 and CC1, and Development Management policies DMC3, DMC5, DMC7, DMC8 and DMC13.
27. 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.
28. Policy GSP2: *Enhancing the National Park* states that:
- Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
 - Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
 - When development is permitted, a design will be sought that respects the character of the area.
 - Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
 - Development in settlements necessary for the treatment, removal or relocation of nonconforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted.
29. Policy GSP3 *Development Management Principles* 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.
30. Policy DS1 *Development Strategy* sets out that most new development will be directed into named settlements. Tideswell is a named settlement.
31. Policy 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.

32. Policy HC1 *New Housing* states that no new housing will be permitted other than exceptionally when (amongst other exceptions):
33. CI. - it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or
34. CII. - it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1 (of which Tideswell is one).

35. E1: Business development in towns and villages states in section D:

“D. The National Park Authority will safeguard existing business land or buildings, particularly those which are of high quality and in a suitable location. Where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses”.

36. Policy CC1 *Climate change and mitigation* requires that all development must build in resilience to and mitigate the causes of climate change by:
- A. making the most efficient and sustainable use of land, buildings and natural resources:
 - B. take account of the energy hierarchy by:
 - reducing the need for energy;
 - using energy more efficiently;
 - supplying energy efficiently;
 - using low carbon and renewable energy.
 - C. be directed away from flood risk areas.
 - D. achieve the highest possible standard of carbon reductions.
 - E. achieve the highest possible standards of water efficiency.

37. Development Management policies

38. Development Management policy DMC3: Siting, design, layout and landscaping 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.
39. Development Management policy DMC5: Assessing the impact of development on designated and non-designated heritage assets and their settings requires, amongst other considerations, that applications affecting a designated asset must explain why the works are necessary and how the asset will benefit from the proposal.
40. Development Management policy DMC7: Listed Buildings covers the same basic considerations as policy DMC5, but with specific reference to listed buildings.
41. Development Management policy DMC8: Conservation Areas covers similar matters to policies DMC 5 and 7, with specific reference to conservation areas.
42. Development Management policy DMC13: Protecting trees, woodland and other landscape features.
43. Development Management policy DME4: Change of use of non-safeguarded, unoccupied or under-occupied employment sites in Core Strategy policy DS1 settlements states that the change of use, or re-use of non-safeguarded, unoccupied or under-occupied employment sites in or on the edge of Core Strategy policy DS1

settlements to non-business uses will be permitted provided that the site or building(s) have been marketed to the Authority's satisfaction for a continuous period of 12 months prior to the date of the planning application, in line with the requirements of this Plan, and the Authority agrees that there is no business need for the retention of them. The site which is the subject of this application is not specifically safeguarded in policy DME3.

44. Assessment

45. Principle of Development

46. This application follows pre-application discussions in which the main focus has been whether the loss of the long established employment use of the site can be justified on the basis of the enhancement of the site and its immediate setting through the erection of a single open market dwelling. Secondly, if the principle of the loss of an employment use is acceptable, should the redevelopment be for affordable housing rather than a single, relatively large, open market dwelling?
47. Officers consider that the existing building is now an anomalous feature in this part of Tideswell as it is a relatively large artificial stone structure under a corrugated roof, in contrast to the surrounding buildings, many of which are listed. Secondly, the use of the building is potentially unneighbourly. Whilst it appears to have been a B1 light industrial use which has not caused significant problems, it does heavily overlook the flats on the rear of the Old College, across the yard and whilst B1 uses are, by definition, capable of being carried out in residential areas, they can still generate levels of traffic that could be unneighbourly. As noted below, from September 2020, Class B1 uses now fall within a much broader Class E.
48. Policy E4 states that where the location, premises, activities or operations of an employment site are considered by the Authority to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses. DM DPD policy DME4 sets out a requirement to advertise premises for a continuous period of 12 months before a redevelopment or change of use of the site will be permitted, but in the current case the consideration is not whether there is a need for the site to remain in employment use, but whether there is a greater planning gain to be achieved by redeveloping a site which does not conserve or enhance the Conservation Area or the setting of listed buildings, and the residential amenity of the area. Consequently, the applicant has not been asked to readvertise the site (he bought it after it had been on the market in 2018). It should also be noted that Tideswell is relatively well served with employment sites, particularly with the recently expanded Whitecross Road estate.
49. Both policy GSP2 and HC1 of the Core Strategy allow for development which would provide significant enhancement to the National Park and its special qualities. In the case of policy HC1, this could include a single open market house rather than affordable local needs housing. Given the scale, massing and detailing of the existing building it would not be appropriate to convert it into residential use and this would not achieve significant enhancement. Additionally, DM DPD policies DMC5, 7 and 8 consider the impact of the proposal on all aspects of designated and non-designated assets, listed buildings and conservation areas. They require that the proposal assess any impact on valued features and where possible offers some enhancement.
50. Turning to what might be an appropriate redevelopment, there are two factors to consider. Firstly, would it be viable to redevelop the site for affordable housing and secondly, would this be physically possible without causing unacceptable impacts.

51. With regard to viability, the applicant has submitted some details of costs but this is not a full RICS standard viability assessment. However, as the proposal is for a single dwelling, if it achieves significant enhancement, such an assessment is not required. Notwithstanding this, the figures submitted by the applicant are useful. The submitted information in the Design and Access Statement says:
52. *“It is therefore necessary to remove the existing factory building from the site and dispose of it in an approved location. This process adds considerably to the cost of the development of the site.*
53. *Prior to its purchase by Mr. Watson, the property was advertised in 2018 at a price of £240,000. It is estimated that its demolition and removal from site in accordance with all current legislation will cost a further £75,000. The cost of purchasing and preparing the site for re-development is therefore in the region of £315,000. Construction of four, 5 person affordable houses of 97 sq. m. each, at a cost of £2000/sq metre would be in the region of £775,000 - resulting in a total construction cost, including site purchase and clearing of the site, of £1,090,000, or £272,500 per dwelling. Allowing 20% for overheads, developer’s costs, advertising costs, legal fees and profit, the price per unit would rise to £327,000. Currently (at the time of writing) there are two open market, 3 bedroomed properties advertised for sale in Tideswell at £250,000 and £240,000. The calculated cost of providing an affordable dwelling on the factory site, as demonstrated above, is greater than existing properties available in Tideswell, without the affordable restriction. Affordable housing therefore is not a viable option for the development of this site”.*
54. Secondly, even if an affordable housing development were to be viable, a scheme of more than two houses would probably involve a greater building mass on site than is proposed and this would have an impact on the privacy and amenity of the neighbouring properties, particularly the flats in the Old College. A scheme with two smaller units would probably be achievable on a similar footprint to the proposed single dwelling.
55. On this basis, officers have concluded that a single open market dwelling that achieves significant enhancement to the Conservation Area, the setting of the listed buildings, and to the residential amenity of neighbouring properties is acceptable in principle and would accord with policies GSP2 and HC1.

56. Landscape and Design Impacts

57. The proposal is for a two storey dwelling on the upper level of the site, with the main axis following the axis of the existing building, with two storey projections off each elevation. The new dwelling would be sited at the northern half of the site, leaving the southern half open, other than retaining the ground floor (when seen from the yard shared with the Old College) as a flat roofed basement, as this retains the rest of the site. This would contain ancillary accommodation and a gym/cinema room. The existing sub-station is retained but screened. The proposed dwelling is relatively traditional in its form, massing and detail. It includes solar panels on the southern elevation.
58. In terms of its design, the proposed dwelling is acceptable and would fit in with the established character of the area and be respectful to its neighbours. The materials are acceptable. In terms of its siting and massing, the proposal would remove the majority of the building that faces the Old College flats, improving their outlook and removing the potential for overlooking from windows from the existing factory. Officers have considered whether the new house would be better sited,

further south, to provide some enclosure to the street scene but this would have the effect of placing a house where the most intrusive part of the existing factory is. Although the scheme would result in a more open aspect on the site, it would reveal some views of the rear of the Old College, a listed building. On balance, the scheme is considered to be acceptable in terms of its siting and design.

59. Amenity Impact

60. As noted above, the existing building has windows that look directly across the yard towards the rear of the Old College flats. Currently all windows facing south east from the factory face directly into the habitable rooms of the Old College. The proposed removal of the upper floor of the factory opposite the flats will minimise overlooking and loss of light to the properties. The existing relationship has the potential to be very unneighbourly unless the factory uses blinds during the working day. Secondly, the lawful use of the existing factory was considered to be Class B1, which now falls within the much wider Class E, which includes Commercial, Business and Service uses (from September 2020). Whilst these uses may not be inherently unneighbourly, they have the potential to generate levels of activity and traffic that would not be compatible with the adjacent residential uses. The Design & Access Statement says that during the previous user's (Intrack) occupancy, fork-lift trucks ferried materials goods to and from lorries parked on High Street, at the bottom of St. John's Road. It should also be noted that Bishop Purseglove School and its access are a short distance away on the opposite side of Alma Road to the east.
61. Consequently it is considered that the removal of the existing building and potential uses and its replacement with a dwelling, in what is predominantly a residential area, would be beneficial. As set out in the previous section, the proposed dwelling would have an acceptable impact on neighbouring properties because its location at the northern end of the site means that there would be no overlooking from primary rooms, although the new dwelling would inevitably have views of some adjacent properties and their gardens.
62. Whilst not forming part of this application, the proposal retains the existing use of the existing traditionally constructed single storey building along the St. John's Road boundary as a store building. It is currently used for storage purposes by the applicant in connection with his building business. It is also the applicant's longer-term intention to open and run a micro-brewery from this building, supplying local restaurants and public houses. As the buildings are included within the red-edged application area, for the avoidance of doubt a condition should be added to restrict the use of these buildings to ancillary residential storage, unless planning permission is sought and granted for an alternative use. A condition is also recommended to improve the industrial appearance of the doors on the ends of the buildings.

63. Highway Impact

64. The Highway Authority notes the lawful use of the existing site but recommends that the access visibility is improved by reducing the boundary wall heights. However, the walls perform an important role in contributing to the character of the Conservation Area. Given that a single dwelling would produce significantly less traffic than the lawful use or permitted alternative uses, officers consider the access to be acceptable.

65. Tree/Ecology Impact

66. The application is accompanied by a detailed tree survey and a proposed landscaping plan.
67. A Tree Survey has also been submitted with application. The tree survey revealed 13 items of woody vegetation, comprised of 12 individual trees and 1 group of trees/shrubs. From assessing the new development proposals, the removal of 2 trees and one tree/shrub group will be required as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable. The trees that are required to be removed are of lower value, retention category 'C', and have significant defects that are likely to limit their future prospects. Due to the low value of the trees to be removed the removals will have only a negligible negative arboricultural impact. The retained trees will require protection by fencing in accordance with BS 5837: 2012, during the development phase.
68. The Authority's Tree Officer is satisfied with tree survey and proposed planting.

69. Environmental Management

70. The proposed dwelling incorporates solar panels on the south facing roof pitches to generate renewable energy. In addition to this, the new dwelling would be built to a much higher standard of energy conservation than the existing building. The proposal therefore meets the requirements of policy CC1.

71. Conclusion

The proposal would remove an existing relatively modern factory building from a site within Tideswell Conservation Area, close to listed buildings and other dwellings. Whilst it would result in the loss of an employment site, the site is not specifically safeguarded and in the wider planning balance the replacement of the use and the associated building with a sympathetically detailed dwelling would result in an enhancement of the site and its setting and would improve residential amenity, in accordance with Development Plan policies. The application is therefore recommended for approval.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report author: Steven Wigglesworth

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Committee Date: Friday 25th June
Item Number: 7
Application No: NP/DDD/1120/1024
Grid Reference: 415183, 375908

Title: The Factory
Alma Road
Tideswell



**PEAK
DISTRICT
NATIONAL
PARK**

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8. FULL APPLICATION – PLACEMENT OF SHED AND MODIFICATION TO DRIVE ENTRANCE AT BEAUMARIS, TOWER HILL, RAINOW. NP/CEC/01120/1033. DH

APPLICANT: Mr Clive Burgess

1. Summary

2. The application seeks planning permission for a garden shed and to regularise the modifications which have been made to the drive entrance.
3. The shed is typical of incidental buildings in domestic curtilages and in this domestic context raises no concerns.
4. The alterations to the driveway retaining wall comprise a minor increase in the corner radius giving a slight improvement to the small visibility splay. This has neutral impact on the appearance of the site and its setting and is considered acceptable in planning terms despite the fact that the emerging visibility overall from the access wholly fails to meet highway standards.
5. It must be noted that this access itself was created without permission in 2006, and appears to have been widened at some point between 2009 and 2012 by the previous owners of the property. These works are now lawful but have caused harm to the character and appearance of the Conservation Area as the retaining wall is very high and prominent. Furthermore the merging visibility is wholly constrained by the house and retaining wall.
6. The application is recommended for approval.

7. Proposal

8. The application seeks planning permission for the erection of a wooden shed in the raised side garden to the south of the dwellinghouse, and retrospective consent to regularise the minor modifications which have been undertaken to the driveway retaining wall.

9. Site and Surroundings

10. Beaumaris is a detached house which stands immediately on the roadside to the east of the B5470 (Hawkins Lane/ Tower Hill) to the southern end of Rainow. The site lies within the Rainow Conservation Area. There are open fields to the east and south.
11. The house has a two storey extension to the rear and a parking area to the side with the higher garden land retained by tall stone walls.
12. The nearest neighbouring properties to the application site are Lane Edge on the opposite side of the road and Tower Hill Fold which is listed Grade II, approximately 35m to the north.

13. RECOMMENDATION:

14. That the application be APPROVED subject to the following conditions:

1. **Statutory time limit for implementation.**
2. **Development to be carried out in accordance with the submitted plans and specifications.**

15. Key Issues

16. The impact of the proposal upon the character and appearance of the site and its setting within the Conservation Area, the impact upon highway safety and whether the proposals would harm the amenities of nearby properties.

17. History

18. 2006 – A two storey rear extension to the dwellinghouse was approved by NP/M/006/0877
19. 2020 - Enforcement case reference 20/0081 regarding the alteration of the vehicular access. This found the access was created without permission in 2006 and was substantially widened between 2009 and 2012. The access has therefore gained immunity from enforcement action.

20. Consultations

21. Cheshire East Council as Highway Authority: Objection, the access has already been created without authorisation and is considered dangerous due to the lack of visibility along Tower Hill for drivers of vehicles both approaching and emerging from the access. The application should be refused on the grounds of highway safety for the reason outlined above and referred to enforcement to have it closed with a wall to prevent it being used unlawfully in the future.
22. *Officer comment: We have gone back to the CEC Highway officer and clarified the position with regard to the lawfulness of the access in planning terms. Whilst they recognise this point nevertheless the nature of the access with its wholly unacceptable visibility sightlines means they remain unable to provide any comment other than object due to the nature of the risk posed by its use in these circumstances.*
23. Rainow Parish Council: No objections subject to the shed being adequately secured so there is no risk of it being blown into the road.

24. Representations

25. The Authority has not received any representations regarding the application.

26. Main Policies

27. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, DS1, L1 & L3
28. Relevant Local Plan policies: DMC3, DMC8, DMH8, DMT3 & DMT8
29. The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which 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 the Authority's Core Strategy 2011 and development management policies in the Peak District National Park Local Plan (Part 2) 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 more recent Government guidance in the NPPF.

30. Paragraph 172 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.'*
31. Paragraph 108 of the NPPF states that when considering development proposals it should be ensured that safe and suitable access to the site can be achieved for all users.

32. Core Strategy Policies

33. 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). GSP1 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.
34. 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.
35. Core Strategy policy CC1 states that all development must make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
36. Policy DS1 sets out what types of development are acceptable within the National Park.
37. Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics of the National Park. L3 relates to development in conservation areas.

38. Local Plan Development Management Policies

39. 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.

40. DMC8 relates to development in conservation areas and development which affects its setting and important views into and out of conservation areas. It says that the following should be taken into account: (i) form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment; (ii) street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes; (iii) scale, height, form and massing of the development and existing buildings to which it relates; (iv) locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis; and (v) the nature and quality of materials.
41. DMH8 relates to new outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses. It states that new outbuildings will be permitted provided the scale, mass, form, and design of the new building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.
42. DMT3 relates to access and design criteria. It states that where development includes a new or improved access onto a public highway it will only be permitted where a safe access is achievable and can be provided in a way which does not detract from the character and appearance of the locality. It goes on to say that particular attention should be given to the need for the retention of hedges, walls and roadside trees.
43. DMT8 relates to residential off-street parking. It states that the design and number of parking spaces associated with residential development must respect the valued characteristics of the area.

44. Assessment

45. Principle

46. Core Strategy policy DS1 states that, in principle, extensions and alterations to dwellings, including new outbuildings, in the National Park are supported by the Authority, provided that they are of a suitable design, scale, form and massing and do not raise any amenity issues upon the dwelling itself or any neighbouring properties. The principle of a domestic shed is therefore acceptable provided it causes no harm to its setting.
47. Improvements to domestic accesses are also acceptable in principle subject also to the design layout and landscape impact being acceptable and the proposal raising no issues of safety concern.

48. The Shed

49. The proposed siting for the shed is within the garden to the south side of the house which is at a higher level than that of the road and house. The development would be seen in the context of the domestic garden. The scale is modest and subservient to the dwelling with a design and use of timber cladding typical of ancillary buildings within domestic curtilages. Within this setting we conclude the building can be accommodated without harm to the setting of the house or the Conservation Area upon which it would have a neutral impact. As such, it is considered that the proposed building is in line with policies DS1, DMC3 and DMH8 and SPD guidance.

50. The works to the retaining wall.

51. As noted, the garden is at a higher level than that of the house, therefore a high retaining wall was built to retain the garden land when the driveway was widened. A metal stair was added to the rear wall to access the garden. Aerial photographs indicate that the widening of the access created in 2006 to allow for two vehicles was done between 2009 and 2012 by previous owners of the property and are now lawful.

52. The recent works which have been done by the present owner have been the re-building of the corner of this retaining wall to provide a small visibility splay to the south side of the vehicular access in an effort to try to make the site access safer. This alteration uses the same natural gritstone walling and simply provides a slightly increased radius to the wall corner giving a minor improvement to visibility. The alterations are therefore minimal, and although the visual impact of the works undertaken previously to create the drive have had an adverse impact on the area and therefore the significance of the Rainow Conservation Area, the works which the application seeks to regularise have a neutral impact.

53. Although in terms of highway safety the emerging visibility from the access remains far below acceptable standards this alteration has made a very minor improvement. Whilst we understand the Highway Authority's position in having to maintain their objection, refusal is not warranted for the current application.

54. Amenity Impacts

55. Due to the nature of the development and the domestic context, it will not have any detrimental effect upon the character and appearance of the property and its setting, or the conservation area and wider landscape area within which it sits. Neither would there be any adverse effect on the amenities of the nearest neighbouring properties. There is minor public benefit to highway safety. It is therefore considered that the proposal complies with the requirements of GSP3, L3, DMC3, DMC8 and national planning policy.

56. Conclusion

57. The incidental building is considered to be compliant with policies. The alterations to the driveway, which has gained immunity from enforcement action due to the passage of time (four years for operational development and ten years regarding change of use) are minimal and have a neutral and acceptable impact on the visual amenities of the site and the area and hence approval is recommended.

58. Human Rights

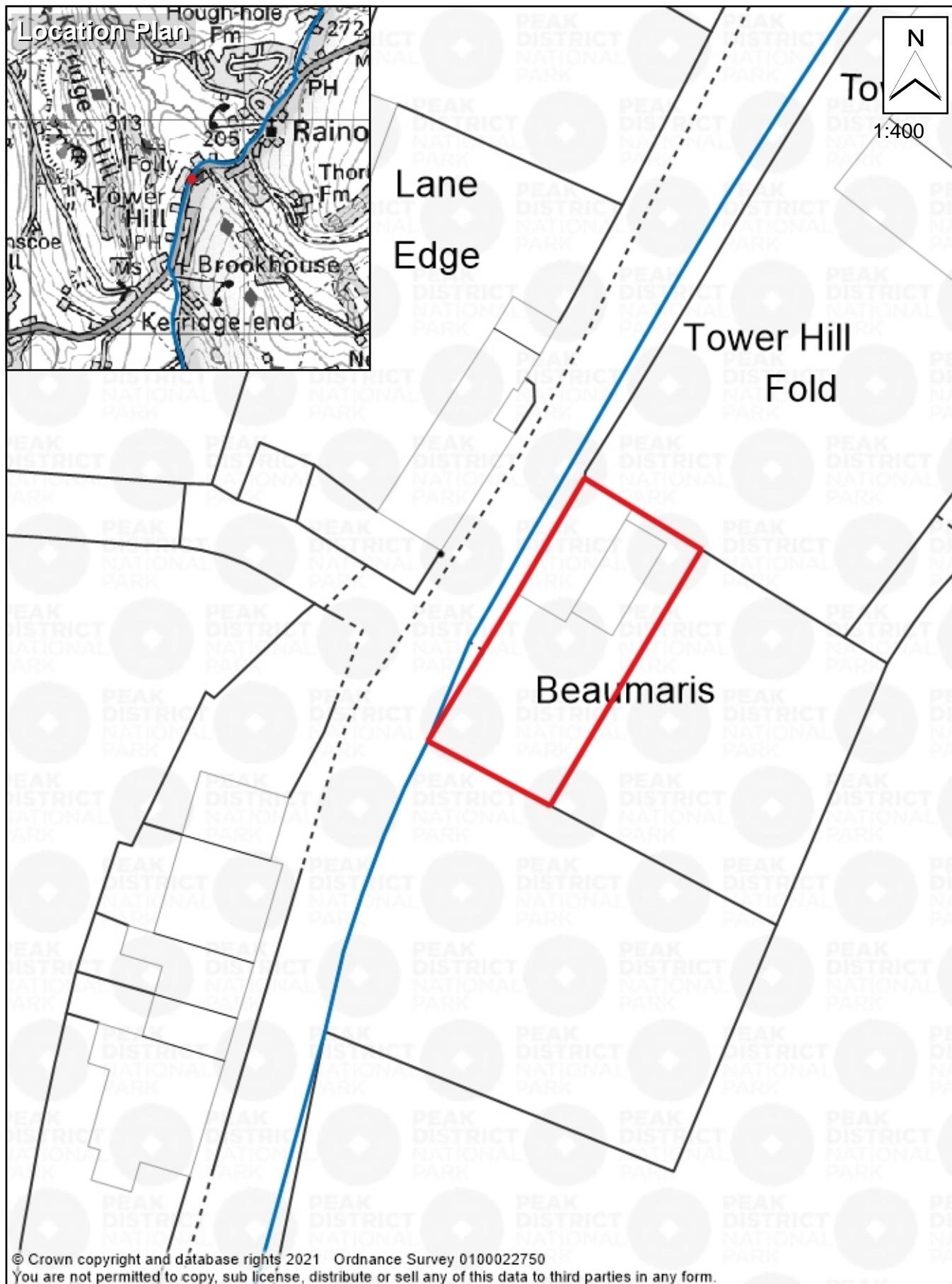
59. Any human rights issues have been considered and addressed in the preparation of this report.


60. List of Background Papers (not previously published)

61. Nil

62. Report author: Denise Hunt. Planning Assistant

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Committee Date:	Friday 25th June 2021	Title: Beaumaris, Rainow	 PEAK DISTRICT NATIONAL PARK
Item Number:	8	East of blue line is inside The National Park	
Application No:	NP/CEC/01120/1033		
Grid Reference:	394745, 375728		

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9. APPROVAL OF DORE NEIGHBOURHOOD PLAN TO SUBMIT FOR REFERENDUM

1. Purpose of the report

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

Key Issues

The Authority has been working with Sheffield City Council (SCC) to support Dore Neighbourhood Forum to write a neighbourhood plan for Dore Neighbourhood Area, which straddles the boundary of the 2 planning authorities. SCC is the lead authority.

In accordance with Regulations an independent examination of the submission draft Dore Neighbourhood Plan has taken place and an examiner's report has been submitted to SCC 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 Dore Neighbourhood Plan should proceed to referendum. (The same decision will be considered by SCC's Head of Planning on 25 June.)

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 SCC as lead authority, and additionally for the 3 policies in Dore Neighbourhood Plan that either apply to or could impact on, the national park, by PDNPA officers. These are:

DN policy 1: open access land.

DN policy 2: the landscape sensitivity of the setting of the peak district national park.

DN policy 4: long line substantially developed road frontage.

These policies as drafted and as proposed to be modified are set out in Appendix 3.

2. Recommendations

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

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;

approve publication of a formal decision statement detailing the Authority's response to the Examiner's recommendations (Appendix 2);

determine that the referendum boundary will cover the designated Dore Neighbourhood Area only.

How does this contribute to our policies and legal obligations?

3. This is a legal obligation for the Authority and for Sheffield City Council (SCC) under the Town and Country Planning Act 1990 (as modified). SCC's Head of Planning will make

the same determination on 25 June 2021.

4. 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

5. Dore Neighbourhood Area and Forum were designated by both authorities in October 2014 and the Forum designation was renewed on 16 October 2019 in accordance with Regulations. The draft plan and associated documents were submitted to SCC and PDNPA in September 2019 and approved for Regulation 16 consultation and examination. The Regulation 16 consultation took place between 14 September 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 the policies and the supporting text within the plan. The examiner's final report was received on 26 January 2021.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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. Each of the modifications recommended for this plan to meet the basic conditions is set out in Appendix 1.
14. In section 1 of his report ('summary') the examiner concludes that, subject to the policy modifications recommended in the report, he agrees that the plan has been prepared in accordance with statutory requirements and processes outlined within the report. He sets out the detail of legal requirements in section 3 (examiner report paragraphs 24-29).
15. The examiner concludes in section 1 of his report ('summary') that subject to modifications the plan meets the basic conditions and all the necessary legal requirements.
16. In section 9 of the report ('referendum') the examiner recommends that, subject to the modifications proposed in the report, the plan can proceed to referendum (examiner report paragraph 218).
17. The examiner in his report has provided specific modifications to policies and supporting text so that as modified, the plan meets basic conditions. Representatives from Dore Neighbourhood Forum and officers from SCC and PDNPA have considered the proposed modifications and the reasons for them, and agree that the plan should be modified in accordance with the examiner's recommendations. This consideration is also set out in Appendix 1.
18. The strategic environmental assessment screening report (April 2019) and habitats regulations assessment screening report (February 2019) undertaken on a regulation 14 pre submission version of the plan remain valid for the plan as modified in accordance with the examiner's recommendations. See examiner report paragraphs 32 - 46.
19. Subject to the examiner's modifications being made to the plan, the plan meets the basic conditions set out in paragraph 8(2) of Schedule 4b of the Town And Country Planning Act 1990 (as amended), is compatible with Convention rights, and meets the

requirements of paragraph 8(1) of schedule 4b to the Town and Country Planning Act (as amended). It is recommended that the Authority accepts all the examiner's recommended modifications to the draft plan and that the plan as so modified proceeds to referendum.

Decision Statement

20. 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

21. The referendum area must be, as a minimum, the Dore 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.
22. The examiner makes his recommendation on the referendum boundary at paragraph 219 in his report. He considers that the neighbourhood area as designated in 2014 is an appropriate boundary, and that there is no substantive evidence to demonstrate that any extension is needed. He recommends that the plan should proceed to a referendum based on the designated neighbourhood area.
23. For this reason, it is recommended that the boundary for the referendum should be the neighbourhood area boundary as formally designated on 16 October 2014.
24. The [referendum boundary](#) lies wholly within the Sheffield city boundary and within the boundary of the Dore & Totley ward.

Referendum

25. The neighbourhood planning (referendums) Regulations 2012 (as amended) require that the referendum is normally held within 56 days of the date on which the decision that the referendum must be held is made, unless the local authority and neighbourhood forum agree that the referendum does not need to be held by that date.
26. 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

27. 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. The examiner also reached this conclusion, see examiner report paragraph 9.

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 (Dore Neighbourhood Forum) is authorised to act in relation to the neighbourhood area concerned as a result of section 61f of the 1990 Act.

Dore Neighbourhood Forum was formally re-designated as the neighbourhood forum for the Dore Neighbourhood Area for a further five years on 16 October 2019. The examiner is also satisfied that Dore Neighbourhood Forum is the qualifying body for this neighbourhood area, see examiner report paragraph 8.

- whether the proposal by Dore Neighbourhood Forum 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. See also examiner report paragraphs 17-20.

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. The examiner agrees, see examiner report paragraph 27.

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.

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

See section above on the referendum boundary.

28. 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:

29. There are implications for PDNPA staff time in assisting with making the modifications to the plan and publicising the decision statement. Sheffield City 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:

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

Sustainability:

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

Equality:

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

33. Background papers (not previously published)

[Dore Neighbourhood Plan Regulation 15 Draft Submission Version](#)
[Dore Neighbourhood Plan Regulation 15 Draft Submission Version – Policies Map](#)
[Examiner's Report](#)

34. Appendices

Appendix 1 - Schedule of Proposed Modifications

Appendix 2 - Decision Statement

Appendix 3 - Submitted vs Modified Policies applicable to PDNPA

Report Author, Job Title and Publication Date

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15 June 2021

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Appendix 1. Schedule of Modification Recommendations

The table below outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the Town & Country Planning Act 1990 in response to each of the Examiner's recommendations, and the justification for this.

Modification number & type Examiner Report reference	Dore Submitted Plan chapter	Examiner Recommendation Brief summary	SCC Assessment of Examiner Recommendations Includes PDNPA Assessment of Examiner Recommendation in relation to Policies and supporting text for DN1, 2 and 4.	Modification	Reason
1. Explanatory text Examiner Report p.18 Paragraph 74.	1. Introduction	<u>Recommendation:</u> Delete Paragraph 1.6 and replace with <i>"The Neighbourhood Plan has regard to the National Planning Policy Framework 2019 (NPPF) and is in general conformity with the strategic policies of the Peak District National Park Authority and Sheffield City Council. The Neighbourhood Plan seeks to protect the Green Belt, valued natural assets and Local Green Spaces. It promotes the Village Centre as the heart of the community; and seeks to protect important buildings and areas of historic, architectural, and/or archaeological interest. The Neighbourhood Plan also supports sustainable patterns of movement."</i> To correct inaccuracies and remove subjective statements that are	Agree with the deletion and replacement text and recommend minor additional text. Minor addition to text to refer to housing character for consistency with unmodified paragraph 3.2 'The Plan's Aims' Reworded paragraph 1.6 with minor changes (<i>in italics</i>): "The Neighbourhood Plan has regard to the National Planning Policy Framework 2019 (NPPF) and is in general conformity with the strategic policies of the Peak District National Park Authority and Sheffield City Council. The Neighbourhood Plan seeks to protect the Green Belt, valued natural assets and Local Green Spaces. <i>The Plan seeks to</i>	Amend as per Examiner and SCC recommendations	For the reasons set out in the Examiner Report. To meet basic conditions For clarity and consistency

		unnecessary in a NP.	<i>conserve the character of the housing area and to encourage the development of smaller homes.</i> It promotes the Village Centre as the heart of the community; and seeks to protect important buildings and areas of historic, architectural, and/or archaeological interest. The Neighbourhood Plan also supports sustainable patterns of movement.”		
2. Explanatory text Examiner Report p.18 Paragraph 75.	1. Introduction	<u>Recommendation:</u> Delete Paragraph 1.7 Recommended to address out-dated text that relates to the Sheffield Plan.	Agree with the deletion	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
3. Explanatory text Examiner Report p.18 Paragraph 75	1. Introduction	<u>Recommendation:</u> Paragraph1.9, change to “...a local referendum. The Neighbourhood Plan, once made, will form part of the development plan and its Policies will be taken into account when planning applications are determined by the Local Planning Authority.” (delete rest of para) Recommended to address out-dated text.	Agree with the amendment	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity

4. Explanatory text Examiner Report p.19 Paragraph 78	2. Planning Context	<u>Recommendation:</u> Delete Paragraph 2.2 Recommended to remove subjective statements that are unnecessary in a Neighbourhood Plan.	Agree with the deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
5. Explanatory text Examiner Report p.19 Paragraph 78	2. Planning Context	<u>Recommendation:</u> Paragraph 2.3, add full stop after “(paragraph 1)”	Agreed	Amend as per Examiners' recommendation	Typographic al correction
6. Explanatory text Examiner Report p.19 Paragraph 78	2. Planning Context	<u>Recommendation:</u> Paragraph 2.6, change to “... <i>planning documents</i> .” Delete rest of sentence “(particularly...homes.”) Recommended to remove subjective statements that are unnecessary in a Neighbourhood Plan.	Agree with the amendment	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
7. Explanatory text	2. Planning Context	<u>Recommendation:</u> Paragraph 2.7, delete last sentence, which has been overtaken by events	Agree with the deletion	Amend as per Examiners' recommendation	For the reasons set out in the

Examiner Report p.19 Paragraph 78		<p>("The timetable...of date.")</p> <p>To address out-dated text.</p>			<p>Examiner Report.</p> <p>To meet basic conditions</p> <p>For clarity</p>
<p>8. Explanatory text</p> <p>Examiner Report p.19 Paragraph 80</p>	2. Planning Context	<p><u>Recommendation:</u> Delete Paragraph 2.8 and associated heading</p> <p>Recommended to remove statements that are unnecessary in a Neighbourhood Plan.</p>	Agree with the deletion	Amend as per Examiners' recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p> <p>For clarity</p>
<p>9 Explanatory text</p> <p>Examiner Report p.19 Paragraph 80.</p>	2. Planning Context	<p><u>Recommendation:</u> Delete text on page 11</p> <p>Recommended to remove statements that are unnecessary in a Neighbourhood Plan.</p>	<i>Agree with the deletion</i>	Amend as per Examiners' recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p> <p>For clarity</p>
10. Explanatory text	2. Planning Context	<p><u>Recommendation:</u> Delete Paragraph 2.10 and bullet points</p> <p>To remove text that is irrelevant to a</p>	Agree with the deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner

Examiner Report p.19 Paragraph 81		made Neighbourhood Plan.			Report. For clarity
11. Explanatory text Examiner Report p.19 Paragraph 83	2. Planning Context	<u>Recommendation:</u> Paragraph 2.11, delete "...and Proposals..." Recommended to distinguish policies from proposals. The Policies of the made Neighbourhood Plan would carry statutory weight that the Proposals would not.	Agree with the deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
12. Explanatory text Examiner Report p.20 Paragraph 85	2. Planning Context	<u>Recommendation:</u> Delete Paragraph 2.12 and replace with " <i>The Neighbourhood Plan Policies are highlighted in green. The Dore Neighbourhood Plan covers the period 2019 to 2035.</i> " Paragraph repeats information from elsewhere & includes text not relevant to a neighbourhood plan.	Agree with the deletion and replacement text Update plan date to 2021 and title page of plan.	Amend as per Examiners' And SCC recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
13. Explanatory text Examiner Report p.20 Paragraph 87	2. Planning Context	<u>Recommendation:</u> Delete Paragraph 2.13 and replace with " <i>The Proposals set out in Annex A provide local aspirations captured during the plan making process. The Neighbourhood Forum will seek to work with other bodies, including Local Authorities and transport organisations</i> "	Agree with the deletion and replacement text	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic

		<p><i>with the aim of achieving the implementation of these.”</i></p> <p>There is no mechanism for delivery of proposals in the submitted text.</p>			conditions
<p>14. Explanatory text</p> <p>Examiner Report p.20 Paragraph 90</p>	<p>2. Planning Context</p>	<p><u>Recommendation:</u> Delete Paragraph 2.14 and replace with “<i>Annex B sets out the Neighbourhood Forum’s preferences in respect of any locally allocated Community Infrastructure Levy that may arise, albeit the Forum will be flexible as priorities may need to respond to changing circumstances over the plan period.</i>”</p> <p>Submitted Annex B sets out the Neighbourhood Forum’s generally preferred approach in respect of the prioritisation of Community Infrastructure Levy Funds, should they arise. Annexe B is not a policy.</p>	<p>Agree with the deletion and replacement text</p>	<p>Amend as per Examiners’ recommendation</p>	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
<p>15. Explanatory text</p> <p>Examiner Report p.20 Paragraph 90</p>	<p>12. Annexe B:</p>	<p><u>Recommendation:</u> Page 54, delete “Policy” from the heading at the top of the page</p> <p>See Mod.14. Annexe B is not a policy.</p>	<p>Agree with the deletion</p>	<p>Amend as per Examiners’ recommendation</p>	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
<p>16. Explanatory text</p>	<p>3. Vision and Aims for Dore</p>	<p><u>Recommendation:</u> Paragraph 3.1 delete second sentence (“The vision...Sheffield”)</p>	<p>Agree with the deletion</p>	<p>Amend as per Examiners’ recommendation</p>	<p>For the reasons set out in the</p>

Examiner Report p.21 Paragraph 92	Neighbourhood	Submitted text not appropriate for a neighbourhood plan, no substantive evidence for statement.			Examiner Report. To meet basic conditions
17. Explanatory text Examiner Report p.21 Paragraph 92	3. Vision and Aims for Dore Neighbourhood	<u>Recommendation:</u> Delete first bullet point on page 13 The Neighbourhood Plan covers the Neighbourhood Area. It does not and cannot plan for anywhere else.	Agree with the deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
18 Explanatory text Examiner Report p.21 Paragraph 92.	3. Vision and Aims for Dore Neighbourhood	<u>Recommendation:</u> Second bullet point, change to "...Woods and the urban area will be respected." The Neighbourhood Plan covers the Neighbourhood Area. It does not and cannot plan for anywhere else	Agree with the amendment	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
19. Policy Examiner Report p.21 Paragraph 94	Whole plan: How the Policy will be put into practice.	<u>Recommendation:</u> Delete all "How the Policy will be put into practice" sections (all related text) in the Policy green boxes Sections are unnecessary, detract from the clarity of the Policies themselves and place inappropriate obligations on the Local Planning Authorities.	Agree with the deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
20.	4.	<u>Recommendation:</u>	Agree with the title change	Amend as per	For the

Policy Examiner Report p.23-24 Paragraph 103	Peak District Eastern Moorland Fringe	Change title of DN Policy 1 to “Public Rights of Way and Access” For consistency with amended policy text.		Examiners’ recommendation	reasons set out in the Examiner Report. To meet basic conditions
21. Policy Examiner Report p.23-24 Paragraph 103	4. Peak District Eastern Moorland Fringe	<u>Recommendation:</u> Change DN Policy 1 to “The protection and enhancement of public rights of way and access will be supported.” Amended to simplify the policy, and to remove a non-planning matter from the submitted policy text. Submitted policy text runs the risk of effectively predetermining the planning application process.	Agree with proposed rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
22. Policies map Examiner Report p.23-24 Paragraph 103	Policies map	<u>Recommendation:</u> Policies Map, retain annotation “Dore Open Access Land” and blue shading, for info, but delete “(DN Policy 1)” For consistency with amended policy.	Agree with Policy Map amendment	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
23. Explanatory text Examiner Report p.23-24	4. Peak District Eastern Moorland Fringe	<u>Recommendation:</u> Change title above Paragraph 4.2 to “Public Rights of Way and Access” For consistency with amended policy.	Agree with title change	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet

Paragraph 103					basic conditions
24. Explanatory text Examiner Report p.23-24 Paragraph 103	4. Peak District Eastern Moorland Fringe	<u>Recommendation:</u> Paragraph 4.2, delete all text after second sentence (“Some activities...be shot.”) For consistency with amended policy.	Agree with the deletion	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
25. Explanatory text Examiner Report p.23-24 Paragraph 103	4. Peak District Eastern Moorland Fringe	<u>Recommendation:</u> Paragraph 4.4 delete everything after first sentence and add “... <i>development. The Neighbourhood Plan strongly supports improvements that result in the enhancement of public rights of way and access and Policy 1 aligns with Peak District Development Management Policy DMT5 (Development affecting a public right of way).</i> ” For policy consistency with PDNPA policy DMT5 and NPPF.	Agree with the deletion and replacement text	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
26. Policy Examiner Report p.27 Paragraph 116	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Change DN Policy 2 to “Development must respect the setting of the Peak District National Park” No boundary is defined for the submitted policy application, submitted policy is vague and ambiguous.	Agree with the proposed rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic

		Amendment to simplify policy, to confine policy to the neighbourhood area.			conditions For clarity
27. Explanatory text Examiner Report p.27 Paragraph 116	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Change the title of Chapter 5 to “Green Infrastructure” For consistency with policy amendments.	Agree with title change	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
28. Explanatory text Examiner Report p.27 Paragraph 116	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Delete all supporting text in Chapter 5 which appears before DN Policy 2. For clarity, this comprises Paras 5.1 to 5.10 inclusive and includes all text in grey boxes To remove unnecessary text relating to Green Belt and emerging reviews.	Agree with deletions	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
29. Explanatory text Examiner Report p.27 Paragraph 116	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Add new Paragraph 5.1 “Part of the Neighbourhood Area forms part of the setting to the Peak District National Park and it is important to ensure that development does not detract from this.” To ensure the Neighbourhood Plan relates to the Neighbourhood Area only. For consistency with policy amendments.	Agree with replacement text and relocate unmodified paragraph 5.15 in the submitted plan to become paragraph 5.2 to be consistent with modified policy DN2	Amend as per Examiner and SCC recommendations	For the reasons set out in the Examiner Report. To meet basic conditions For clarity and consistency

30. Policy Examiner Report p.29 Paragraph 126	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Change title to “DN Policy 3: Green Infrastructure” For consistency with amended policy wording.	Agree with title change	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
31. Policy Examiner Report p.29 Paragraph 126	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Change DN Policy 3 to “ <i>Improvements to Dore’s green infrastructure, including its network of ecosystems, its biodiversity, its historic landscape features and its provision of accessible green space, will be supported.</i> ” Submitted policy does not meet basic conditions. Not supported by evidence. Amend wording for consistency with NPPF and national tests.	Agree with reworded policy	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
32. Explanatory text Examiner Report p.29 Paragraph 126	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Delete title at the top of page 20 and replace with “Green Infrastructure.” For consistency with amended policy wording.	Agree with title change	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
33. Explanatory text	5. Sheffield Green Belt Landscape and Green	<u>Recommendation:</u> Delete paragraphs 5.11 to 5.13 inclusive	Agree with deletions	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner

Examiner Report p.29 Paragraph 126	Infrastructure	To remove wording unnecessary for a neighbourhood plan.			Report. To meet basic conditions For clarity
34. Policies map Examiner Report p.29 Paragraph 126	Policies Map	<u>Recommendation:</u> Policies Map. Replace “Green Infrastructure Strategy (DN Policy 3)” with “Green Belt” and retain green shading for info. For consistency with amended policy wording.	Agree with Map amendment	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
35. Policy Examiner Report p.31 Paragraph 136	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Change DN Policy 4 to “ <i>The infilling of a single plot, subject to development maintaining the open character of the Green Belt; respecting its surroundings, including the setting of the Peak District National Park; and maintaining the building line set by neighbouring dwellings, will be supported along Long Line in the following locations: Properties Numbered 1-19, 57-63 and 139-175 Long Line.</i> ” To remove ambiguity & aspects of submitted policy that potentially run the risk of pre-determining planning applications.	Agree with policy rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions

36. Policies map Report p.31 Paragraph 136	Policies map	<u>Recommendation:</u> Delete the Long Line annotation from the Key and Policies Map For consistency with policy amended wording. Not necessary for this to be shown on a policies map.	Agree with policy map amendment	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
37. Explanatory text Examiner Report p.31 Paragraph 136	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Delete Paragraphs 5.16 and 5.17 Submitted text is confusing and unnecessary. Amended for consistency with amended policy wording.	Agree with the deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
38. Explanatory text Examiner Report p.31 Paragraph 136	5. Sheffield Green Belt Landscape and Green Infrastructure	<u>Recommendation:</u> Delete all text after the first sentence of Paragraph 5.18 and replace with " <i>DN Policy 4 supports appropriate residential development along Long Line subject to it being demonstrated that it will respect its surroundings. As a general rule, the Policy restricts infilling to a single plot in order to protect the openness of the Green Belt.</i> " For consistency with amended policy wording	Agree with deletion and replacement text except for inclusion of the words 'As a general rule' The wording as recommended risks the possibility of applicants arguing for more than a single plot. A simplified more precise wording is recommended for Development Management purposes. Amend wording as examiner recommendation except for the words 'As a general rule'. " <i>DN Policy 4 supports appropriate</i>	Amend as per Examiners' and SCC recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity

			<i>residential development along Long Line subject to it being demonstrated that it will respect its surroundings. The Policy restricts infilling to a single plot in order to protect the openness of the Green Belt."</i>		
39. Policy Examiner Report p.34 Paragraph 150	6. Housing Area Character	<p><u>Recommendation:</u> Change DN Policy 5 to "<i>All development in Dore Neighbourhood Area will be expected to be of a high quality and make a positive contribution to place-making. New residential development in the Dore Housing Area will be supported where it respects local character, residential amenity, and highway safety. Development should have regard to local characteristics, including building lines, plot ratios, materials and boundary features; and should protect mature trees and hedges.</i>"</p> <p>Submitted policy "permits" residential development that meets its criteria but does not refer to the conservation and/or enhancement of heritage assets. Submitted policy fails to have regard to heritage policy. Some of the criteria appears vague. The Policy phrasing appears ambiguous, subjective, and open to interpretation. It is not clear and precise, and it does not have regard to national policy. It also effectively promotes the building of houses on gardens. This conflicts directly with the</p>	Agree with policy rewording	Amend as per Examiners' recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>

		supporting text referring to the protection of gardens from development. Amendment recommended to remove aspects that potentially run the risk of pre-determining planning applications, and to simplify policy.			
40. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraphs 6.1 to 6.4 inclusive To remove background information on the emerging local plan that it is not relevant to the policy.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
41. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.5, delete last two sentences ("The development of...dwellings.") For consistency with amended policy wording.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
42. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraphs 6.6 to 6.10 inclusive To remove background information on the Sheffield local plan that it not required.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions

43. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.11 delete last sentence ("The Forum...character.") For consistency with amended policy wording.	Agree with deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
44.45. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraphs 6.12 and 6.13 inclusive Recommended to remove unnecessary and confusing background information.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
46. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.14, change last sentence to "... <i>new development respects this common building line.</i> " (delete rest of sentence) For consistency with amended policy wording.	Agree with replacement text and deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
47. Explanatory text SCC modification	6. Housing Area Character		Add wording to define the status of the 'Housing Areas Character Appraisal' referred to in paragraphs 6.15 and 6.16 Insert new wording as follows at paragraph 6.14 after the first	SCC recommendation	For clarity

			<p>sentence ending ... character of the housing area.</p> <p><i>“The ‘Housing Areas Character Appraisal’ is not adopted planning policy and it is not a formal part of this neighbourhood plan, but it is intended to complement the Neighbourhood Plan by providing some detail to support the plan aim to safeguard the character of Dore Housing Area and the policies in this chapter of the plan. It provides background commentary describing the various housing character areas within the Neighbourhood Plan area and provides informal evidence in support of the relevant Neighbourhood Plan policies. It is available via the Dore Neighbourhood Forum website”.</i></p> <p>Retained paragraphs 6.14 and 6.15 contain a reference to a housing areas character appraisal that is not part of the plan. To avoid confusion for the reader text is needed to clarify the status and purpose of this document.</p>		
47. Explanatory text Examiner	6. Housing Area Character	<p><u>Recommendation:</u> Paragraph 6.15, change first sentence to “...<i>character should be conserved.</i>”</p> <p>For consistency with amended policy</p>	Agree with replacement text	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report.

Report p.34 Paragraph 150		wording.			To meet basic conditions
48. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraphs 6.16 to 6.18 inclusive Recommended to remove unnecessary and confusing background information that is not required for the policy.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
49. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.19, change to first line to " <i>...residential gardens may be inappropriate... access of an existing dwelling may be inappropriate as it could disrupt the urban grain and lead to the imposition...properties</i> " For consistency with amended policy wording.	Agree with replacement text	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
50. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.20, change second line to " <i>...new highway may safeguard...between existing dwellings or the subdivision of existing dwellings.</i> " (delete ", the subdivision ...highway.") For consistency with amended policy wording.	Agree with replacement text	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions

51. Explanatory text Examiner Report p.34 Paragraph 150	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraphs 6.21 and 6.22 inclusive Recommended to remove text that is not required for the policy.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
52. Policy Examiner Report p.35-36 Paragraph 157	6. Housing Area Character	<u>Recommendation:</u> Change DN Policy 6 to " <i>In the Dore Housing Area, the development of smaller homes, with no more than two bedrooms, will be supported.</i> " Submitted policy is confusing and in parts, at odds with other parts of the Plan. Where it seeks to prevent the inappropriate development of gardens. However, submitted policy seeks to permit the development of small houses on the highway frontage of residential gardens. There is little substantive evidence to demonstrate that it would be deliverable for development to come forward in a manner that meets the criteria set out in submitted policy or to suggest that the Policy would meet the aim of providing for more smaller housing in Dore. Amended to simplify and clarify the policy intent.	Agree with policy rewording	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
53. Explanatory text	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.23 delete first sentence and change second sentence to " <i>The 2011 Census indicates that in the South</i>	Agree with deletion and replacement text	Amend as per Examiners' recommendation	For the reasons set out in the Examiner

Examiner Report p.35-36 Paragraph 157		<i>West of Sheffield, an area including Dore, the population is considerably older...4 bedrooms or more. (Delete next sentence) In Dore and Totley Ward...</i> For consistency with policy amended wording To remove unnecessary text.			Report. To meet basic conditions
54. Explanatory text Examiner Report p.35-36 Paragraph 157	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraph 6.24 To remove unnecessary text.	Agree with deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
55. Explanatory text Examiner Report p.35-36 Paragraph 157	6. Housing Area Character	<u>Recommendation:</u> Paragraph 6.26, change to " <i>Whilst the Neighbourhood Plan does not allocate any land for development, the Forum supports the development of smaller homes to help address the demand...family occupancy.</i> " Delete rest of para. For consistency with amended policy wording	Agree with replacement text and deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
56. Explanatory text Examiner	6. Housing Area Character	<u>Recommendation:</u> Delete Paragraph 6.27 To remove unnecessary text.	Agree with deletion B/C - have regard to national policies & advice (NPPF para 16d 'policy must be clearly written and	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report.

Report p.35-36 Paragraph 157			unambiguous')		To meet basic conditions
57. Explanatory text SCC modification	7. Open Spaces		Recommend chapter title amendment Change title of chapter 7 to 'Local Green Space' Recommended by DNF for clarity and consistency with modified DN Policy 7	Amend as per SCC recommendation	For clarity and consistency
58. Policy Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Change DN Policy 7 to " <i>The following areas, as identified on the Local Green Space plan(s) on page(s) XX and XX, 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: 1) Beauchief...</i> " To ensure spaces are clearly defined, for consistency with national policy.	Agree with policy rewording	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
59. Inset map Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Provide a new plan (or plans) clearly identifying the precise boundaries of each area of Local Green Space (and add page number(s) to the Policy wording For consistency with amended policy wording.	Agree with new plan(s) but omit the reference to a page number DNF to produce a single map to show the boundaries of the Local Green spaces, this to be inserted into the plan at chapter 7 with a corresponding reference within DN policy 7 Including a page number within	Amend as per Examiner and SCC recommendations	For the reasons set out in the Examiner Report. To meet basic conditions

			the policy is not needed and could prove a hindrance if page numbers change in future versions of the plan.		To futureproof the plan
60. Policy Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Change references in Paragraphs 7.1, 7.5 and the title of DN Policy 7 from “Spaces” to “Space” For consistency with amended policy wording.	Agree with amendment	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
61. Explanatory text Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Paragraph 7.3, delete “and enhanced” from the end of the sentence For consistency with policy amended wording.	Agree with deletion	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
62. Explanatory text SCC modification	7. Open Spaces	<u>Recommendation:</u> Grey box – Item 2. Dore Recreation Ground Delete ‘and enhancement’ from last sentence. For consistency with amended policy wording.	Minor additional deletion for clarity and consistency with Mod 60.	Amend as per SCC recommendation	For consistency and clarity

63. Explanatory text Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Paragraph 7.4 change third bullet point to "...as identified on the Local Green Space plans." For consistency with amended policy wording.	Agree with replacement text	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
64. Explanatory text Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Paragraph 7.4, delete paragraph of text after bullet points (which does not relate to Local Green Space policy) For consistency with amended policy wording.	Agree with deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
65. Explanatory text Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Page 34, delete "The community as a whole...additional open space." To delete unnecessary wording.	Agree with deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
66. Explanatory text Examiner Report p.38-39	7. Open Spaces	<u>Recommendation:</u> Page 34, last sentence, delete "which should be improved for wildlife and recreation purposes" For consistency with amended policy wording.	Agree with deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet

Paragraph 166					basic conditions
67. Explanatory text Examiner Report p.38-39 Paragraph 166	7. Open Spaces	<u>Recommendation:</u> Delete Paragraph 7.5 For consistency with policy amended wording	Agree with deletion	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
68. Policy Examiner Report p.41-42 Paragraph 177	8. Dore Village Centre	<u>Recommendation:</u> Change DN Policy 8 to " <i>Retail development in Dore Village Centre's retail and business core will be supported. The loss of the retail use of the Dore Co-Op will not be supported unless it can be demonstrated, following 12 months active marketing, that the unit is unviable for retail use.</i> " No evidence to demonstrate submitted policy is deliverable. Amendment to simplify the policy, to be consistent with changes to the GDPO, to recognise the important role of the Co-Op store.	Agree with policy rewording with a minor change from the original examiner recommendation. This is in line with clarification given by the examiner on 5/3/21. Also recommend the addition of 'store on Devonshire Terrace Road' after the words 'Dore Co-Op' 1) The Co-Op is classified under new Class E 'commercial, business and service' (introduced 1/9/20) which covers uses previously defined in revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport from D2(e). Permission is not needed to change between any of the uses within the new 'Class E'. The policy would seek to retain this Class E use and its potential to be used for retail. The need to demonstrate that retail is	Amend as per Examiner and SCC recommendations	For the reasons set out in the Examiner Report. To meet basic conditions For clarity

			<p>unviable is supported by NPPF Paragraph 92.</p> <p>2) The additional words 'store on Devonshire Terrace Road' are recommended for clarity and to avoid the risk of any future ambiguity if, for example, the name of the shop should change.</p> <p>Reworded Policy DN8 with minor changes: <i>"Retail development in Dore Village Centre's retail and business core will be supported. Development that would change the planning use class of the Dore Co-op store on Devonshire Terrace Road will not be supported unless it can be demonstrated, following 12 months active marketing, that the unit is unviable for retail use."</i></p>		
69. Explanatory text Examiner Report p.41-42 Paragraph 177	8. Dore Village Centre	<p><u>Recommendation:</u> Delete the definitions underneath the Policy</p> <p>For consistency with amended policy wording.</p>	Agree with deletion	Amend as per Examiners' recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
70. Explanatory	8. Dore Village	<p><u>Recommendation:</u> Paragraph 8.1, change first line to</p>	Agree	Amend as per Examiners'	For the reasons set

text Examiner Report p.41-42 Paragraph 177	Centre	“...crossroads and is the heart...” For consistency with amended policy wording.		recommendation	out in the Examiner Report. To meet basic conditions
71. Explanatory text Examiner Report p.41-42 Paragraph 177	8. Dore Village Centre	<u>Recommendation:</u> Paragraph 8.4, delete last sentence and replace with “ <i>DN Policy 8 provides support for retail development in Dore and is aimed at retaining highly valued retail facilities in the village.</i> ” For consistency with amended policy wording.	Agree with deletion and replacement text	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
72. Explanatory text Examiner Report p.41-42 Paragraph 177	8. Dore Village Centre	<u>Recommendation:</u> Delete Paragraph 8.5 and replace with “ <i>The Dore Co-op is at the heart of the village. The Neighbourhood Plan supports its retention as a valued asset and seeks to prevent its loss to the community.</i> ” For consistency with amended policy wording.	Agree with deletion and replacement text	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
73. Policy Examiner Report p.43 Paragraph 182	8. Dore Village Centre	<u>Recommendation:</u> Change DN Policy 9 to “ <i>The loss of a community facility that meets Dore’s well-being, social, recreational, cultural or sporting needs or interests, will not be supported unless it can be demonstrated that, following 12 months of active marketing, continued use as a</i> ”	Agree with policy rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic

		<p><i>community facility is unviable; or that the facility will be replaced with equivalent alternative facilities within easy walking distance."</i></p> <p>Submitted policy is worded in a way that cannot be controlled. No evidence to support the proposed approach meets national tests, or to show submitted policy is deliverable. The supporting text refers to encouraging opportunities for new community facilities but submitted policy does not seek to do this. Amended to simplify and set policy criteria.</p>			conditions
<p>74. Explanatory text</p> <p>Examiner Report p.43 Paragraph 182</p>	<p>8. Dore Village Centre</p>	<p><u>Recommendation:</u> Delete the definitions underneath the Policy</p> <p>For consistency with amended policy wording.</p>	<p>Agree with deletion</p>	<p>Amend as per Examiners' recommendation</p>	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
<p>75. Explanatory text</p> <p>Examiner Report p.43 Paragraph 182</p>	<p>8. Dore Village Centre</p>	<p><u>Recommendation:</u> Paragraph 8.6, change second sentence to "These community facilities provide for the community's day-to-day..."</p> <p>For consistency with amended policy wording.</p>	<p>Agree with replacement text</p>	<p>Amend as per Examiners' recommendation</p>	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>

76. Explanatory text Examiner Report p.43 Paragraph 182	8. Dore Village Centre	<u>Recommendation:</u> Paragraph 8.7, delete second sentence and replace with “DN Policy 9 prevents the unnecessary loss of community facilities.” For consistency with amended policy wording	Agree with deletion and replacement text	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
77. Policy Examiner Report p.44 Paragraph 186	8. Dore Village Centre	<u>Recommendation:</u> Change DN Policy 10 to “The improvement of Dore Village Centre’s public realm in a manner that conserves and/or enhances Dore Conservation Area will be supported.” Many improvements to the public realm do not require planning permission, As set out, the Policy would support any development, anywhere, so long as it resulted to improvements to Dore Village Centre’s public realm. This could result in unintended support for inappropriate development. Amendments recommended to improve this positive policy.	Agree with policy rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
78. Explanatory text Examiner Report p.45 Paragraph 190	9. Conservation & Archaeology	<u>Recommendation:</u> Delete Paragraphs 9.2 and 9.3 Recommended to remove unnecessary text. The text also refers to the creation of a local list, which the Neighbourhood Plan does not include.	Agree with deletion	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions

					For clarity
79. Policy Examiner Report p.46-47 Paragraph 195	9. Conservation & Archaeology	<u>Recommendation:</u> DN Policy 12, change title to “DN Policy 12: Dore Conservation Area.” For consistency with policy amended wording	Agree with title change	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
80. Policy Examiner Report p.46-47 Paragraph 195	9. Conservation & Archaeology	<u>Recommendation:</u> Change DN Policy 12 to “ <i>Development should conserve and/or enhance the significance of Dore Conservation Area and its setting.</i> ” The Policy relating to the Dore Conservation Area only seeks to deal with two instances. In requiring development to conserve heritage assets, national policy does not simply prevent forms of development, but provides for the balanced consideration of harm against benefits. DN Policy 12 fails to do this and does not have regard to national policy.	Agree with policy rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
81. Explanatory text Examiner Report p.46-47	9. Conservation & Archaeology	<u>Recommendation:</u> Delete Paragraph 9.9 and replace with “ <i>The CAMP notes that front gardens, as well as boundary walls, gate piers, fences and gates, all make a positive contribution to the character and appearance of the Conservation Area.</i> ”	Agree with deletion and replacement text	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet

Paragraph 195		<p><i>These features are very special to Dore Conservation Area where planning permission is a requirement for the demolition of a building of more than 115 cubic metres; or for the demolition of a gate, fence wall or railing more than one metre high next to the highway (including a public right of way) or public open space; or more than two metres high elsewhere."</i></p> <p>Supporting text includes phrases including "will not be permitted" and "would be consulted." text appears then as though it comprises planning policy. It is not policy and could be inferred as suggesting that the Policy that follows provides for the controls set out, which it does not.</p>			basic conditions
82. Policy Examiner Report p.49 Paragraph 201	9. Conservation & Archaeology	<p><u>Recommendation:</u> Delete DN Policy 14.</p> <p>DN Policy 14 follows supporting text which refers to the creation of a list of non-designated heritage assets. This list has not been created/does not appear in the Neighbourhood Plan.</p>	Agree with deletion	Amend as per Examiners' recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
83. Explanatory text Examiner Report p.49 Paragraph 201	9. Conservation & Archaeology	<p><u>Recommendation:</u> Delete Paragraphs 9.13 to 9.16, inclusive</p> <p>To be consistent with deleted policy</p>	Agree with deletions	Amend as per Examiners' recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic</p>

					conditions
84. Appendix text Examiner Report p.49 Paragraph 201	11. Annexe A	<u>Recommendation:</u> Create a new "DN Proposal: Local List" in Appendix A based on the deleted information from Paragraphs 9.13 to 9.16 The addition of a new neighbourhood aspiration to Annexe A 'Neighbourhood Aspirations'	Agree	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
85. Policy Examiner Report p.50 Paragraph 206	10. Sustainable Transport	<u>Recommendation:</u> Change DN Policy 15 to " <i>The loss of Dore and Totley Station park and- ride facilities will not be supported.</i> " No evidence to show submitted policy can be delivered. The first part of submitted DN Policy 15 does not contribute to the achievement of sustainable development the second part covers matters dealt with in more detail by other development plan policies.	Agree with replacement text	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
86. Explanatory text Examiner Report p.50 Paragraph 206	10. Sustainable Transport	<u>Recommendation:</u> Delete Paragraphs 10.3 to 10.5, inclusive Partly reads as policy which it is not. For consistency with amended policy wording.	Agree with deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
87.	10.	<u>Recommendation:</u>	Agree with the deletion	Amend as per	For the

Policy Examiner Report p.51 Paragraph 212	Sustainable Transport	Delete DN Policy 16 Submitted policy places an obligation on all development to promote the proportion of journeys that could be made by sustainable modes of transport. No evidence to demonstrate that the submitted policy is deliverable or that it has regard to the test for planning obligations set out in the NPPF. No indication of how the 'promotion of measures is determined or measured.	B/C - have regard to national policies & advice (NPPF para 16d 'policy must be clearly written and unambiguous')	Examiners' recommendation	reasons set out in the Examiner Report. To meet basic conditions
88. Explanatory text Examiner Report p.51 Paragraph 212	10. Sustainable Transport	<u>Recommendation:</u> Delete Paragraphs 10.6 to 10.7, inclusive For consistency with deleted policy	Agree with the deletions	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
89. Appendix text Examiner Report p.52 Paragraph 213	11. Annexe A	<u>Recommendation:</u> re-title each "DN Proposal" as "Neighbourhood Aspiration 1" etc So that there is no confusion with plan policy.	Agree with the re-titles	Amend as per Examiners' recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
90. Appendix text	11. Annexe A	<u>Recommendation:</u> Delete Paragraph 11.1 and replace with " <i>This Annex sets out local community</i> "	Agree with deletion and replacement text	Amend as per Examiners' recommendation	For the reasons set out in the

Examiner Report p.52 Paragraph 214		<p><i>aspirations, identified during the plan-making process. These aspirations do not comprise land use planning policies, but they identify issues that the local community may seek to address.”</i></p> <p>Submitted Annex A appears to impose requirements on the Local Planning Authority.</p>	Required to remove obligations on the Council that are unnecessary in a Neighbourhood Plan		<p>Examiner Report.</p> <p>To meet basic conditions</p>
91. Appendix text Examiner Report p.52 Paragraph 214	11. Annexe A	<p><u>Recommendation:</u> Delete title “Green Belt Enhancement” and delete paragraph 11.2</p> <p>Submitted Annex A appears to impose requirements on the Local Planning Authority.</p>	<p>Agree with deletions</p> <p>Required to remove obligations on the Council that are unnecessary in a Neighbourhood Plan</p>	Amend as per Examiners’ recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
92. General Examiner Report p.52 Paragraph 215	Glossary	<p><u>Recommendation:</u> Change reference to “conserved and/or enhanced”</p> <p>To reflect national policy</p>	Agree with the amended text	Amend as per Examiners’ recommendation	<p>For the reasons set out in the Examiner Report.</p> <p>To meet basic conditions</p>
93. General Examiner Report p.52 Paragraph 217	Whole Plan	<p><u>Recommendation:</u> Update the Contents and Policy, paragraph, and page numbering; and the Policies Map, to take into account the recommendations contained in this Report</p>	<p>Agree with all the updates</p> <p>Policies map - Mod. 22 – the blue-shaded area will remain described in the Key as ‘Dore Open Access Land’, reference to DN Policy 1 will be deleted.</p>	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report.

			<p>Mod. 34 – The green-shaded area will be described in the Key as 'Green Belt'.</p> <p>Mod. 36 – The hatched boxes on the map and described in the Key as 'Long Line Substantially Developed Road Frontage' will be deleted.</p> <p>DNF to update and revise their plan throughout in line with the recommendations in the decision statement report to produce a 'referendum version' of their plan.</p>		For clarity
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Appendix 2.

Dore Neighbourhood Plan 2021-2035

DECISION STATEMENT

IN ACCORDANCE WITH REGULATION 18 OF THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (AS AMENDED)

Date: 25th June 2021

Summary

Following the Examination of the Dore Neighbourhood Plan and the receipt of the Examiner's Report, Peak District National Park Authority ('The Authority') accepts the modifications to the Plan as recommended by the Examiner. The Plan, as modified in accordance with the attached table, will then proceed to referendum.

The Authority and Sheffield City Council ('SCC') decided that the area for the referendum boundary should be the Neighbourhood Area as designated on 16 October 2014 under paragraph 61f of the Town & Country Planning Act 1990.

The Examiner's Report, Sheffield City Council Decision Statement, and other background documents can be viewed on Sheffield City Council's website at:

<https://www.sheffield.gov.uk/home/planning-development/neighbourhood-planning>

To meet the requirements of the Localism Act 2011 a referendum will be held in the area formally designated as the Dore Neighbourhood Area. The referendum will pose the question *"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?"*

If approved at referendum, Dore Neighbourhood Plan will form part of the statutory development plan and will be used by the Authority, alongside the Core Strategy and Development Management Policies, for determining applications for development within that part of Dore Neighbourhood Area that is within the National Park.

Background

The Dore Neighbourhood Development Plan ('the Plan') relates to the area designated by Sheffield City Council (on 16 October 2014) and the Peak District National Park Authority (on 13 October 2014) as a neighbourhood area.

The Pre-Submission Dore Neighbourhood Plan underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') between 12 April and 29 May 2018. Dore Neighbourhood Forum submitted a draft plan to the Authority and SCC on 20 September 2019. The submitted Plan was publicised under

Regulation 16, and representations were invited between 14 September 2020 to 26 October 2020.

Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed with the consent of the Authority and Dore Neighbourhood Forum to undertake the examination of the Plan, and to prepare a report of the independent examination. The examination was conducted through written representations.

The Examiner's report was received on the 28 January 2021. It concludes that the Dore Neighbourhood Plan, subject to several recommended modifications, meets the basic conditions set out in the legislation and can proceed to referendum.

Decision

The Regulations require that the **Local Planning Authorities** publishes how **they intend** to respond to the Examiner's recommendations.

SCC and the Authority have considered each of the recommendations made in the Examiner's Report, and the reasons for them and have decided to make the modifications to the draft plan set out in Table 1 of this Decision Statement. These changes are necessary to ensure that the draft plan meets the basic conditions and legal requirements.

The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in Table 1 are considered to necessitate revisiting any of these assessments.

SCC and the Authority agree:

- 1) a formal decision statement is published detailing the Council's response to the Examiner's recommendations within his report
- 2) following the inclusion of the Examiner's recommended modifications into the Plan (as set out in the table), it is approved that the Plan meets the Basic conditions such that it can proceed to a referendum;
- 3) the referendum boundary is approved and will cover the designated Dore Neighbourhood Area only; and
- 4) SCC's Electoral Services Manager be instructed to conduct a referendum on the Plan.

Appendix 3: Dore Neighbourhood Plan Policies applicable in or that may impact upon that part of Dore Neighbourhood Area that is within the National Park.

Policy	As submitted	As re-written by Examiner	SCC & PDNPA assessment	Modification	reason
DN1	Development will not be permitted on Open Access Land that prevents or restricts the rights of walkers	“The protection and enhancement of public rights of way and access will be supported.”	Agree with proposed re-wording	Amend as per examiner’s recommendation	For the reasons set out in the Examiner Report. To meet basic conditions
DN2	Any proposed development of land, which lies between the Peak District National Park and Dore Village and the ancient woodlands of Ecclesall Woods and has landscape characteristics which flow within landscape character types appearing on both sides of the National Park boundary and forms the natural setting of the National Park, must conserve and enhance the valued landscape character as identified in the Peak District National Park Landscape Character Assessment and as protected within the Park’s Landscape Strategy and Action Plan.	“Development must respect the setting of the Peak District National Park”	Agree with the proposed rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions For clarity
DN4	In order to protect the landscape character of the countryside around Long Line new single dwellings will be permitted as infill on Long Line in only the following locations: Properties Numbered 1-19, 57-63 and 139-175 Long Line.	“The infilling of a single plot, subject to development maintaining the open character of the Green Belt; respecting its surroundings, including the setting of the Peak District	Agree with proposed policy rewording	Amend as per Examiners’ recommendation	For the reasons set out in the Examiner Report. To meet basic conditions

	<p>New development should:</p> <ul style="list-style-type: none">i) maintain the main dwellings' building line; andii) respect and enhance the valued characteristics of the local landscape character; andiii) protect the setting of the Peak District National Park.	<p>National Park; and maintaining the building line set by neighbouring dwellings, will be supported along Long Line in the following locations: Properties Numbered 1-19, 57-63 and 139-175 Long Line."</p>			
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