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



Our Values: Care – Enjoy – Pioneer

Our Ref: A.1142/3077

Date: 5 May 2022



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 13 May 2022**

Time: **10.00 am**

Venue: **Aldern House, Baslow Road, Bakewell, DE45 1AE**

ANDREA McCASKIE
INTERIM CHIEF EXECUTIVE

Link to meeting papers:

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

AGENDA

1. **Roll call of Members Present, Apologies for Absence and Members' Declarations of Interest**
2. **Minutes of previous meeting of 8th April 2022** *(Pages 5 - 18)*
3. **Urgent Business**
4. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Conservation of Habitats and Species Regulations 2017 - Essential safety works to reservoir dam including removing the auxiliary spillway, replacement of the primary spillway and works to existing wave wall, legally required as measures in the interest of safety under the reservoirs act at Swellands Reservoir off the A62 Huddersfield Road, Diggle, Saddleworth (NP/K/0322/0346, JK)** *(Pages 19 - 28)*
Site Plan
6. **Full Application - Essential safety works to reservoir dam including removing the auxiliary spillway, replacement of the primary spillway and works to existing wave wall, legally required as measures in the interest of safety under the reservoirs act at Swellands Reservoir off the A62 Huddersfield Road, Diggle, Saddleworth (NP/K/0322/0346, JK)** *(Pages 29 - 48)*
Site Plan
7. **Full Application - Erection of a pair of semi detached affordable local needs dwellings at land off Recreation Road, Tideswell (NP/DDD/0222/0190, AM) - ITEM DEFERRED** *(Pages 49 - 62)*
Site Plan
8. **Full Application - Installation of solar panels with 4 no 44 panel arrays at land behind Tagg Lane Grange, Tagg Lane, Monyash (NP/DDD/0122/0035, SC)** *(Pages 63 - 72)*
Site Plan
9. **Full Application - Change of use of land and erection of building for Class E purposes (previously within Class B1), at the Old Scrap Yard unnamed section of A515 from Main Road to Back Lane, Biggin (NP/DDD/1221/1378, ALN)** *(Pages 73 - 86)*
Site Plan

10. **Full Application - To re-point rather than re-render the east and north walls of the chapel. To build a wheelchair accessible pathway (1200mm wide) from the end of the existing paved path in front of the chapel to the proposed accessible toilet facilities in the rear offshot. To build a low retaining wall behind the chapel alongside the new path to protect the back wall foundation (which is at a higher level). Fitting a stove, the flue pipe of which would project through the church gable (west) then up through the rear slope of the schoolroom (and therefore not visible from the front). The creation of an easily accessible, communal rear garden. Creation of a small car parking area at the front left of the building. This would involve moving and widening the existing gate posts at Edale Methodist Church, Barber Booth, Edale (NP/HPK/0521/0508, WE) (Pages 87 - 100)**
Site Plan
11. **Full Application - S.73 Planning Application for variation of Condition 2 on NP/DDD/0419/0399 at Orchard Farm, Monsdale Lane, Parwich (NP/DDD/1021/1143, SC) (Pages 101 - 110)**
Site Plan
12. **Head of Law Report - Planning Appeals (Pages 111 - 112)**

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

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk Please note that there is no refreshment provision for members of the public before the meeting or during meeting breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To: Members of Planning Committee:

Chair: Mr R Helliwell
Vice Chair: Mr K Smith

Cllr W Armitage
Cllr D Chapman
Cllr A Hart
Cllr A McCloy
Cllr V Priestley
Cllr K Richardson
Cllr J Wharmby

Cllr P Brady
Ms A Harling
Cllr I Huddleston
Cllr Mrs K Potter
Cllr D Murphy
Cllr S. Saeed

Other invited Members: (May speak but not vote)

Mr Z Hamid

Prof J Haddock-Fraser

Constituent Authorities
Secretary of State for the Environment
Natural England

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



MINUTES

Meeting: **Planning Committee**

Date: Friday 8 April 2022 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell, DE45 1AE

Chair: Mr R Helliwell

Present: Mr K Smith, Cllr W Armitage, Cllr P Brady, Cllr D Chapman,
Ms A Harling, Cllr A McCloy, Cllr Mrs K Potter, Cllr V Priestley,
Cllr K Richardson and Cllr J Wharmby

Apologies for absence: Cllr A Hart, Cllr I Huddleston, Cllr D Murphy and Cllr S. Saeed.

30/22 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS' DECLARATIONS OF INTEREST

Item 9

Mr Helliwell declared a personal and prejudicial interest, so would leave the room for this item when discussed.

Item 11

Cllr Priestley declared a personal interest in this item, as she knew one of the speakers, but had not discussed the application with them.

Cllr Chapman declared that the applicant was a friend of his, and he knew the speaker, so would leave the room for this item when discussed.

Item 12

All Members had received a letter from Sheldon Parish Council

The Chair on behalf of all Members welcomed Cllr Priestley to her first Planning Committee Meeting.

31/22 MINUTES OF PREVIOUS MEETING OF 11 MARCH 2022

The minutes of the last meeting of the Planning Committee held on 11 March 2022 were approved as a correct record.

Minute 26/22 – Swellands Track

The Head of Planning informed Members that the Secretary of State had been notified of the decision to approve the application, and that the Authority was waiting for a final response before issuing the Decision Notice.

32/22 URGENT BUSINESS

There was no urgent business.

33/22 PUBLIC PARTICIPATION

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

34/22 CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 - CREATION OF STEPS AND IMPROVEMENT OF SURFACING TO A VERY HEAVILY USED RIGHT OF WAY. INSTALLATION OF NEW ACCESS FURNITURE AT THORS CAVE, WETTON (NP/SM/1121/1255, ALN)

Item 5 was dealt with at the same time as Item 6 but the votes were taken separately. Please see full minute in detail in minute 35/22 below.

The Head of Planning informed Members of an amendment to the report at paragraph 24 which should have read "Species Regulations 2017" not "Species Regulations 2019"

A motion to approve the recommendation, was moved and seconded, and a vote was taken and carried.

RESOLVED:

I. That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) in relation to the current planning application at Thor's Cave.

II. It is determined that the development is necessary for the conservation management of the Special Area of Conservation and would not result in significant impacts to the SAC, so an appropriate assessment is not required. Therefore, the development is not contrary to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

35/22 FULL APPLICATION - CREATION OF STEPS AND IMPROVEMENT OF SURFACING TO A VERY HEAVILY USED RIGHT OF WAY. INSTALLATION OF NEW ACCESS FURNITURE AT THORS CAVE, WETTON, (NP/SM/1121/1255, ALN)

The reports for Items 5 and 6 were introduced by the Head of Planning who outlined the reasons for adoptions and approval as set out in the reports.

The Head of Planning informed Members of an amendment to the report at paragraph 54 of the report which should have read "magnesian limestone" not "magnesium limestone".

Ms Harling joined the meeting at 10:20

The Head of Planning informed Members that the development would enhance the very popular site and the footpath that had become severely eroded over the years. The Authority had received some objections to the proposal by residents as they felt that it would lead to an increase in visitor numbers, but the Authority considered that it would be unlikely to have an impact on numbers.

Members agreed that waymarking and interpretation should be kept to a minimum so as not to encourage more people to the area on what was already a well publicised route, but suggested perhaps a QR Code, so that visitors that were already there could get a better understanding of the cave, the SSSI and the area when on site.

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

RESOLVED:-

To APPROVE the application subject to the following conditions:

1. 3 year implementation time limit.
2. Adopt submitted plans.
3. a) No development shall take place until a Written Scheme of Investigation for an archaeological watching brief has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
 - I. The programme and methodology of site investigation and recording;
 - II. The programme and provision to be made for post investigation analysis and reporting;
 - III. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - IV. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - V. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.
4. Agree a scheme of discrete way-marking and interpretation.

36/22 FULL APPLICATION - CONVERSION OF FIELD BARN TO DWELLING AT TWIN DALES BARN, FIELD TO WEST OF OVER HADDON, (NP/DDD/0122/0074), ALN

Members had visited the site the previous day.

The Head of Planning introduced the report and reminded Members that this application had been refused on policy grounds at a previous Planning Committee in 2021, although Members at that time had been minded to approve the application it had been brought back to this Committee with minor amendments to the scheme, which included amendments to the boundary walls and the creation of a paved yard.

The Head of Planning informed Members that Officers felt that the proposal should still be refused due to the domestication of the barn, which would harm the landscape character of the area and would also be against policy principle. The previous committee decision had highlighted the relationship of landscape policy to the adopted Landscape Strategy and the guidance set out for open White Peak landscapes. The site visits the previous day had also demonstrated a nearby example where a similar conversion had led to subsequent domestic and boundary changes which impacted adversely on traditional landscape character. This led Members to discuss the merits of landscape management plans in such circumstances.

The following spoke under the Public Participation at Meetings Scheme:-

Ms S Mosley, Supporter

Mr N Mycock, Applicant

Members considered that the proposal would conserve and enhance the landscape, and that suitable conditions could be applied to control the domestication. It was a well-built barn and a heritage asset that should be maintained, and that there was no extra impact on the landscape, although future management controls and the need for and merits of proportionate controls were discussed. It was noted that the application had been supported by the village and the Parish Council.

A motion to approve the application contrary to the Officer recommendation with final agreement of conditions delegated to the Head of Planning in consultation with the Chair and Vice Chair of planning was voted on and carried.

RESOLVED:

That the application be APPROVED with conditions delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee, contrary to the Office recommendation and Policy L1.

The meeting adjourned at 11:20 and reconvened at 11:30

37/22 FULL APPLICATION - PROPOSED AGRICULTURAL BUILDING TO HOUSE AND FEED LIVESTOCK AND STORE FODDER AT SOUTH VIEW FARM, WASHHOUSE BOTTOM, LITTLE HUCKLOW (NP/DDD/0821/0916 SPW)

Members had visited the site the previous day.

The Planning Officer introduced the report which had been refused by Members at the Planning Committee in June 2021. The Planning Officer informed Members that the

differences between the application submitted previously and the one before Members today was the inclusion of a dry stone wall around the perimeter of the building and new tree planting. The building itself would also be around 1 metre lower. The Planning Officer informed Members that the proposal would cause harm to the setting of the Conservation Area and landscape, and that there was an alternative site which would be more acceptable and would also allow for future expansion.

The following spoke under the public participation at meeting scheme:-

Mr N Marriott, Agent

A motion to refuse the application as set out in reason 1 of the report was set out in relation to the siting of the building and harm to the landscape and setting of the Conservation Area. This motion was defeated.

Members considered that the proposal was acceptable and necessary for farming, and that it should be approved.

The Planning Officer suggested appropriate conditions.

A motion to approve the application contrary to the Officer recommendation with final agreement of conditions delegated to the Head of Planning in consultation with the Chair and Vice Chair of planning was voted on and carried.

RESOLVED:

To APPROVE the application contrary to the Officer recommendation with final agreement of conditions delegated to the Head of Planning in consultation with the Chair and Vice Chair of planning was voted on and carried.

Suggested Conditions:-

1. Standard 3 year time limit
2. Carry out in accordance with amended plans and specifications.
3. Agreement of boundary treatment and landscaping plans.

Ms Harling left the meeting at 12:10

38/22 S73 APPLICATION - VARIATION OF CONDITION 23 ON PLANNING APPROVAL NO NP/DDD/1220/1211 FOR THE CHANGE OF USE OF BARNS TO CREATE 2 HOLIDAY COTTAGES WITH ASSOCIATED WORKS TO BUILDINGS; MINOR ALTERATIONS TO LISTED FARMHOUSE TO ENABLE ITS USE AS A HOLIDAY COTTAGE; ASSOCIATED WORKS TO ACCESS AT GREENWOOD FARM, SHEFFIELD ROAD, HATHERSAGE (NP/DDD/0721/0775 JK)

Mr Helliwell left the meeting for this item due to a personal and prejudicial interest. Mr Smith took over the role of Chair.

The Planning Officer introduced the report which was to seek an amendment to Condition 23 on the permission which was granted in April 2021

The following spoke under the public participation at meetings scheme:-

- Ms Miller, on behalf of the applicant – Statement read out by a member of Democratic Services.

Members asked whether there could be a condition regarding securing the long term presence and maintenance of the adjacent block of tree planting. The Planning Officer agreed that this was acceptable.

The motion to approve the application in accordance with the Officer recommendation, and subject to an additional condition regarding retention and management of the tree planting was voted on and carried.

RESOLVED:

1. **To APPROVE the application and to amend condition 23 as follows;**

Amended plans to revise details of the hard landscaping works shall be submitted for approval in writing by the National Park Authority and once approved those works shall be carried out in full accordance with the agreed details prior to occupation. The details shall include proposed hard surfacing materials; and boundary treatments which shall specifically provide for drystone boundary walling to define the domestic garden/private amenity space of barnhouse 1 and post and wire fencing to define the domestic garden/private amenity space of barnhouse2

2. **And subject to the following restated conditions which are amended to take account of details already formally approved post issue of the original decision notice no NP/DDD/1220/1211;**

3. **The development hereby permitted shall be begun within 3 years from the date of this permission.**

4. **The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans numbered: 'Details of Hard Landscaping Condition 23' '2717-SK-106F', Proposed Access '406.03801.0005.14.H010.5', Access Existing and Proposed '2717-SK-300B', Proposed Elevations '2717-SK-110F', Proposed Ground Floor Plan '2717-SK-107E', Proposed First Floor Plan '2717-SK-108E', Proposed Sections '2717-SK-109D' and Log Store proposals MO/12/21/A1 subject to the following conditions and/or modifications;**

- i) **The residential garden/private amenity space associated with each holiday dwelling shall be restricted to the areas outlined in red on the attached plan No PDNPA – NP/DDD/1220/1211**
- ii) **Notwithstanding what is shown on the approved plan, the proposed timber slatted barrier to the rear of the Log Store shall be lowered in height to allow a space of no less than 60cm between the uppermost slats and the roof, to facilitate access by swallows.**
- iii) **Notwithstanding what is shown on the approved plans, the number of vertical glazed panels in the new screen window frame to the stable door opening (Window 15) shall be reduced from four to three.**
- iv) **The scheme agreed under application no NP/DIS/0621/0677 and shown on drawing No 2717-JL1 Rev B. shall be completed in accordance with the approved details before the holiday lets are brought into use.**

5. This permission relates solely to the use of the new dwellings hereby approved within the converted barns for short-let holiday residential use ancillary to Greenwood Farmhouse. The properties shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The existing farmhouse and the approved holiday accommodation shall be maintained as a single planning unit. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the National Park Authority on request.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the dwellings shall be carried out and no extensions, porches, ancillary buildings, satellite antenna, hardstanding's, gates, fences, walls or other means of boundary enclosure shall be erected on the site without the National Park Authority's prior written consent.
7. The conversions shall be carried out within the shell of the existing buildings, with no rebuilding other than that specifically shown on the approved plans.
8. Full design details and specifications (including furniture and finish) of all new or altered windows, rooflights and doors shall be submitted to the Authority for approval in writing prior to installation. Once approved the development shall be carried out in full accordance with the agreed details.
9. Full design details for all internal joinery including doors, architraves, stairs etc. and including details of a balustrade to be added to the staircase in the original farmhouse, shall be submitted to the Authority for prior approval in writing. Once approved the development shall be carried out in complete accordance with the agreed details.
10. All new extractor vents, internal vents, boilers and associated facilities shall be installed in full accordance with the agreed details under application No NP/DIS/1121/1288 and shown on plan no 21028-TACP-X-GF-D-A-0505 Rev A.
11. All new floors shall be constructed in full accordance with the details approved under application no NP/DIS/0621/0677 and shown on plan Nos 2717-SK_107C and GW/02/21/A15 Rev B subject to the provision that should there be any surviving stone flagged floors situated underneath the existing concrete floors the approval of the new floor details is subject to these being retained following being lifted carefully, cleaned and reinstated in accordance with a scheme to be agreed with the National Park Authority.
12. The existing satellite dish and television aerials shall be removed or relocated in accordance with a detailed scheme that shall first have been submitted for approval in writing by the Authority. Once approved the development shall thereafter be carried out in full accordance with the agreed details.
13. The proposed cladding/treatment of the internal faces of the barn walls shall be carried out in full accordance with the details approved under application No NP/DIS/0621/0677 and shown on revised plans numbered 2717-SK-1017 – Proposed Ground Floor Plan, 2717-SK-1017 – Proposed First Floor Plan and the sections shown on further amended pan GW/02/21/A15 Rev B and the justification statement.

14. All new door and window frames in the barns shall be recessed from the external face of the wall by 150mm with the exception of the arched stable door screen frame in 'Barnhouse 1' and the glazed doors to the cart openings in 'Barnhouse 2', which shall be recessed to the back of the masonry openings. Retained external timber shutter doors shall sit flush with the external face of the wall.
15. The new window opening shall be provided with a full surround in natural gritstone to match the adjacent opening; existing concrete lintels and sills shall be replaced with natural gritstone to match the original barn openings.
16. The rainwater goods shall be black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
17. All pipework, other than rainwater goods, shall be completely internal within the building with no vent terminations whatsoever through the roof slopes.
18. No external lighting shall be installed other than in complete accordance with the scheme approved by the National Park Authority under application No NP/DIS/0621/0677 and shown on drawing No GWF-TACP-X-A-00506 Rev A subject to the PIR Sensor and timer for the car park lighting bollards, enabling a maximum length of time of 5minutes for the lights to remain on for after PIR triggering and shall not be switched on permanently at any time.
19. All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter in accordance with the details approved under application No NP/DIS/0621/0677 and shown on the amended BT ducting plan dated 3 February 2022 and uploaded to the PDNPA website dated 8th February 2022 and the amended plans received on 9th November 2021 showing a) The proposed route of below ground water supply line and b) the proposed electricity supply line.
20. The Air Source Heat Pumps shall be installed in full accordance with the agreed details under application no NP/DIS/1121/1288 and shown on drawing no 21028-TACP-X-GF-D-A-0504 Rev A prior to occupation of any of the dwellings.
21. The Sewage Package Treatment Plant shall be installed in full accordance with the agreed details under application No NP/DIS/1121/1266 and shown on plan No 21028 GWF – TACP - X - GF - X – A - 00503 Rev A prior to occupation of any of the dwellings.
22. Prior to the occupation of any of the holiday lets the access improvements shall first have been completed entirely in accordance with plan Nos. 2717-SB-300B dated 15/03/21 and MO/12/20/A1.
23. Prior to the occupation of any of the holiday lets the works to achieve the forward visibility splay improvements on the highway land north of Sheffield Road shall have been completed in full accordance with drawing No 406.03801.0005.14.H010.5.
24. The holiday lets shall not be occupied until the parking and manoeuvring space shown on the approved plans has been fully constructed and available for

use, thereafter the parking and manoeuvring areas shall be maintain free from any obstruction to their designated use throughout the lifetime of the approved development.

25. Amended plans to revise details of the hard landscaping works shall be submitted for approval in writing by the National Park Authority and once approved those works shall be carried out in full accordance with the agreed details prior to occupation. The details shall include proposed hard surfacing materials; and boundary treatments which shall specifically provide for drystone boundary walling to define the domestic garden/private amenity space of barnhouse 1 and post and wire fencing to define the domestic garden/private amenity space of barnhouse2

26. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under application No NP/DIS/0621/0610 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

27. The development shall be carried out in full accordance with the bat mitigation works approved under application No NP/DIS/0621/0610 prior to occupation.

28. The scheme approved for meadow enhancement for the landscaped areas approved under application No NP/DIS/0721/0813 - comprising a scheme of seed collection and spreading set out in the supporting statement and shown on plan No 2717 SK106 Rev E (insofar as it relates to condition 26 only), shall be carried out before the dwellings are occupied or within the first available planting/seeding season following the substantial completion of the development.

29. The development shall be carried out entirely in accordance with the submitted combined Tree Condition Report, Arboricultural Assessment, Arboricultural method statement and Tree protection plans for the farmstead area and the Arboricultural Impact Assessment for the road access area.

30. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; or in accordance with such other timescale as may be agreed in writing with the Authority, the proposed Oak tree shall be planted in the location shown on drawing No 2717-SK-300B in accordance with section 6.4 of the submitted the aboricultural method statement. Should the tree die, become severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), it shall be replaced in the next planting season by a specimen of similar size and species.

31. The retained tree located beside the farmhouse at the entrance into the courtyard shall not be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase or within 5 years from the date of occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Authority.

32. The siting and layout of the proposed location for the construction compound to house all equipment, welfare cabins and the parking and manoeuvring arrangements for all construction staff and material deliveries shall be in complete accordance with the plan no 2717-SK-101A approved under application No NP/DIS/0621/0610 and plan no 21028 GWF-TACP-X-GF-X-A-0010 showing the Temporary Stone Wall Access Methodology for accessing Barnhouse 2.

33. That the tree planting adjacent to Barn House 2 be retained and managed throughout the lifetime of the approved development in accordance with a detailed scheme be agreed with the Authority.

39/22 FULL APPLICATION - CONVERSION OF THE BUILDING TO CREATE NEW RESIDENTIAL DWELLING, EXTERNAL ALTERATIONS, WORKS OF HARD AND SOFT LANDSCAPING, AND OTHER WORKS INCIDENTAL TO THE APPLICATION, FORMER NEWFOUNDLAND NURSERY, SIR WILLIAM HILL ROAD, GRINDLEFORD (NP/DDD/0121/0025, BJT)

Mr Helliwell returned to the meeting and resumed as Chair.

The Planning Officer introduced the report and corrected the report which should have the Applicant as Mr Tim Maskrey and not Mr Tom Maskrey.

The Planning Officer reminded Members that this application had been considered at Planning Committee in December 2021 and was deferred by Members for additional information. Since then, a revised structural survey and drawings had been submitted which addressed some of the concerns that have been previously raised so Officers were now more comfortable with the proposed scheme.

The following spoke under the public participation at meeting scheme:-

- Ms C McIntyre, Agent

Members agreed that this was a good solution to preserve the site, but were concerned on the possible impact on the Natural Zone and the Public Right of Way.

Members again considered the ability to control future development activity on the adjacent fields and maintaining the character of the gritstone field enclosures within this landscape and within the applicant's ownership. A further landscape management condition were proposed in the interests of maintaining the open character and appearance of the landscape and the setting of the natural zone areas close by.

A motion to approve the application in accordance with Officer recommendation was voted on and carried.

RESOLVED:

To APPROVE the application subject to conditions covering the following:

- 1. Standard 3 year time limit**
- 2. Carry out in accordance with amended plans and specifications**
- 3. Detailed design conditions relating to materials, windows, doors and rainwater goods**

4. **Development to be carried out within existing structure, with no rebuilding other than where specifically in accordance with approved plans and monitoring and agreeing a programme of works with the Authority.**
5. **Withdraw permitted development rights for alterations, extensions, outbuildings and means of boundary enclosure, other than those shown on approved plans.**
6. **Submit and agree details of external lighting.**
7. **Carry out landscaping in accordance with approved plans.**
8. **Archaeology conditions.**
9. **Underground all service lines on land in applicant's ownership and control.**
10. **Highway conditions.**
11. **Submit and agree details of sewage package scheme.**

Final agreement of a condition in relation to future landscape management to be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee.

Cllr Armitage left the room at 12:50 and returned at 12:55

40/22 FULL APPLICATION - CHANGE OF USE OF LAND TO ADDITIONAL DOMESTIC CURTILAGE AND EXTENSION TO DWELLING, FOR WHEELCHAIR ACCESSIBLE BEDROOM/WETROOM AND SECURE VEHICLE STORAGE AT TIDESLOW FARM, TIDESWELL (NP/DDD/1121/1260, AM)

Cllr Chapman left the meeting for this item due to a personal interest.

Members had visited the site the previous day.

The Planning Officer introduced the report and informed Members of a correction to the report at paragraph 49, which should read "the proposed development would be of appropriate design" and not "inappropriate design". The Officer also informed Members of a corrected site plan with the report which had been made available to Members.

A vote to continue the meeting past three hours was carried.

The following spoke under the public participation at meetings scheme:-

- Ms Salt – on behalf of the applicant
- Mr A Flannagan - Agent

Members were concerned on the scale, massing and design of the application which seemed inappropriate and could have an impact on the adjoining wooded copse. Members also questioned the need for a double garage and also whether it was

necessary to be a 2 storey development. Members accepted that there could be a solution but the scheme as presented was not appropriate.

A motion to refuse the application in accordance with the Officer recommendation was moved and seconded, and a vote was taken and carried.

RESOLVED:

To REFUSE the application for the following reason

1 The proposed scheme by virtue of the scale, form, massing and design of the proposed extension would significantly harm the character and appearance of the original building and its setting. The extension, driveway and parking area would also extend into an adjoining wooded copse, which is an important landscape feature. As such, the proposed development is contrary to Core Strategy policies GSP1, GSP3, L1, L2 and L3, Development Management policies DMC3, DMC5, DMC10, DMC13 and DMH7, the Authority's Supplementary Planning Documents and the National Planning Policy Framework.

The meeting was adjourned for a short break at 1:15 and reconvened at 1:25

41/22 MONITORING & ENFORCEMENT ANNUAL REVIEW - APRIL 2022 (A.1533/AJC)

Cllr Chapman returned to the meeting.

The Monitoring & Enforcement Team Manager introduced the report which provided a summary of the work carried out by the Monitoring & Enforcement Team over the last year. He then went onto highlight some specific cases that had been resolved or investigated.

The Officer reported that 3 formal notices had been issued over the year, of which one had been complied with. The other 2 went to appeal, 1 of which was dismissed by the Planning Inspectorate and the other was going to a Public Inquiry later this month.

Members expressed concern on the number of vacancies within the Monitoring and Enforcement Team and asked why that was? The Officer reported tentatively that pay could be a factor as the Authority paid less than many other local authorities as well as a national shortage of specialist planners, the cost of living and the fluid job market. The Senior Monitoring Officer post had still to be filled from June 2021 and the post was currently being covered 2days/week on a short term contract. The Authority had tried to recruit twice to this post, but so far had not been able to do so. Last September, the Enforcement Monitoring Officer also left, and that post was filled in December, but that person would be leaving soon. Enforcement was about prioritising. The Local Enforcement Plan was adopted in 2014 to assist with prioritising cases and was broken down into 3 levels:-

High – Serious Detrimental Impact
Medium – Moderate Impact
Low – Limited Harm

Members asked what the next step would be after an appeal if it was still being blatantly ignored? The Officer reported that there were 3 options:-

Prosecution

Injunction

Take direct action ourselves – where we can instruct contractors to comply with the Enforcement Notice, then try to reclaim the charge for the work from the owner.

Members asked the Monitoring and Enforcement Team Manager provide an Quarterly Report in 3 months time when Members of the Public could make representations under the Public Participation Scheme on one particular case, as well as a list of any cases that were still outstanding after a long period of time and a list of Enforcement Notices that should have been complied with.

RESOLVED:-

1. That Members note the report.
2. That the Monitoring & Enforcement Team Manager provide a report to Members of the Planning Committee in 3 months time so that members of the public can speak under the Public Participation Scheme, and to provide Members with a list of outstanding enforcement cases together with a list of enforcement notices that should have been complied with.

42/22 HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

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

RESOLVED:-

To note the report.

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5. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017: ESSENTIAL SAFETY WORKS TO RESERVOIR DAM INCLUDING REMOVING THE AUXILIARY SPILLWAY, REPLACEMENT OF THE PRIMARY SPILLWAY AND WORKS TO EXISTING WAVE WALL, LEGALLY REQUIRED AS MEASURES IN THE INTEREST OF SAFETY UNDER THE RESERVOIRS ACT. SWELLANDS RESERVOIR OFF THE A62 HUDDERSFIELD ROAD DIGGLE SADDLEWORTH (NP/K/0322/0346, JK)

APPLICANT: CANAL & RIVER TRUST

Summary

1. This report relates to a planning application which proposes works to Swellands reservoir dam, which is within an area designated for its habitat and biodiversity interest as a Special Protection Area (SPA) and Special Area of Conservation (SAC).
2. SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds. SACs are also areas which have been given special protection. They provide increased protection to a variety of wild animals, plants and habitats. If a proposed plan or project is considered likely to have a significant effect on an SAC or SPA (known as a “European site”), either individually or in combination with other plans or projects, then an appropriate assessment of the implications for the site, in view of the site’s conservation objectives, must be undertaken.
3. The submitted Habitat Regulations Assessment (HRA) considers the effects of the Development on the South Pennine Moors SAC and South Pennine Moors SPA. Due to the location of the development within the South Pennines SAC and SPA, it concludes that there would be a Likely Significant Effect (LSE) on the qualifying features of these European Sites and an Appropriate Assessment is required. That assessment concludes that the works to the reservoir, taking account of embedded mitigation measures, will not adversely affect the integrity of the SPA and the SAC.

Site and Surroundings

4. Swellands and Black Moss Reservoirs are located on the Pennine watershed, approximately 400 metres above sea level in a remote location two miles north-east of Diggle and one-mile south-west of Marsden. The application site consists of the Swellands reservoir dam and includes part of its south-east corner and southern edge. The reservoir dam, runs along the eastern side of the reservoir and includes infrastructure to retain and control the flow of water. The main spillway is at the southern end of the dam, with an auxiliary spillway at the northern end, there is a 1.5m high wave wall on top of the dam. The dam is approximately 190 metres long, with a height of 9.6 metres and a crest width of approximately 4 metres. The upstream (reservoir face) is rough pitched stone, whilst the downstream face is grassed.
5. The moorland, including the area occupied by the reservoirs, is within the Dark Peak Landscape Character Area which is an area of high landscape and nature conservation value. It is designated as the Dark Peak Site of Special Scientific Interest (SSSI), and is within part of the South Pennine Moors Special Area for Conservation (SAC) and Peak District Moors Special Protection Area (SPA). These designations are of National (SSSI) and International (SAC/SPA) nature conservation importance. The moorland is also classified in the Core Strategy as Natural Zone.

Proposal

6. The proposal is for the carrying out of essential safety works to Swellands reservoir dam, including removing the auxiliary spillway, replacement of the primary spillway and works to existing wave wall. The proposal is described in more detail in the following report on the planning application so it is not repeated here.

Background to the proposal

7. The Canal and River Trust owns and operates four reservoirs in the vicinity of Swellands Reservoir within the Dark Peak. The reservoirs are situated on exposed moorland over 200m above residential areas. The Trust believes that there are reasons in the interest of public safety to carry out these essential safety works to the Swellands reservoir dam.
8. The application is accompanied by an Environmental Impact Assessment (EIA) and Environmental Statement (ES). The scope of the EIA was agreed with Authority through a formal 'Scoping Opinion' which was issued by the Authority in February 2022. The Scoping Opinion confirmed the environmental topics that the Authority required to be addressed in the EIA. These are:
 - i. Landscape, Landscape Character and Visual Impact;
 - ii. Ecology and Biodiversity;
 - iii. Archaeological and Cultural Heritage; and
 - iv. Access and Recreation.
 - v. Cumulative impacts with other developments

In addition, the Scoping Opinion confirmed that the EIA should set out the public interest need for the development and should describe the main alternatives that were considered.

RECOMMENDATION:

1. That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) in relation to the proposal for the carrying out of essential safety works to Swellands reservoir dam, including removing the auxiliary spillway, replacement of the primary spillway and works to existing wave wall.

2. It is determined that the proposed works to the dam are unlikely to have a significant effect on the South Pennine Moors SAC. Consequently, the development is not considered to be contrary to the provisions of Regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Key Issues

9. Under Section 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) any development that has the potential to result in a Likely Significant Effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA). Where it is confirmed that there will be a likely significant effect, the competent authority must carry out an Appropriate Assessment of those impacts.
10. All planning applications which are not directly connected with, or necessary for, the conservation management of a European site, require consideration of whether the proposed development is likely to have significant effects on that site. This consideration,

typically referred to as the ‘Habitats Regulations Assessment screening’, should take into account the potential effects both of the development itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority, in this planning case the National Park Authority, must make an appropriate assessment of the implications of the development for that site, in view the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the European site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

11. Natural England has advised the Authority that, as a competent authority under the provisions of the Habitats Regulations, it should have regard for any potential impacts that a plan or project may have on a European site.
12. In this case, the designated site is the South Pennine Moors Special Area for Conservation (SAC) and Peak District Moors Special Protection Area (SPA).

Assessment

The Habitat Regulation Assessment Process involves several stages which can be summarised as follows:

- Stage 1 – Likely Significant Effect Test (Habitats Regulations Assessment screening)
- Stage 2 – Appropriate Assessment
- Stages 3 & 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.

13. Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
14. Stage 2: This is the “appropriate assessment” and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site’s structure and function and its conservation objectives. Where there are adverse effects, an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
15. Stages 3 and 4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Compensatory measures needed to maintain the overall coherence of the site or integrity of the national site network must be taken.

16. Stage 1: Likely Significant Effect Test

17. A “Report to inform a habitat regulations assessment” has been submitted with the

application. This was prepared by Penny Anderson Associates on behalf of the applicants, the Canal and River Trust and is hereafter referred to as the PAA report. At the time of writing this Planning Committee report the views of Natural England have not been received. The PAA report was commissioned by the applicants to inform a Habitat Regulation Assessment in relation to the proposed essential dam works application. The purpose of this report is to set out the information needed to enable to Peak District National Park Authority, as competent authority, to undertake a Habitat Regulations Assessment (HRA) with regard to the features of international importance for which the European sites (SAC and SPA) were designated. As noted above, the effects of the development on the Dark Peak SSSI and other, non-designated, ecological features are addressed in the Environmental Statement (ES) which accompanied the planning application for the proposed works to the dam.

18. The report produced by Penny Anderson Associates Ltd (PAA) contains the following information:

- Details of the relevant European Sites and their qualifying features (Chapter 2);
- Consideration of alternatives (Chapter 3);
- A summary of baseline surveys (Chapter 4);
- A description of the possible direct and indirect effects on the qualifying features of the European Sites (Chapter 5);
- Proposed mitigation measures and monitoring to avoid effects on the integrity of the European Sites (Chapter 6);
- Consideration of 'in-combination' effects (Chapter 7); and
- Concluding statement on the assessment of LSE and effects on integrity of the European Sites (Chapter 8).

19. The report sets out this information as far as it is needed to understand the potential effects on the qualifying features of the European Sites. The key features of, and potential effects upon, the European Sites assessed in this report are blanket bog habitat associated with the South Pennine Moors Special Area of Conservation (SAC) and qualifying bird species of the South Pennine Moors Special Protection Area (SPA), namely merlin (*Falco columbarius*), short-eared owl (*Asio flammeus*) and golden plover (*Pluvialis apricaria*).

20. Conclusion on Stage 1: Due to the location of the Development within the SAC and SPA the PAA report concluded that there would be a Likely Significant Effect (LSE) on the qualifying features of these European Sites and an Appropriate Assessment is required. Given these findings and conclusions, officers have considered that significant impacts of the project on the designated sites cannot be excluded, so it is necessary to assess them in more detail through an appropriate assessment in order to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

21. **Stage 2 – Appropriate Assessment**

22. The PAA report sets out their analysis of the likely impact of the proposed development on the interest of the designated sites and assesses the significance of these, their likely impact on the features of interest and possible mitigation.

23. Effects of Proposed Development on the South Pennine Moors SAC

The HRA report sets out that the proposed development will not have an adverse effect on the integrity of the SAC or the SPA for the following reasons, which are taken from the HRA report summary and conclusions. Field surveys comprising a breeding bird survey and habitat survey were undertaken to provide a baseline against which the effects of the development can be assessed.

24. Habitats within the footprint of the development predominantly comprise species poor

acid grassland on the dam and face of Swellands Reservoir which is not a qualifying feature of the SAC. Blanket bog habitat is present on the steep, eroding gully sides below the proposed new spillway and whilst a very small area of blanket bog and flush habitat would be lost within the base of the gully, a larger area of eroding peat on the gully edges would be sensitively reprofiled and restored with moorland vegetation to stabilise the peat and prevent further drying and erosion. Best practice construction methods would be adopted to avoid any indirect harm to the adjacent blanket bog habitat and monitoring during and after construction would identify evidence of, or potential for, peat erosion and this would be remediated as part of the ongoing reservoir operation and maintenance regime.

25. Effects of Proposed Development on the South Pennine Moors SPA: Disturbance to Qualifying Bird Species During Construction:

The key effect of the Development is the potential for disturbance to SPA qualifying species, namely golden plover, short-eared owl and merlin during construction which will take place during the breeding season in 2023. As described in the baseline section of the HRA, golden plover, short-eared owl and merlin were all recorded during breeding bird surveys of a wider survey area that encompassed the route of the proposed permanent access track to Swellands Reservoir (subject to the separate planning application) as well as the area around the reservoirs in 2021. However, none of the three SPA qualifying species were found to be breeding in proximity to the dam site. Golden plover (a single pair) was recorded as a probably breeding species on moorland approximately 1.5km to the west and too distance to be impacted by construction of the reservoir works. Short-eared owl and merlin were both recorded foraging over the wider survey area and were thought likely to be breeding in the locality but there was no evidence of breeding at the Site. The HRA report concludes that the SPA qualifying species would therefore not be impacted during construction or at the operational stage of the development.

26. Mitigation measures and compensation strategy:

The HRA report concludes that with the proposed embedded mitigation measures in place, the development would have no adverse effect on the integrity of the SAC and the SPA. It adds that in the long term the development would have a minor beneficial effect on the blanket bog resources adjacent to the replacement spillway due to the stabilisation and revegetation of the peat surface that will prevent any further drying and erosion.

27. The development is considered in-combination with other nearby plans and projects, specifically the proposed permanent access track that is required in order for the dam works to take place. The proposed access track was accompanied by a separate HRA report that concluded that there would be an adverse effect on the integrity of the South Pennine Moors SAC as a result of the permanent loss of blanket bog habitat that cannot be mitigated. The need for compensation measures is associated with the permanent access track only. Off-site compensatory habitat is proposed as part of the track scheme and this is being secured through a section 106 agreement. However, as the access track and the development at Swellands Reservoir dam are inherently linked, it follows that the dam development must also demonstrate IROPI, when considered in combination with the proposed permanent access track. The IROPI case is set out in a Planning, Design and Access Statement that supports the planning application and makes the same case as that which was accepted for the permanent track development (see following section).

28. Stages 3 & 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test

29. The HRA report concludes that the proposed development would meet the requirements of the Habitat Regulations. It is therefore concluded that the works to the reservoir, taking

account of embedded mitigation measures, will not adversely affect the integrity of the SPA and the SAC. Therefore, the proposed development in isolation does not require the application of the sections 64 and 68 in respect of alternative solutions, IROPI and compensation measures. The relevance of the test is in respect of the access track, and this was addressed in the separate planning application for the track, NP/O/1221/1393.

However, notwithstanding that position, HRA and the accompanying Planning Statement make the case that the proposed development is part of a wider set of MIOS required for the reservoir also encompassing a proposed permanent vehicular access track and the track will facilitate the development. Consequently, the HRA applies the “derogation” tests so that the same process has been followed to consider the effects of the proposed reservoir works both alone and in combination with the associated access track works. This includes the consideration of alternatives and habitat compensation measures.

30. Consequently, the application did include an assessment of alternative options to the proposed works to the dam:
31. Do-nothing Option: Works to the main spillway, auxiliary spillway, dam embankment, wavewall and dam crest of Swellands Reservoir have been identified in the latest Inspecting Engineer’s Report under Section 10 of the Reservoirs Act. To ‘do-nothing’ would result in a failure to meet the legal requirement under the Section 10 report for the Applicant to have carried out these measures in the interests of safety at by October 2023.
32. Reservoir Discontinuance: Discontinuing the reservoirs would impact on the public interest. Discontinuance would have a direct effect on water supply to the Colne Valley area as the water from the reservoirs is used to provide water supply under agreement between the Applicant and Yorkshire Water (the ‘Scammonden Agreement’).
33. Alternative Reservoir Works: The MIOS are very specific and provide little scope for any alternative solutions, which could only consist of options to either rebuild the main spillway and infill the auxiliary spillway or repair both existing spillway structures. Through an engineering and environmental review, it was concluded upgrading of the main spillway would be most suitable solution with the least impact to its surroundings and the current flow regimes within the downstream environment.
34. Alternative Design: A number of design iterations were considered before reaching the preferred spillway solution that would replace both the main and existing auxiliary spillways. The key design consideration, aside from providing sufficient flow capacity, was to minimise the construction footprint and associated environmental impact and this is achieved by the labyrinth design which sits largely within the existing spillway channel with minimal encroachment into adjacent habitats and no requirement to increase the channel width. The other key design consideration is the external appearance of the development, in particular the materials used to face the extended wavewall and replacement spillway, and footbridge
35. Construction Programme: The key aspect of programme in respect of the HRA is the proposed commencement date, anticipated to be from April 2023 onwards. This would coincide with the bird breeding season and would, therefore, potentially result in an unavoidable impact on the qualifying features of the South Pennine Moors SPA. This start date is driven by the legal requirement to have completed the statutory measures identified in the Reservoirs Act Section 10 report by October 2023.
36. The application also repeated the MIOS justification set out in the application for the permanent track, emphasising that the proposed reservoir dam works and the other MIOS measures are necessary for Imperative Reasons of Overriding Public Interest

(IROPI), as defined in regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Conclusion

37. The HRA considers the effects of the proposed development on the South Pennine Moors SAC and South Pennine Moors Phase 1 SPA and concludes that there will be no adverse effect on the integrity of the qualifying features and an Appropriate Assessment is not considered necessary.
38. Desk-based assessments and field surveys have been completed to provide a baseline to assess the impact of the proposed development.
39. The works to the dam have been designed to provide the least environmentally damaging solution that fulfils the need to undertake the legally required Safety Measures identified in the most recent Reservoirs Act, Section 10 Inspector's report, by the required completion date of 31 October 2023 for the completion of the dam safety works, as well as facilitating on-going reservoir maintenance.
40. The PAA report concludes that the proposed development would meet the requirements of the Habitat Regulations. Having considered the report, officers agree that the report makes a thorough assessment of the likely environmental effects on the designated area and that it provides a justification for the proposed scheme, setting out suitable mitigation and compensation.

41. Human Rights

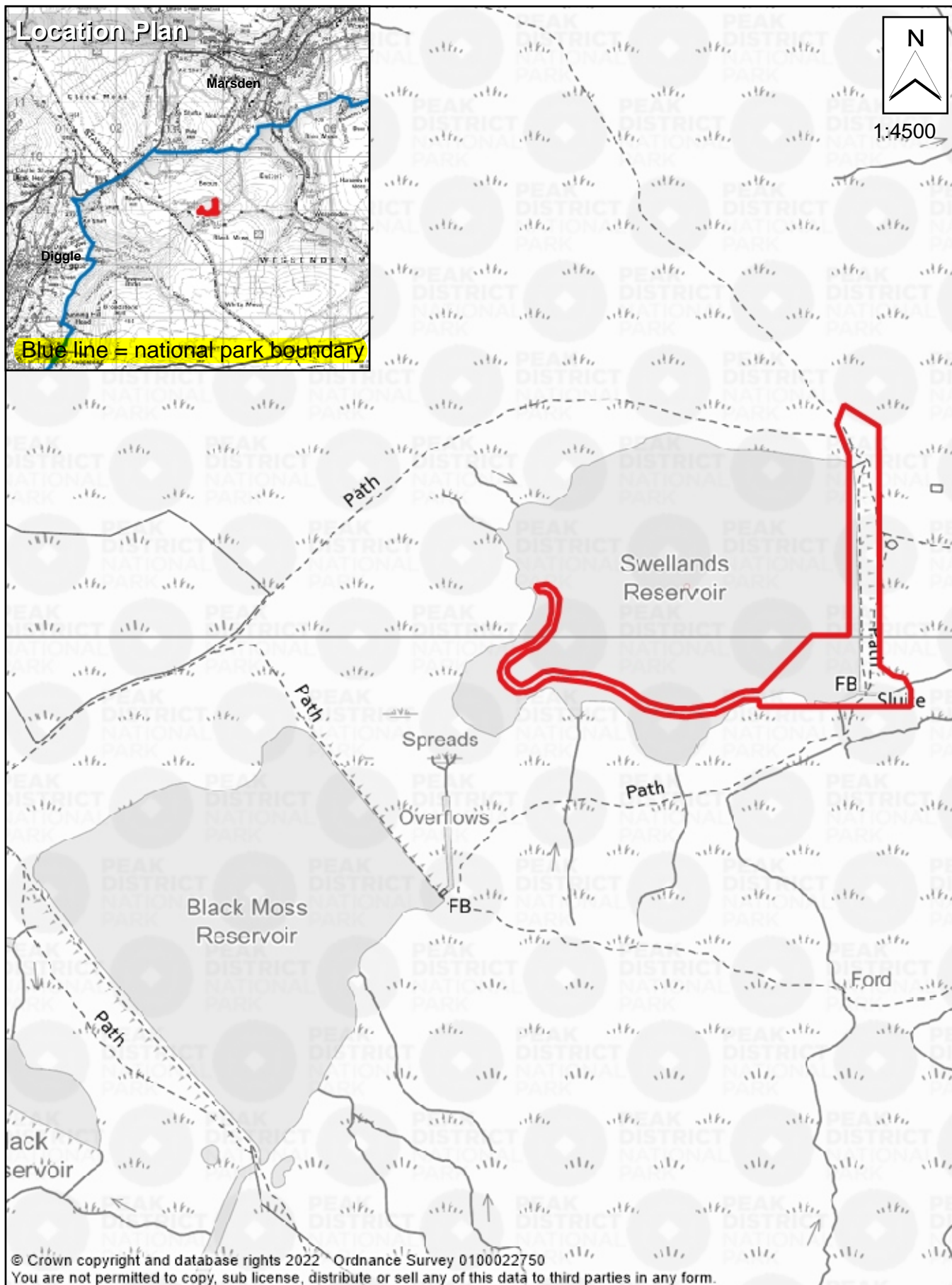
Any human rights issues have been considered and addressed in the preparation of this report.

42. List of Background Papers (not previously published)

Nil

Report author: John Keeley, Planning Manager (North)

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Committee Date: 13/05/2022
Item Number: Item 5 & 6
Application No: NP/K/0322/0346
Grid Reference: 403800, 409016

Title: Swellands Reservoir off the A62 Huddersfield Road, Diggle



**PEAK
DISTRICT
NATIONAL
PARK**

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6. FULL APPLICATION: ESSENTIAL SAFETY WORKS TO RESERVOIR DAM INCLUDING REMOVING THE AUXILIARY SPILLWAY, REPLACEMENT OF THE PRIMARY SPILLWAY AND WORKS TO EXISTING WAVE WALL, LEGALLY REQUIRED AS MEASURES IN THE INTEREST OF SAFETY UNDER THE RESERVOIRS ACT. SWELLANDS RESERVOIR OFF THE A62 HUDDERSFIELD ROAD DIGGLE SADDLEWORTH (NP/K/0322/0346, JK)

APPLICANT: CANAL & RIVER TRUST

Summary

1. This application proposes essential safety works to Swellands reservoir dam, including removing the auxiliary spillway, replacement of the primary spillway and works to existing wave wall. The application site is situated in open moorland, within the Natural Zone and in an area designated for its habitat and biodiversity interest as an SSSI, SAC and SPA. National and local policies set out a very strong presumption against development in these designated areas and in the Natural Zone. The planning application sets out the case for approving the development in this case, advancing the public interest case for the essential maintenance of the two dams and reservoirs. This application follows an application for a permanent track to allow access to the reservoirs for essential maintenance, repair and construction works.
2. Officers have concluded that the need for the essential repair and maintenance work is a significant material planning consideration, given the public safety and water supply issues, and that there are no practicable alternative options. The submitted scheme minimises the environmental impacts as far as possible, with those cannot be avoided being compensated for through on-site enhancements. Consequently, the application is recommended for approval, subject to planning conditions.

Site and Surroundings

3. Swellands and Black Moss Reservoirs are located on the Pennine watershed, approximately 400 metres above sea level. in a remote location two miles north-east of Diggle and one-mile south-west of Marsden. The application site consists of the Swellands reservoir dam and includes part of its south-east corner and southern edge. The reservoir dam, which runs along the eastern side of the reservoir and includes infrastructure to retain and control the flow of water. The main spillway is at the southern end of the dam, with an auxiliary spillway at the northern end, there is a 1.5m high wave wall on top of the dam. The dam is approximately 190 metres long, with a height of 9.6 metres and a crest width of approximately 4 metres. The upstream (reservoir face) is rough pitched stone, whilst the downstream face is grassed.
4. The reservoir operates as part of the Scammonden Agreement (1965), which is a reciprocal agreement with Yorkshire Water whereby the Trust supplies water from Swellands reservoir to Yorkshire Water and Yorkshire Water then provides water to the Trust for the Huddersfield Narrow Canal.
5. The moorland, including the area occupied by the reservoirs, is within the Dark Peak Landscape Character Area which is an area of high landscape and nature conservation value. It is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA). These designations are of national and international nature conservation importance. The moorland is also classified in the Core Strategy as Natural Zone. The area also has archaeological and historic interest dating from the Mesolithic (stone age) period and, more recently, presence of a 'leat' (artificial channel) that was constructed in the early 19th century to carry water from Black Moss Reservoir to Brun Clough Reservoir. Keepers Cottage is the only dwelling at the

locality, accessed by the existing track off the A62, this being the first part of the approved new access route, but this property is some distance to the west the reservoirs themselves.

6. There are several public footpath routes across the moorland in the vicinity of the reservoirs. These include two National Trails, the Pennine Bridleway and Pennine Way, as well as a number of other rights of way cross the area, including the Standedge Circular Walk developed by the National Trust. The Pennine Way passes between the two reservoirs and then continues along the north-west side of Black Moss Reservoir. Although the applicants, the Canal and River Trust, own the land associated with the reservoirs, much of the surrounding land is owned by the National Trust as part of their Marsden Estate. This land is also common land.

Proposal

7. The proposal is for the carrying out of essential safety works to Swellands reservoir dam, including removing the auxiliary spillway, replacement of the primary spillway and works to existing wave wall. These are described in more detail below.
8. As was explained in some detail in the application for the track, the Trust are legally required to carry out the works to the dams. This follows the recommendations of an independent Inspecting Engineer. The Engineer's section 10 report was issued on 10 March 2021 and included the following legally-binding Measures in the Interest Of Safety (MIOS) items which must be completed by 31 October 2023:

a. A permanent access track should be built from A62 trunk road to the dam to facilitate the remedial works, surveillance and any emergency actions in the future (now approved subject to SoS approval and the signing of a section 106 agreement).

b. Measures should be implemented to ensure that the reservoir can safely pass the Design and Safety Check floods whilst maintaining wave freeboard and acceptable overtopping rates as recommended in the fourth Edition and Reservoir Safety.

c. In developing acceptable measures for passing the PMF, account should be taken of the present poor state of the South (Main) spillway which should be repaired or reconstructed as appropriate. d. If the North (Auxiliary) spillway is to be retained then investigations should be carried out to ensure that there would be no unacceptable erosion downstream of the sill and of the short formal channel in an Extreme Flood.

e. The rip-rap should be repaired where it is damaged near to the south end of the dam.

f. Crest levels on the dam should be brought up to a minimum level of 401.40m AOD or to such other level as may be needed to satisfy the freeboard requirements of the fourth Edition and Reservoir Safety.

g. A wave wall, of a height to be agreed with a QCE, should be built along the full of the dam.

9. In response to these recommendations, the application proposes the following:

Wave Wall: To reduce the likelihood of reservoir levels overtopping, the existing wave wall is to be extended in both directions across the entire length of the dam, which will address MIOS items (b) to (g) above. The proposed extensions to either side will be integrated flush into the existing wave wall in situ so that it forms a continuous dry-stone wall. The proposed external facing material will be stone that is reclaimed from dismantled structures on the dam as much as is possible. If any imported stone is required, it will match the geological type, colour, grain size and dressing of the existing stone on site. To the south side, the proposed wave wall extension will be constructed flush with the new main spillway structure. To the north the wave wall extension will extend beyond the location of the existing auxiliary spillway (which is to be removed) to the edge of the reservoir. Following construction of the extensions to the wave wall, re-grading work will take place to the north of the wall and along the crest to create a top soiled and seeded ground level.

The existing crest wall will be extended across the width of the former auxiliary spillway section to create a complete wall in this location. The proposed crest wall extension will be finished with reclaimed natural stone from the dismantled auxiliary spillway structure where practical to do so. If imported natural stone is required, it will match the geological type, colour, grain size and dressing of the existing stone on site.

Dam crest level: It is proposed to grade the dam crest level to 401.20m AOD in compliance with MIOS item (f). It will be surfaced with a topsoil and grass seed finish to match the existing crest and reservoir embankment.

Rebuilding of the main spillway: It is proposed to rebuild the main (southern) spillway with increased capacity and create a longer two-level labyrinth weir. Reconstruction of the main spillway creates an opportunity to increase the drawdown facility of the reservoir and comply with MIOS (c). The replacement main spillway structure needs to be a predominantly concrete structure to provide adequate strength and durability to safely cope with the predicted water flow and discharge rates. Most of the new structure will be below the top water level and embedded within reservoir embankment. A very small amount of wall will be exposed on the exterior of the structure, which will be viewed against the reservoir embankment. The low level exterior vertical surface will have a form concrete finish, which consists of a stone texture imprint. This will also be coated with a biodegradable softening agent such as live yoghurt or farmyard manure to encourage growth of lichens and mosses and to soften the visual impact of the structure speed-up the ageing process of the material. The replacement spillway includes railings, which are for safety purposes to prevent a fall from height. It is proposed to have metal five bar estate fence railings, finished in green.

The existing main spillway includes a pedestrian footbridge over the spillway channel. This will be replaced by a new hardwood timber, measuring 8.1m in length by 1.2m wide. In addition to the footbridge over the channel, a stepped access path is also included, which will predominantly finished with natural stone but in part be a level access finished with crushed stone.

Removal of auxiliary spillway: The existing auxiliary (north) spillway will be removed. Following the rebuilding of the main spillway structure, the auxiliary spillway will no longer be required. Removal of the auxiliary spillway meets requirement (d) of the MIOS. The former auxiliary spillway will be infilled and the existing ground profile along its entire length will be extended to match. It will be topsoiled and seeded with a grass surface, also to match the appearance of the existing embankment.

10. The application contains a significant amount of supporting information, including the following:
- An Environmental Statement which provides a formal Environmental Impact Assessment (EIA).
 - A Planning, Design and Access statement which summarises the proposal and assesses the impacts.
 - Detailed drawings of the proposed works to the dam.
 - An archaeological desk-based assessment and a Written scheme of investigation for an archaeological watching brief (February 2022).
 - A Construction Management Plan.
 - A Site waste management Plan
 - A Climate change statement

Planning History

11. March 2022: *Planning application NP/O/1221/1393 for the construction of a permanent access track legally required as a Measure in the Interest of Safety under the Reservoirs Act for essential safety works and ongoing inspection, maintenance, and emergency access to Swellands and Black Moss Reservoirs off the A62 Huddersfield*: Planning Committee resolved to approve the application, subject to the approval of the Secretary of State and the prior signing of a Section 106 legal agreement to secure off site habitat compensation works. The Planning Committee accepted that the public safety concerns provided “Imperative Reasons of Over-riding Public Interest” justifying a permanent track through the Natural Zone and that the application demonstrated that there are no alternative solutions. The application also demonstrated that where possible it would conserve this peatland habitat and that where it could not, it would provide appropriate off site compensation. The decision has not yet been issued as we are awaiting the approval of the Secretary of State and the signing of the section 106 agreement, but progress is being made on both of these.
12. September 2021: Planning application refused for construction of a permanent access track to facilitate essential safety works, ongoing inspection, maintenance and emergency access to Swellands and Black Moss Reservoirs (NP/O/0221/0110).
13. 2006: Planning permission granted for the provision of a temporary access track (NP/O/0506/0418) to carry out urgent maintenance repairs. The temporary track was required for a period of 2 years and was removed when the work was completed.
14. Pre-application advice: February 2022: A Scoping opinion was issued to the Trust in respect of the areas that should be addressed in an Environmental Impact Assessment for the proposed works to the dams. The Trust had already acknowledged that the works would be the subject of an EIA because of “in combination” effects with the proposed track.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1) **Statutory time limit for implementation**
- 2) **Development in accordance with the submitted plans and specifications, subject to the following conditions:**
- 3) **Submit and agree samples of materials to be used for new walls, facings and surfacing.**
- 4) **Submit and agree details of replacement footbridge.**
- 5) **Carry out restoration works in accordance with agreed timetable.**
- 6) **Archaeological conditions:**
 - a) **No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation, produced by WYAS Archaeological Services.**
 - b) **Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.**

Key Issues

- The principle of development within the Natural Zone.

- The impact of the proposed works on the nationally and internationally designated sites of ecological interest on the moorland.
- The landscape impact of the proposed works.
- The impact of the proposed track on the archaeological features of interest on the moorland including the industrial archaeological associated with the reservoirs.
- Impact on users of the public footpaths, including the Pennine Way.

Consultations

15. **Highway Authority:** No reply to date

16. **Kirklees Council:** No reply to date

17. **Parish Council:** No reply to date

18. **Environment Agency:** No reply to date

19. **Archaeology (PDNPA):**

20. **Ranger Service (PDNPA):** *“We do not agree (with Environmental Statement) that there will be no significant effects when construction is complete. The tracks around the reservoirs will remain with detrimental impacts on the enjoyment of the area for users of the National trail, and for local recreational users. The access track application states the number of routine vehicle movements that are anticipated if the track becomes permanent, after the period of construction works is complete. There are quite a few vehicle movements anticipated, on a weekly basis, which is a concern, given that the track uses a section of the Pennine Bridleway, crosses the Pennine Way and takes vehicles into an otherwise traffic-free environment overlooked by the Pennine Way. The construction period for the track will result in temporary closure of the Pennine Bridleway, and diversion onto a less than ideal route along minor roads. Furthermore, the construction traffic management plan should include measures to manage the interface of the construction plant with the Pennine Way during the construction.*

Recommendation:

- *Improved construction traffic management plan to recognise the impacts of the development on recreation users at the reservoir during development.*
 - *Careful consideration of appropriate path surfacing techniques around the reservoirs to avoid unnecessary visual intrusion.*
 - *Maintenance of the ‘natural’ feel of the reservoir perimeter to minimise visual impact”*
21. **Transport Policy Planner (PDNPA):** *“The Planning Design and Access Statement accompanying this application refers to two transport policies that are relevant to this proposed scheme, T6 and DMT5. The measures described by the applicant to reduce impact on the rights of way network in and around the scheme boundary meet the requirements of the policies described above. Construction Traffic Management Plan: This appears to be robust and includes measures to ensure that all appropriate signage is maintained to a satisfactory standard throughout the operation. Vehicle movements between the A62 and the access track appear to have been equally well-considered; whilst movements along the access track appear well-managed.*

Visitor parking: Paragraph 9.53 of the Planning Design and Access Statement refers to discussions between the applicant and Oldham Borough Council regarding the closure of

Brun Clough Car Park. It is proposed that Brun Clough Car Park will be closed for the duration of the works and that no alternative parking be provided. Images from Street View on Google Maps (March 2021) indicate that the car park is well-used, with overspill parking (at the time of the image capture) onto the roadside and onto the northern entrance of the Pennine Way. It is likely that closing the car park will displace parking elsewhere, possible on the roadside to the east and west of the car park; and onto the Pennine Way entrance. Should this occur, then there might be a requirement for consideration to be given to either the provision of an alternative car park; or the introduction of a temporary clearway order, combined with targeted enforcement of obstructively parked vehicles. Any alternative parking arrangements would need to be achievable without impact on the designated sites (SSSI / SAC / SPA) adjacent to the A62”.

Representations

22. No representations have been received in response to public notification.

Key Policies

23. 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 2021. The Government’s intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority’s Core Strategy 2011 and 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.
24. 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.”*
25. With regard to Habitats and Diversity, paragraphs 175, 176 and 177 of the NPPF are relevant to this application:
- 175. “When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around*

developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

176. The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Development Plan

26. The main Development Plan policies which are relevant to this proposal are: Core Strategy policies: GSP1, GSP2, GSP3, GSP4, L1, L2, L3 and CC1, and Development Management policies: DM1, DMC2, DMC3, DMC11 and DMC12.
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. Core Strategy policy GSP4: *Planning conditions and legal agreements* states that the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

31. Core Strategy Policy L1 *Landscape character and valued characteristics* states 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.
32. Core Strategy Policy L2 states that development must conserve and enhance any sites or features of geodiversity importance, and any sites, features or species of biodiversity importance and where appropriate their settings. For international and national sites the relevant legislation and protection will apply in addition to the requirements of policy. As set out in Core Strategy policy L2, the granting of planning permission is restricted for development likely to significantly affect a European (International) site, requiring that an appropriate assessment is first carried out of the implications of the development for the site's conservation objectives. Primary legislation restricts the cases in which exceptional circumstances may justify development, particularly development having a significant effect on the ecological objectives or integrity of a Special Protection Area (classified under the Birds Directive) or Special Area of Conservation (designated pursuant to the Habitats Directive).
33. Core Strategy policy L3 provides core policy principles for cultural heritage assets and requires that all development conserves and where appropriate enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings. Development will not be permitted where there is harm to the significance of a heritage asset other than in exceptional circumstances.
34. Policy CC1 *Climate change and mitigation* requires that all development must build in resilience to and mitigate the causes of climate change.
35. Policy T6: Routes for walking, cycling and horse riding, and waterways; part A states; *"The Rights of Way network will be safeguarded from development, and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges. This may include facilitating attractive safe pedestrian and cycle routes between new residential or industrial developments and the centre of settlements. Where a development proposal affects a Right of Way, every effort will be made to accommodate the definitive route or provide an equally good or better alternative."*

Development Management policies

36. DM1 *The presumption of sustainable development in the context of National Park purposes* states:

When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (2012). It will work proactively with applicants to find solutions that are consistent with National Park purposes:

 - i. to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
 - ii. to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.

Planning applications that accord with the policies in the Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.
37. DMC1 *Conservation and enhancement of nationally significant landscapes* states:
 - A. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape

assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account:

- (i) the respective overall strategy for the following Landscape Strategy and Action Plan character areas; and
- (ii) any cumulative impact of existing or proposed development including outside the National Park boundary; and
- (iii) the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.

B. Where a development has potential to have significant adverse impact on the purposes for which the area has been designated (e.g. by reason of its nature, scale and setting) the Authority will consider the proposal in accordance with major development tests set out in national policy.

C. Where a building or structure is no longer needed or being used for the purposes for which it was approved and its continued presence or use is considered by the Authority, on the evidence available to it, to be harmful to the valued character of the landscape, its removal will be required by use of planning condition or obligation where appropriate and in accordance with the tests in national policy and legislation.

38. DMC2 *Protecting and managing the Natural Zone* says:

- b. The exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and the development is essential:
 - i. for the management of the Natural Zone; or
 - ii. for the conservation and/or enhancement of the National Park's valued characteristics.
- c. Development that would serve only to make land management or access easier will not be regarded as essential.
- d. Where development is permitted it must be in accordance with policy DMC3 and where necessary and appropriate:
 - i. permitted development rights will be excluded; and
 - ii. permission will initially be restricted to a period of (usually) 2 years to enable the impact of the development to be assessed, and further permission will not be granted if the impact of the development has proved to be unacceptable in practice; and
 - iii. permission will initially be restricted to a personal consent solely for the benefit of the appropriate person.

39. 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.

40. DMC11 *Safeguarding, recording and enhancing nature conservation interests* states:

- a. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss by demonstrating that in the below order of priority the following matters have been taken into consideration:
 - i. enhancement proportionate to the development;
 - ii. adverse effects have been avoided;
 - iii. the 'do nothing' option and alternative sites that cause less harm;

- iv. appropriate mitigation; and
 - v. in rare cases, as a last resort, compensation measures to offset loss.
 - b. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by the development must be provided, in line with the Biodiversity Action Plan and any action plan for geodiversity sites, including provision for the beneficial future management of the interests. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:
 - i. an assessment of the nature conservation importance of the site; and
 - ii. adequate information about the special interests of the site; and
 - iii. an assessment of the direct and indirect effects of the development; and
 - iv. details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
 - v. details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.
 - c. For all sites, features and species development proposals must also consider:
 - iv. cumulative impacts of other developments or proposals; and
 - v. the setting of the development in relation to other features of importance, taking into account historical, cultural and landscape context.
41. The accompanying text in the DM DPD explains that in support of policy DMC11 applicants will be expected to supply the following information as part of the assessment:
- a habitat/vegetation map and description (with identification of plant communities and species), and a description of fauna and geological/geomorphological features; and
 - adequate information about the special interests of the site in terms of scientific importance including: size and species population, diversity and richness, rarity, fragility, irreplaceability, naturalness, position in the ecological geographical unit, seasonal presence, potential value, the degree to which it is typical and representative, historical continuity and geological or geomorphological importance; and
 - assessment of the direct and indirect effects of the development including associated visitor pressure, pollution and changes in hydrology; and
 - details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
 - details of alternatives considered including the 'do nothing scenario' and justification for the choice of the preferred option and for discounting other options; and
 - details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.
42. DMC12 Sites, features or species of wildlife, geological or geomorphological importance states:
- e. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
 - f. For sites, features or species of national importance, exceptional circumstances are those where development is essential:
 - i. for the management of those sites, features or species; or

- ii. for the conservation and enhancement of the National Park's valued characteristics; or
 - iii. where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
- g. For all other sites, features and species, development will only be permitted where:
- i. significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and
 - ii. the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.
43. Policy DMT5: Development affecting a public right of way, part A states:
"Where a development proposal affects the route of a public right of way, either the definitive line of the public right of way should be retained, or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route that:
- (i) is of equal, or preferably, of an improved quality compared to the original;*
 - (ii) has similar or improved surface appropriate to its setting; and*
 - (iii) wherever appropriate, is of benefit to users with special needs, including those with disabilities; and*
 - (iv) is available before the definitive route is affected or, if this is not possible, until the development is complete, a suitable temporary route is available before the definitive route is affected; and*
 - (v) is as convenient and visually attractive as the original."*

Assessment

Principle of Development

44. The application site lies within the Dark Peak Open Moorland area of the National Park which is designated as Natural Zone. The Natural Zone represents the wildest and least developed parts of the National Park. The area combines high wildlife value and minimal obvious human influence. The map is used by the Authority to meet its obligations under Section 3 of the Wildlife and Countryside Act. The National Parks and Access to the Countryside Act 1949 (as amended) also refers to these areas as 'open country'.
45. Development Plan Core Strategy Policy L1 states that *'other than in exceptional circumstances, proposals for development in the natural zone will not be permitted'*. Core Strategy policy L1 is clear that development in the Natural Zone (gritstone moors, limestone heaths, limestone hills, limestone dales, semi-natural woodlands and other land meeting the definition) is acceptable only in exceptional circumstances. Unless it is demonstrated as being essential under the terms of policy DMC2, development should be located outside the Natural Zone and should not, where a proposal is close to the Natural Zone, harm the essential characteristics of these areas.

The supporting text in the DM DPD explains that exceptions might include:

- works essential for the landscape management of these areas (e.g. a new path or a weir);
- works essential for the conservation or enhancement of the National Park's valued characteristics (for example development related to the management or restoration of a heritage asset, an area of biodiversity value or work in support of eco-system services);
- or in a small number of existing farmsteads located within the Natural Zone and on its borders.

46. Taking these policies as a starting point, it is considered that the proposed works to repair a reservoir dam in the Natural Zone does not readily accord with the requirement for the development to be essential for landscape management or the conservation or enhancement of valued characteristics, although it is acknowledged that the reservoir and dam are established landscape features. Notwithstanding this, the application should only be approved if there are overriding reasons of public interest which outweigh the planning policy presumption against development in the Natural Zone and an area which is designated for its conservation and biodiversity interest. In particular, the development must be fully justified and must be the only practicable option.
47. The Reservoirs Act 1975 provides the legal basis for the regulation of large, raised reservoirs, and has been amended over time, most recently by the Flood and Water Management Act 2010. Additional requirements have also been imposed on reservoir undertakers since the Toddbrook incident. Swellands and Black Moss reservoirs are designated as High Risk, Large Raised Reservoirs under the 1975 and as such they are subject to the statutory inspection and maintenance regime. The Planning Statement explains the role of inspecting engineers in more detail. These are independent Panel inspectors. Inspections are required at least every 10 years, or earlier if recommended in a previous inspection report, or when requested by a supervising engineer, or within 2 years of a final construction certificate being issued for the reservoir. If an Inspecting Engineer requires specific MIOS, the Trust, as the Undertaker is legally responsible for making sure these are carried out within the stated timescales. Failing to implement the MIOS within these timescales is a criminal offence. The Inspecting Engineer can also make recommendations in relation to the maintenance of the reservoir, such as the frequency of specific maintenance measures; failure to comply with these requirements is also a criminal offence.
48. In addition to this, the Environment Agency has established a process for risk assessment for reservoir safety (RARS) management, in order to manage the risks of an uncontrolled release of the contents of a reservoir, and consequential loss of life and damage. The RARS process was published by the Agency in 2013 and is followed by the Trust as best practice in the management of risk. Although the measures identified in these risk assessments to address the risks are not directly binding in themselves in the same way as the MIOS identified in a section 10 report, the consequences of not complying with the findings may nevertheless result in an identified risk causing the failure of the reservoir. This would leave the Trust exposed to liability in civil law for any death or damage caused as a result.
49. Following the Toddbrook incident at Whaley Bridge in 2019, the Environment Agency published an advice note which provides recommended actions for reservoir undertakers and engineers. The recommendations include improvement to inspection, supervision, operation, and maintenance activities. Whilst not legally binding, it highlights the importance of regular inspection and maintenance regimes to the safety of reservoir assets; the Agency's advice note establishes good practice and must be followed by the Trust.
50. Finally, the Secretary of State for the Environment, Food and Rural Affairs commissioned an independent review report of reservoir safety legislation, led by Professor David Balmforth. This review report, published in May 2021, provides a comprehensive assessment of the current safety regime in England. It makes recommendations for improving the safety regime and to strengthen the roles and responsibilities for the regulator, reservoir owners and engineers.

Environmental Impact Assessment:

51. As part of the full planning application an Environmental Impact Assessment (EIA) was undertaken. EIA is a formal procedure to assess and report on the environmental effects of certain types and scales of development. The purpose of EIA is to ensure that information about the environmental effects of the proposed development is available to the National Park Authority, as well as consultees to the planning process. The process of EIA identifies the environmental effects associated with the development during construction and once it has been completed, and identifies ways in which those effects can be mitigated to reduce, avoid or minimise any significant environmental effects. It follows the Authority's Scoping opinion (February 2022) which set out the areas ("the scope") that the EIA should address. The findings of the EIA process are presented in an Environmental Statement (ES) which was submitted as part of the planning application. The key conclusions are summarised in the following sections of this report.
52. Each environmental topic was assessed in detail with the findings presented in individual topic 'chapters' within the ES. Each chapter sets out the methodology that was followed for that topic and describes the main considerations for each topic. The chapter then sets out in detail the likely impacts of the development for that topic and expresses the effect of any impact in terms of its 'significance'. Mitigation measures are identified to avoid, reduce or minimise adverse effects that are deemed to be 'significant'. Any beneficial environmental effects are also identified. Finally, any 'residual' environmental effects, i.e. those which remain once all mitigation has been taken into account, are clearly identified. For each topic, an assessment of the 'cumulative' effects of the Development alongside any other plans or projects in the vicinity of the development is also carried out. Each chapter concludes by stating whether any residual effects (once mitigation has been taken into account) are deemed to be 'significant' for the environment or not.

Ecology and Biodiversity

53. The EIA deals with the assessment of the effects of the development on ecology and biodiversity, including the peat resource. This involved consideration of the effects on the Dark Peak SSSI, the South Pennine Moors SAC and the South Pennine Moors SPA, and on habitats and protected species.
54. Chapter 7 of the ES deals with the assessment of the effects of the proposed development on ecology and biodiversity, including the peat resource. This involved consideration of the effects on the Dark Peak SSSI, the South Pennine Moors SAC and the South Pennine Moors SPA, and on habitats and protected species. The detailed assessment was undertaken by specialist and experienced ecologists on behalf of the Trust. It is supported by a number of survey reports including a biodiversity and peat assessment incorporating a phase 1 habitat survey, peat depth survey, water vole survey and reptile habitat suitability assessment; an updated breeding bird survey report; and an NVC and fungi report.
55. During construction the development would result in the loss of a very small area (167sq.m) of acidic grassland and a further 1219sq.m of acid grassland would be subject to temporary disturbance and subsequently be restored on completion of construction using an acidic grassland seed mix of locally occurring species. Overall, the loss of the grassland habitat is considered to be negligible due to the small extent of loss. Although the grassland habitat is located within the SSSI/SAC/SPA, this habitat is not one of the reasons why the area is designated (the reason for designation is the blanket bog habitat which would not be impacted by construction). Nevertheless, it is proposed to ensure that there is a biodiversity net gain by enhancing 0.95ha of blanket bog next to Black Moss Reservoir.
56. Blanket bog habitat and 'flush' vegetation dominated by soft-rush is present in the channel below the existing and new spillway location. A very small area of blanket bog and flush

covering 35sq.m would be lost within the base of the large gully that the new spillway sits within. However, a further 325sq.m of peat and flush habitat would be reprofiled and restored to stabilise the gully edges and prevent any further drying and erosion of the adjacent blanket peat.

57. A key impact during the construction phase would be disturbance to bird species which use the reservoir and adjacent moorland habitat for breeding. The works would take place from March to September 2023 which includes the bird breeding season (generally April to mid-July at this location). It is proposed that temporary screens would be used during construction to minimise the risk of disturbance to breeding birds. Black Moss Reservoir would also continue to hold a small amount of water and would potentially still be attractive to common sandpiper and dunlin. However the ES acknowledges that it is not possible to guarantee that all of the bird species present would be free from disturbance.
58. There is potential for water vole to be present at low density (and unable to be detected during surveys) in suitable habitats. As a precaution a pre-commencement check would be carried out for this species and, as for the sensitive blanket bog and flush vegetation, measures would be taken to avoid harm or disturbance during construction.
59. Overall, the ES concludes that the effect of construction on habitats and species can largely be avoided or mitigated. However, in the case of breeding birds it is not possible to guarantee that all bird species would be free from disturbance and the effect of this is that birds could be temporarily displaced during the 2023 breeding bird season. However, the effect would be time-limited and it is anticipated that breeding behaviour would be restored to the current situation once construction has ceased and water levels in the reservoir have been restored.
60. Completed Development: There would be no lasting adverse effects on habitats and species once the development has been completed as the new infrastructure will sit within the existing footprint and the grassland habitat will have been restored. There would also be a localised and minor beneficial effect on the adjacent blanket bog resulting from the large gully below the new spillway being stabilised and revegetated to prevent further drying and erosion of peat. There would be no long-term disturbance effect in relation to breeding birds.

Landscape, Landscape Character and Visual Effects

61. The EIA deals with the impact of the development on short, medium and long distance views and landscape character and resources. It was informed by photomontages, from locations agreed with the Authority, to illustrate what the completed dam would look like. The completed development would result in a minor residual visual effect from the new spillway and associated railings and footbridge, but these impacts will not be harmful once the works have been completed and have weathered to some extent. The use of concrete in the spillway would only be visible at close quarters, only above water level and this will weather if treated as proposed. The use of matching natural stone elsewhere in the development will ensure that the new wave wall and spillway will assimilate into the landscape.
62. In response to this, Officers have questioned the use of concrete for the external faces of the spillway. Whilst the use of concrete on surfaces that are constantly or regularly under water may be acceptable, in terms of its long term durability, external faces which are not subject to water should be natural stone. The Trust has been asked to clarify and consider this; a verbal update will be given at Planning Committee.

63. The detailing of the other parts of the scheme are considered to be acceptable, including the extend dam, the wave wall and the footbridge, subject to the final details of the footbridge being submitted and approved. The longer wave wall will obviously be visible in the landscape, but this will be in the context of the existing wall, dam and infrastructure.

Archaeological and Cultural Heritage

64. This part of the EIA dealt with the effects of the development on potential archaeological resources. These resources include some of the most significant Mesolithic flint finds in the north-west of England, including two arrowheads found within close proximity to Swellands Reservoir, on the north of Black Moss Reservoir. The reservoirs themselves, although not formally designated heritage features, are of some historic interest. The ES concludes that the construction phase of work represents the single greatest impact to the archaeological resource as this is the phase that will have the maximum impact on below ground deposits where the archaeological resource is situated. The construction phase would have an impact upon the setting of the reservoirs. The level of any archaeological remains sealed below the modern land is currently unknown. Any potential below ground remains, especially any Mesolithic (stone age) artefacts, could be locally or regionally important and so any effect would be significant. The application proposes that this will be mitigated by a programme of monitoring in the form of a watching brief during construction and recording, conservation, archive deposition and publication of any archaeological features or finds uncovered. It concludes that, overall, with mitigation in place, there would be no significant effect on archaeology or cultural heritage. In addition, it states that due to the reuse of stone reclaimed from the existing spillways to construct the extended wave wall and the facing of the new spillway to give the appearance of stone, there would be no long-term effect on the historic landscape or the setting of specific heritage assets (please see last section for officer comments on this).
65. The Authority's archaeologist has raised some detailed questions about some statements in the archaeological assessment, but overall it is considered that the impacts on features of archaeological interest will not be significant or harmful.

Access and Recreation

66. This part of the EIA dealt with the effects of the Development on access and recreation resources and involved:
- Identification of all recreational opportunities that may be affected including Rights of Way, Open Access Land, adjacent recreational areas and legal, permissive and unauthorised uses;
 - Determination of types of user, activities undertaken, levels of usage and travel distance; and
 - The loss or gain of amenity, existence of equivalent recreational opportunities and the displacement of activities. During Construction.
67. The ES concludes that the key effect during construction would be indirect disturbance to the amenity of users of open Access Land, Common Land, the Pennine Way and other rights of way and informal paths, resulting from noise and visual disturbance. The effect would be time-limited and of short duration. The effects may result in the temporary loss of recreational amenity, potentially leading to avoidance of the area by recreational users during construction (unless following the Pennine Way National Trail in which case there is no alternative route). An informal path that runs along the dam crest of Swellands would also be temporarily closed to public use during construction for health and safety reasons. However, this is not a formal Public Right of Way and that no public rights of way would be closed or diverted.

68. Brun Clough Car Park would also be closed to the public for the duration of construction and this would be a significant effect, albeit a temporary one. The Trust advises that following consultation with Oldham Council, it has been agreed that alternative parking provision is not required. The temporary loss of amenity and use of the car park at Brun Clough and informal path along Swellands dam crest would be moderately significant but short-term and reversible, for the duration of construction only which will be from March to September 2023. As noted above, in the consultation section, the Authority's Transport Planner has expressed concern about the temporary loss of this popular car park. The Trust has agreed to explore the possibility of alternative parking on other land in its ownership in the locality, but this would be difficult to require by condition.

69. Once the works to the dam have been completed, there would be no effect on recreational amenity due to the relatively small scale and design of the works to ensure that they are in keeping with the existing reservoir infrastructure.

70. Cumulative Effects:

A key consideration in EIA terms is the potential for cumulative effects to arise from the development in combination with other approved and proposed projects. In particular, there are two other projects that would take place in proximity to the development. These comprise the permanent access track, which would extend from the A62 to Black Moss and Swellands Reservoirs and is anticipated to be constructed between May and October 2022. The second project is proposed works to be undertaken at Black Moss (September/October 2023) and Little Black Moss Reservoirs (August to November 2022) which is outside of the bird breeding season. The ES concludes that the projects will take place at different locations and over different years, so the same bird species will not be impacted twice.

71. From a landscape and visual perspective, the works at Swellands Reservoir dam is of insufficient scale to have any cumulative effect with the permanent access track or works at Black Moss and Little Black Moss Reservoirs. In terms of habitats, there would be no significant cumulative effect on habitats as the only habitat to be impacted by the dam works is a small area of acidic grassland and blanket bog/flush habitat. A larger area of grassland and blanket bog would subsequently be restored and revegetated.

72. From an access and recreational point of view, there is the potential for a cumulative loss of recreational amenity due to the construction period spanning two years. Brun Clough Car Park would also be closed during the period of construction in each year.

73. Finally, from an archaeological and heritage perspective, it is anticipated that there would be a minor cumulative effect on the setting of heritage assets resulting from the short-term visual intrusion of construction activities. There would also be a minor cumulative effect on setting with the three projects in place.

Environmental Management

74. A statement has been submitted with the application to set out how the development meets the requirements of this policy. It also points out that with climate change there will be greater pressure on critical infrastructure such as reservoirs as a result of increasingly common severe weather events.

Highways

75. A traffic management plan is submitted with the planning application covering the vehicular traffic movement throughout the proposed construction works and traffic calming measures on the A62. Vehicular traffic movements associated with the proposed reservoir dam works

are anticipated to be low and are limited to the construction period only, which is demonstrated in the traffic management plan. For the construction stage, it is proposed to apply for a Temporary Traffic Regulation Order to provide for a reduced speed limit of 30 mph on the A62, supported with a speed activated sign, to help accommodate the movement of construction traffic. Other safety measures are proposed during the construction stage, as detailed in the traffic management plan.

Conclusion

76. This application proposes the carrying out of works to Swellands dam and the associated infrastructure including the spillways. The site is in open moorland, within the Natural Zone and in an area designated for its habitat and biodiversity interest as an SSSI, SAC and SPA. National policy and environmental law, together with the Authority's policies, set out a very strong presumption against development in these designated areas. Consequently, development must only be approved in exceptional circumstances. The planning application makes the case for approving the development in this case, advancing the case overriding public interest for the essential maintenance of the reservoir infrastructure. The Canal and River Trust is obliged by law, as an "undertaker" to maintain the reservoirs and the associated structures and are subject to a rigorous inspection system to ensure this and is legally obliged to comply with recommendations of the Section 10 report. This states that these essential works must also be carried out to the dams themselves by 31 October 2023.
77. The application has set out the need for the proposed reservoir dam works including, the legal context and the legal requirement as a MIOS under Section 10 of the Reservoirs Act 1975 and information has been provided to establish the public safety risk, including consequences in the event of reservoir failure. The application (together with previous application for a permanent track) has demonstrated that there is an essential need for the proposed reservoir dam works. These are considered to be exceptional circumstances under policy L1 and DMC2 to accept the principle of development in the Natural Zone.
78. The application sets out the environmental impacts of the proposed works and evaluates these in the Environmental Impact Assessment (EIA) and Environmental Statement (ES respectively). The EIA and ES conclude that there would be no significant harm and that any impacts are, in any case, outweighed by the public interest need for these essential works. Consequently, it is considered that the proposed development is not a significant departure from Core Strategy policy L1 or DM DPD policy DMC2.
79. From a Habitat Regulations perspective, the accompanying assessment concludes that there will be no unacceptable impacts on SAC habitat. If there were such impacts, under the Habitats Regulations 2017 the proposal could only be legally approved if the following conditions are met:
- There are Imperative Reasons of Over-riding Public Interest "IROPI" (Regulation 64(1))
 - There are no alternative solutions (Regulation 64(1))
 - Compensatory measures must be taken to ensure that the overall coherence of Natura 2000 is protected (Regulation 68)

Given the conclusions in the preceding HRA report, if the Authority is minded to approve the application, there is no need to notify the Secretary of State before final approval.

80. Officers have concluded that the need for the essential repair and maintenance work to the dam is a significant material planning consideration, given the public safety and water supply issues, and that the submitted scheme minimises the environmental impacts as far as possible, with those cannot be avoided being compensated for through on-site enhancements. These exceptional circumstances are considered to be strong material planning considerations that provide an overriding justification in the public interest for

making an exception to the policy presumption against development in the Natural Zone. Consequently, the application is recommended for approval, subject to conditions, as set out above.

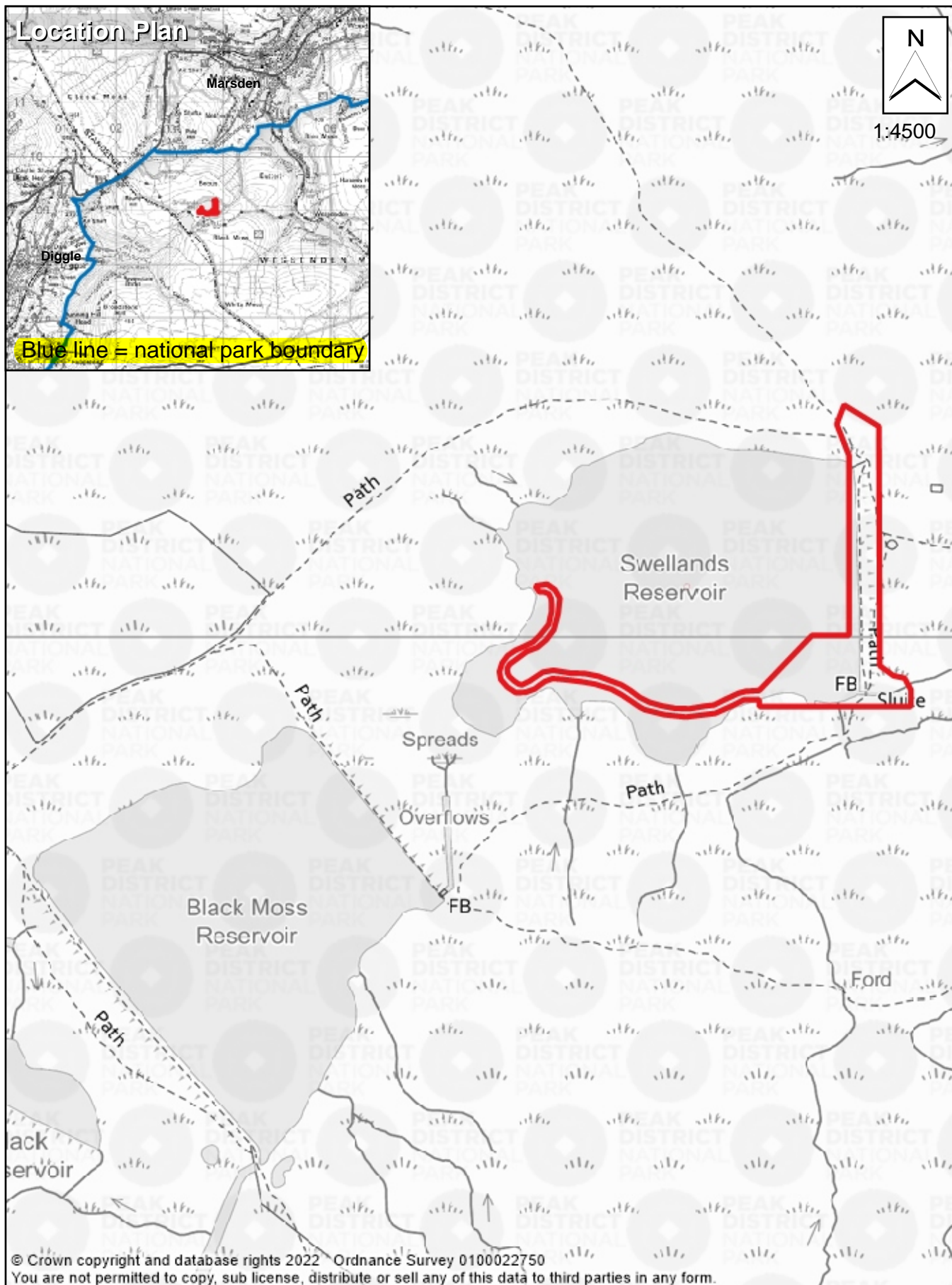
Human Rights

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

82. List of Background Papers (not previously published)

Nil

Report author: John Keeley, Planning Manager (North)



Committee Date: 13/05/2022
Item Number: Item 5 & 6
Application No: NP/K/0322/0346
Grid Reference: 403800, 409016

Title: Swellands Reservoir off the A62 Huddersfield Road, Diggle



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7. FULL APPLICATION – ERECTION OF A PAIR OF SEMI DETACHED AFFORDABLE LOCAL NEEDS DWELLINGS AT LAND OFF RECREATION ROAD, TIDESWELL (NP/DDD/0222/0190, AM)

APPLICANT: MR & MRS BATES

Summary

1. The site is part of an agricultural field on the northern edge of Tideswell off Recreation Road.
2. The application proposes two affordable houses to be first occupied by the applicant's sons.
3. The application does not demonstrate that the proposed first occupants have a local qualification or that there is a proven need for the dwelling. The proposed dwellings would also not be affordable by size or type or meet the stated need of the first occupants.
4. The application is recommended for refusal.

Site and Surroundings

5. The site is located in an agricultural field on the northern edge of Tideswell adjacent to the dwellings on Recreation Road and the recreation ground.
6. The site and wider field is open pasture bounded by drystone walling. The nearest neighbouring properties are 34 and 35 Recreation Road to the south of the site.
7. There is an existing field access to the site at the end of Recreation Road.

Proposal

8. The application is for the erection of two 3 bedroom affordable houses on the site. The dwellings would be first occupied by the applicants' two sons.
9. The dwelling would be sited in the southern part of the field adjacent to the dwellings on Recreation Road. Access would be taken from Recreation Road for each of the two dwellings and a new field access would be created.
10. The dwellings would be two storey, semi-detached properties constructed from stone and slate with uPVC windows with stone heads and cills. Each dwelling would have a gross internal floor area of 97m² plus an attached single garage.

RECOMMENDATION:

That the application be REFUSED for the following reasons

1. **The application does not demonstrate that the development would meet eligible local needs for affordable housing. The propose housing would not be affordable due to its size and type. The application therefore fails to demonstrate exceptional circumstances to allow new build housing within the National Park contrary to Core Strategy policy HC1, Development Management policies DMH1 and DMH2 and the National Planning Policy Framework.**

2. **Insufficient information has been submitted with the application to demonstrate that the development would achieve the highest possible standards of carbon reductions and water efficiency in order to mitigate the causes of climate change contrary to Core Strategy Policy CC1 the Authority's adopted Supplementary Planning Document 'Climate Change and Sustainable Building' and the National Planning Policy Framework.**

Key Issues

- Whether there is justification for the proposed local need affordable houses and whether the proposed development is in accordance with policies HC1, DMH1 and DMH2
- The design and landscape impact of the proposed development.

History

11. None relevant.

Consultations

12. Parish Council – Support the plans as keen to encourage affordable housing. The plans are also well designed.
13. Highway Authority – No objection subject to conditions and makes the following comments:
14. *"The application site is located Recreation Road which is a unclassified road subject to a 30mph speed limit, whilst the proposed development will intensify the use of the existing field/vehicular access, the access is located on a cul-de-sac and benefits from acceptable emerging visibility onto Recreation Road, therefore, any increase in traffic generation the proposal may generate is unlikely to lead to any severe safety issues associated with the access.*
15. *It should be noted that should there be any further proposed development on the land adjacent to Recreation Road, any access road/street would unlikely be adopted as publicly maintainable highway and an intensification of vehicular use associated with the existing access above what is currently proposed would likely be open to highway objection.*
16. *Typically, off-street parking bays should be demonstrated by dimensions, however, the Proposed Site Plan demonstrates sufficient space within the site to accommodate 2no off-street parking bays to serve each dwelling, therefore, it is considered the appropriate dimensions can be secured by condition.*
17. *Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.*
18. *The proposed integral garages are below recommended dimensions, single vehicular garages should have minimum internal dimensions of 3.0m x 6.0m, therefore, the applicant may wish to increase the size of the garages in order to be used for the parking of vehicles.*
19. *No details have been submitted regarding the storage of bins and collection of waste, an area of adequate dimension for standing of waste bins on refuse collection days should be provided adjacent to, but not within, the public highway to serve the proposed dwellings."*

20. District Council – No response to date.
21. Natural England – No response to date.
22. PDNPA Archaeology – No response to date.
23. PDNPA Ecology – No objection subject to conditions and makes the following comments:
 24. *"The site was surveyed on 01/11/2021 and is semi improved grassland with some flowering plants, and a building providing some nesting opportunities for song birds. The report states that Swifts have been recorded within 1km.*
 25. *The recommendations in the report covering lighting, protection of birds, bats and hedgehogs should be carried out in full.*
 26. *I would recommend that within the area of both new dwellings two general purpose nest boxes be erected, native species are used in any landscaping and each garden has a wildflower area created on low nutrient material to compensate for loss of habitats. Also by way of ecological enhancement each house should have two swift boxes attached just below the roof line."*
27. PDNPA Policy – Make the following comments:
 28. *"The proposal is for 2 local needs houses for returners. The applicant would enter into a S106 to limit the sale of the property to those who can satisfy the local connections requirement and a 30% below market value in perpetuity.*
 29. *Both properties would have internal floor areas of 97sqm in size, the maximum size allowance for a 5 persons bed space property. This does not include the addition of a garage. A garage is a feature that would affect the affordability of the property in the longer term and it is recommended that it be removed from the application. The applicant themselves have demonstrated in their D&A statement the unaffordability of property in the area to justify their need to build. This issue applies to everyone seeking to remain in the locality; the addition of a garage would only exacerbate this issue when the time came to sell the property, which the applicant would be entitled to do after 3 years.*
 30. *Moving on to the size of the proposed dwellings. The dwellings are to accommodate a two person family and a 3 person family. In accordance with DMP policy DMH1 the gross internal floor area should be limited to 58m2 and 70m2 respectively to be in line with the applicants' existing need. The Planning Committee have approved a Policy DMH1 Practice Note to afford some flexibility for applicants and to address the tension between what an applicant would like and what their current need is. For 2 people, this would increase the bed space size allowance to 70m2 and for 3 people this would increase the bed space allowance to 97m2. There is capacity to amend the scheme to address the above size threshold requirements.*
 31. *With regards to the acceptability of the location of the development, it is on the edge of the settlement in accordance with Core Strategy DS1. However, whether this is an acceptable 'on the edge of settlement' location in landscape terms to accord with Core Strategy policy L1, needs to be determined through the Landscape Strategy and advice from the Landscape Officer.*
 32. *The applicant references planning permission DDD/0421/0433, which was approved by Planning Committee as giving 'carte blanche' to all applications for local needs housing*

to be of the maximum allowance plus garaging. Each planning application is assessed on its own merits and the applicant fails to acknowledge the appeals that have been dismissed for similar proposals in which the Inspector supported the Authority's position on restricting the size of affordable properties and the more recent policy position the Planning Committee has agreed to in the Policy DMH1 Practice Note, both of which are relevant to determining this application."

Representations

33. We have received two letters to date. One letter supports the application and the other objects. The material planning reasons are summarised below.

Support

- This is a very sensible proposal and a good location for two much needed affordable homes.

Objection

- The access into the site is not wide enough to take extra traffic. The width at the top of the road is 3m which is the same as waste disposal wagons, therefore creating concerns regarding parking and access for the top 3 houses.
- Query if current drainage and utilities on Recreation Road able to accommodate more houses.
- Query if the application could result in additional houses in the future.

Main Policies

34. Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, CC1, HC1, L1 and L2
35. Relevant Development Management policies: DMC3, DMC4, DMC11, DMC12, DMC14, DMH1, DMH2, DMH3, DMH11, DMT3, DMT8, DMU1 and DMU2.

National Planning Policy Framework

36. The National Planning Policy Framework (NPPF) should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises our Core Strategy 2011 and the Development Management Policies 2019. Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between prevailing policies in the development plan and the NPPF and our policies should be given full weight in the determination of this application.
37. Para 176 states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
38. Para 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

39. The NPPF defines rural exceptions site as small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.

Peak District National Park Core Strategy

40. Policy DS1 sets out the Development Strategy for the National Park. Part D says that in named settlements such as Tideswell there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable in principle.
41. Policy HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess applications for affordable housing to meet local need.
42. 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.
43. 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.
44. Policy GSP4 says that to aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
45. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources, taking into account the energy hierarchy and achieving the highest possible standards of carbon reductions and water efficiency.
46. Policies L1, L2 and L3 require development to conserve and where possible enhance the landscape, biodiversity and cultural heritage of the National Park. Development which has a harmful impact should not be approved unless there are exceptional circumstances.

Development Management Policies

47. The most relevant development management policies are DMH1 and DMH2. Policy DMH11 is also relevant as it states the need for a planning obligation to secure the affordability of the dwellings in perpetuity if the scheme were permitted.

48. Policy DMH1 – New Affordable Housing

A. 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 following size thresholds:

Number of bed spaces and Maximum Gross Internal Floor Area (m²)

One person 39
Two persons 58
Three persons 70
Four persons 84
Five persons 97

B. Starter Homes will be permitted as part of a development of housing to enhance a previously developed site.

C. Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

49. Policy DMH2 First occupation of new affordable housing

In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

- (i) a person (and his or her dependants) 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
- (ii) a person (and his or her dependants) 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
- (iii) 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.

50. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.

51. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.

52. Policy DMC4. A says that planning applications should provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the

settlement to local landscape character. The siting of the development should complement and not harm the character of these settlements.

- 53. Policy DMC11. A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.
- 54. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees which should be protected during the course of the development.
- 55. Policies DMT3 and DMT8 require development to be provided with adequate off-street parking and safe access.

Assessment

Principle of affordable housing

- 56. Our policies do not allow new build housing in the National Park unless there are exceptional circumstances. One circumstance where housing can be permitted is under policy HC1. A where development would meet eligible local need for affordable housing.
- 57. The site is located on the edge of Tideswell, therefore the development of affordable housing is acceptable in principle if there is a proven need for the dwellings, the housing is within our maximum size thresholds and the named first occupants satisfy our occupation criteria in accordance with policies DMH1 and DMH2.
- 58. The applicants' two sons are the intended first occupants of the dwellings. The application states that both sons were born in Tideswell and have lived in Tideswell, Peak Forest and Great Hucklow for more than 10 years over the past 20 years. One son left the family home in 2021 and now lives outside the National Park with his family, while the other left in 2016 and now lives outside the National Park with his partner.
- 59. No evidence to demonstrate the local qualification of either intended first occupant has been submitted with the application. We have requested this from the agent but no evidence has been provided to date. Provided this evidence was submitted both named first occupants would meet the criteria of a returner under the first part of policy DMH2 (ii).
- 60. Policy DMH1 and DMH2 (ii) require the intended first occupants to be in need of affordable housing in all cases, including returners. The application states that both sons are in need of affordable housing and includes information on earnings and a property search of market housing to demonstrate this. The Housing Need Survey (HNS) for Tideswell is up-to-date and identifies a need for 20 dwellings comprising mostly 2 bedroom houses with a lesser requirement for 3 bedroom houses and some bungalow provision.
- 61. However, where dwellings are proposed to meet an individual's need our policies call for the same information required by Housing Authorities to assess claims of housing need (in this case home-options). No evidence of eligibility or registration with home-options has been submitted for either intended first occupant. The agent has stated that both sons have registered for home-options but that one son is not eligible because he owns a house outside of the National Park.

62. Our policies require all intended first occupants of proposed affordable housing to demonstrate they are in need of affordable housing (including returners). This is essential to ensure that the limited land suitable for development is only released when there is a demonstrated need. This application has not provided evidence to demonstrate that either intended first occupant is in need of affordable housing. Furthermore, the agent has indicated that one of the intended first occupants may not be eligible.
63. Turning to the size and type of the proposed dwellings. The application proposes the erection of two semi-detached three-bedroom dwellings, each with a gross internal floor area of 97m² plus an attached single garage. This equates to two five-person dwellings as set out by policy DMH1. From the information provided, one son lives within a 3-person household (maximum floor area of 97m²) and the other lives within a 2-person household (maximum floor area of 70m²).
64. These maximum figures take into account the practice note approved by Planning Committee to afford some flexibility for applicants. Nevertheless, one of the proposed dwellings appears to be larger than the need. However, it is not possible to make an objective assessment because no evidence has been provided from home-options.
65. Furthermore, both of the proposed dwellings would be provided with large gardens and attached single garages, which would significantly increase the value of the properties. The proposed dwellings therefore would not be affordable by size. The development would also not make an efficient use of the site, which if it were to be developed for affordable housing could potentially take a larger number of dwellings.
66. Therefore, the application does not demonstrate that there is a proven need for the proposed affordable houses contrary to policy DMH1. A or that either first occupants meet our occupancy criteria set out by policy DMH2.
67. The desire to return to the National Park and a larger property is understood. However, our policies require applicants to demonstrate that they are in need of affordable housing and have a local connection. This is to ensure that the limited sites available for affordable housing are only released when development would meet a demonstrable local need that can not be met by the existing housing stock.

Siting and landscape impact

68. The site is located within the limestone village farmlands landscape character type within part of a larger field bounded by drystone walling. The land here is relatively level but rises slightly to the north. The site is located adjacent to properties on Recreation Road and is therefore on the edge of the settlement. The Authority does not designate sites for affordable housing, however, the wider fields this site is within were have been previously identified as suitable for affordable housing.
69. The proposed development would be site within the field but would be adjacent and well related to the existing properties on Recreation Road. The development would read as a natural extension of existing development into a field, which is not prominent from within or outside of Tideswell or in the wider landscape. The development therefore would not have a harmful impact upon landscape character. The site is outside of the designated Tideswell Conservation Area and would not harm its setting. Furthermore, we have received no objection from the Authority's Archaeologist.
70. Concern has been raised that if the development were approved that it could set a precedent for further development within the fields. However, each application must be determined on its own merits. This development would in principle conserve the landscape character of the area in accordance with policies GSP1, GSP3, L1, L3

DMC3, DMC4 and DMC5.

Design, sustainable building and climate change

71. The proposed dwellings would be constructed from stone and slate with narrow gables and pitched roofs. Windows and doors would be uPVC with natural stone heads and sills.
72. The dwellings have narrow gables and utilises traditional materials and detailing. The design therefore broadly reflects the local built tradition and our adopted design guide. There is some concern about the proposed use of uPVC windows given that the tradition is for timber windows. The acceptability of uPVC would depend upon the detailed design of the frames. These details and landscaping could be reserved by planning condition if permission were granted.
73. The application states that the dwellings would be built to the equivalent of Code Level 3 in the Code for Sustainable Homes. This is welcomed in principle; however, Government has withdrawn the Code. The dwellings would be well insulated and heated by a gas boiler. Low energy and water fittings would be installed along with water butts to collect rainwater.
74. The proposed measures are noted but the use of a gas boiler is disappointing as there are other technologies available to reduce carbon emissions and mitigate the impacts of climate change. It would be feasible to incorporate air source heat pumps and/or solar photovoltaic panels into the development. The need to minimise the cost of the dwellings is understood, however, we frequently deal with applications for affordable housing, which incorporate these technologies, which have environmental benefits and potentially reduce longer term running costs.
75. As submitted, the application does not demonstrate how the development has been designed to make the most efficient use of natural resources, taking into account the energy hierarchy and achieve the high standards of carbon reductions and water efficiency required by policy CC1.

Impact upon amenity and Highway Safety

76. The proposed dwellings would be adjacent to and at a similar level to neighbouring properties on Recreation Road. Given this relationship and the distance to neighbouring properties there are no concerns that the development would lead to any significant loss of light or privacy or be overbearing in relation to neighbours. A window is proposed in the southern gable looking towards neighbours but this is a bathroom window and therefore would not cause any unacceptable loss of privacy if obscure glazing was installed and permanently maintained.
77. Therefore, the development would not be contrary to our detailed design guidance in respects of amenity and would not harm the amenity, security or privacy of any neighbouring property.
78. The development would utilise the existing field access providing a driveway, turning area and three parking spaces for each of the houses (including the proposed garages). There is sufficient parking and turning space within the site to serve the development. The Highway Authority has raised no objections subject to conditions.
79. There have been concerns raised about the width of Recreation Road and potential impact on amenity. Recreation Road does narrow where it meets the application site and the last two neighbouring properties (nearest to the site) do not benefit from off street parking and therefore are more likely to park on the road which could restrict

access to the site. Nevertheless, the development would be served by ample off-street parking and therefore would not result in additional street parking or harm the amenity of road users.

80. There is concern that the access to the development must not prejudice further development of the fields or affordable housing. The access should be designed so that it could be adopted and not prejudice any future development which may require alteration to Recreation Road. We have not requested amended plans due to our fundamental concerns about the development. However, subject to conditions to secure amended access and the requirements of the Highway Authority the development would not harm highway safety.

Trees and protected species

81. An ecological appraisal has been submitted with the application. The site has been surveyed and is semi-improved grassland with some flowering plants, and a building providing some nesting opportunities for birds. Swifts have also been recorded within 1km of the site.
82. The appraisal recommends mitigation in relation to protection of birds, bats and hedgehogs on site along with external lighting. Our Ecologist recommends that planning conditions be imposed to secure this mitigation along with the provision of nest boxes and creation of a wildflower area created on low nutrient material to compensate for loss of habitats.
83. There are a number of mature trees within the field but these are away from the location of the proposed dwellings. These trees are unlikely to be harmed if tree protection fencing is erected to protect them during construction.
84. Therefore, subject to conditions the development would conserve and enhance biodiversity in accordance with policies L2, DMC11 and DMC12 and would not adversely affect trees in accordance with policy DMC13.

Other Issues

85. If approved, a planning condition would be required to ensure that on-site utilities infrastructure is installed underground to ensure the development is in accordance with policies DMU1 and DMU2.
86. The application proposes to dispose of surface water to the main sewer and states that provision for disposal of foul sewage is 'unknown'. There is ample space on the site to dispose of surface water to a soakaway in the event that disposal to the main sewer is not desirable. We would expect that foul sewerage would be to the main sewer unless this is not practicable or viable. If permission were granted, we would recommend a pre-condition to require foul drainage details to be submitted for approval before the development commences.

Conclusion

87. The application does not demonstrate that the proposed first occupants have a local qualification or that there is a proven need for the dwellings contrary to policies HC1, DMH1 and DMH2.
88. Furthermore, the proposed dwellings are not affordable by size or type and do not reflect the stated need of the named first occupants.
89. Having taken into account all material considerations and issues raised in

representations we conclude that the proposed development is contrary to the development plan. Material considerations do not indicate that planning permission should be granted. Therefore, the application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

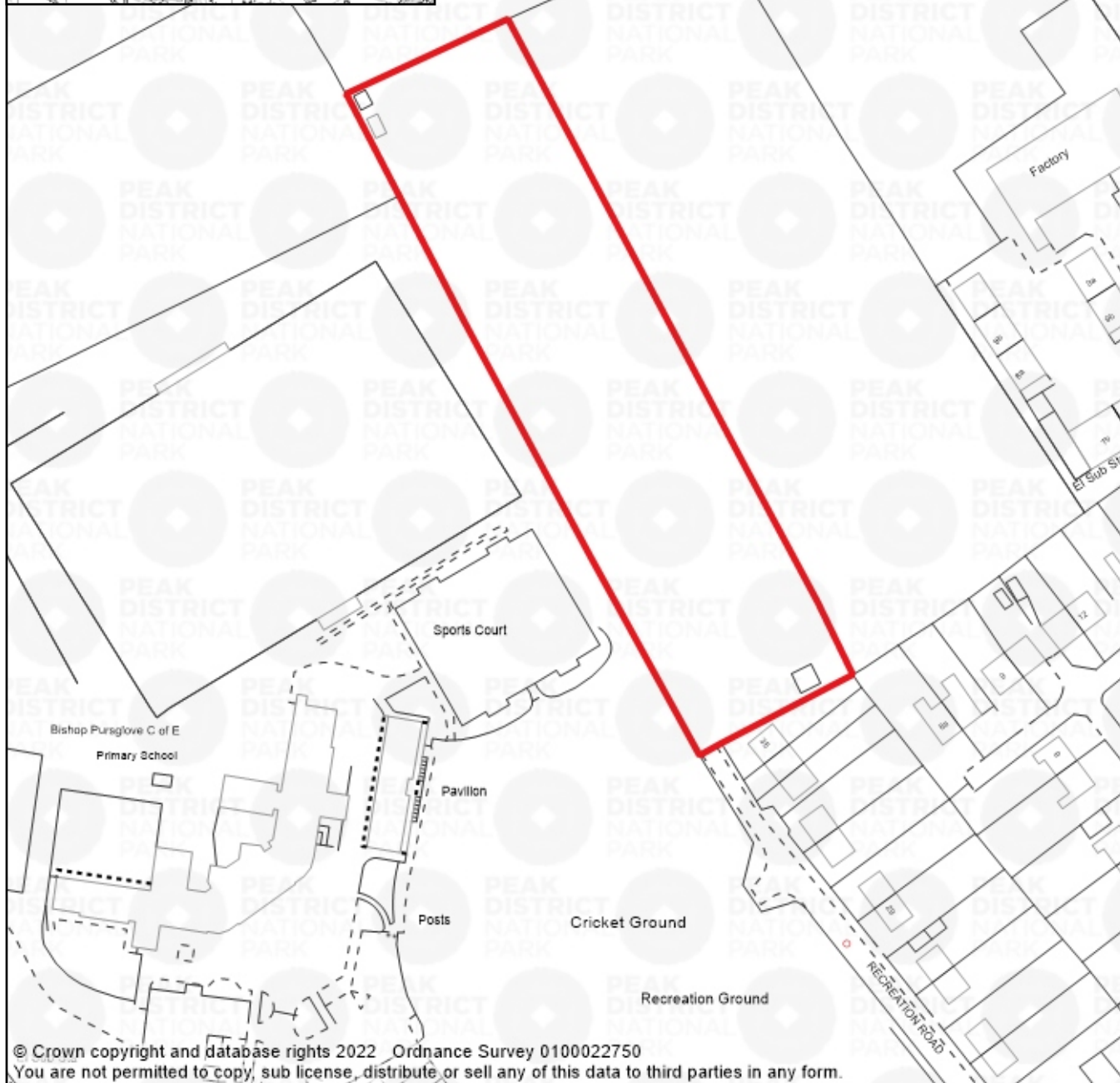
Nil

Report Author: Adam Maxwell, Senior Planner

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Committee Date: 13/05/2022
Item Number: Item 7
Application No: NP/DDD/0222/0190
Grid Reference: 413535, 376076

Title: Land off Recreation Road,
Tideswell



**PEAK
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NATIONAL
PARK**

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8. FULL APPLICATION – INSTALLATION OF SOLAR PANELS, WITH 4 NO. 44 PANEL ARRAYS ON LAND BEHIND TAGG LANE GRANGE, TAGG LANE, MONYASH. (NP/DDD/0122/0035, SC)

APPLICANT: MR BOAM

Summary

1. The application seeks planning permission to erect two rows of ground mounted solar panels within a parcel of land to the south east of the main farm buildings at Tagg Lane Grange.
2. In this case, it is considered by virtue of the location, size and appearance of the solar array, this would have an adverse visual impact on the valued landscape character of the area. As a result, the application is recommended for refusal.

Site and Surroundings

3. Tagg Lane Grange is located on the south side of Tagg Lane close to the cluster of agricultural buildings located on the junction between Tagg Lane and the A515. The farm complex comprises of the main farmhouse, a number of large modern agricultural buildings, which are sited towards the rear of the dwelling and used for general purpose storage and cattle housing.
4. The applicant runs a dairy business, with part of an existing agricultural barn converted to camping facilities and additional café/shop and seating area associated and connected with the existing farm enterprise.
5. Sited to the east of the main farm and within the adjoining field, is a touring caravan site (also in the applicant's ownership) entered directly off Tagg Lane (B5055) and through a separate gated access from the main farm.

Proposal

6. Permission is being sought to erect two rows of ground mounted solar panels, each row containing 88 panels (176 in total).

RECOMMENDATION:

That the application be REFUSED for the following reasons:

7. **The development, by virtue of the location, size and appearance would result in significant adverse visual impact on landscape character and the wider scenic beauty of the National Park. The proposal is therefore contrary to the landscape conservation objectives set out in the NPPF and the Authority's Local Plan policies GSP1, GSP3, CC2, DMC1 & DMC3.**

Key Issues

8. The principle of the development.
9. The landscape impact of the development.

Relevant history

10. 2020 - (NP/DDD/0520/0390) - Solar PV array made up of 220 panels: 1 row of 2 mounting tables (37m x 4.12m) and 1 row of 3 mounting tables (56m x 4.12m), each table holds 44 panels: formation being 11 wide, 4 high - Withdrawn.

11. 2020 - (NP/DDD/1120/1130) - Increase in permitted caravan pitches from 12 to 16 including landscaping details for hard standing areas and access road. Refused on landscape grounds.
12. 2020 – (NP/GDO/0420/0381) - GDO Notification - Portal framed building - extension to dairy facilities - Prior Approval not Required.
13. 2019 – (NP/DDD/1118/1057) - Change of use of part of existing agricultural barn into camping facilities and additional café/shop seating area. Works include new openings in the north facing elevation. Extension of existing ice cream production facility of 12 x 4.6m.- Granted.
14. 2018 – (NP/GDO/1118/1109) - GDO Notification - Agricultural building - portal frame with fibre cement cladding - Prior Approval not Required.
15. 2017 – (NP/DDD/0117/0044) - Toilet for shop staff – Granted.
16. 2016- (NP/DDD/0116/0009) - Erection of Ice Cream Production Unit and conversion of redundant grain store to Farm Shop. Granted.
17. 2016 – (NP/DDD/1215/1207) - Change of use from agricultural to touring caravan site – Granted.
18. 2014 – (NP/DDD/0614/0679) - Erection of Cattle Shed and Whole Crop Store. Granted.
19. 2013 - (NP/DDD/0313/02132013) - Feed storage silo – Granted.
20. 2012 – (NP/DDD/0812/0850) - Construction of agricultural building and concrete slurry store – Granted.
21. 2010 – (NP/DDD/1210/1229) - Erection of feed storage area. Granted.
22. 2010 - (NP/DDD/0210/0109) - Extension to general purpose building. Granted.
23. 2010 - (NP/DDD/0210/0110) - Livestock building – Granted.

Consultations

24. Highway Authority – No response at the time of writing the report.
25. Parish Council – Support.
26. PDNPA Landscape – No objections, subject to landscaping details.

Representations

27. None.

National Planning Policy Framework (NPPF)

28. 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.

29. In particular Para: 176 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.
30. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
31. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

32. 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.
33. 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.
34. DS1 – *Development Strategy* - supports the development of renewable energy infrastructure in principle.
35. 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.
36. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions.
37. CC2 *Low carbon and renewable energy development*. Sets out that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character or the special qualities of the National Park.

Development Management Policies

38. DMC1 - *Conservation and enhancement of nationally significant landscapes*. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact should provide a landscape assessment with reference to the Landscape Strategy and Action Plan, proportionate to the proposed development. And the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.
39. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, 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.

40. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

Supplementary Planning Document

41. Climate Change and Sustainable Buildings.

Relevant guidance

42. The Authority's Landscape Strategy offers relevant guidance on the application of landscape conservation policies in the Development Plan. In this case, the site is within the Limestone Plateau Pastures landscape character area.

Assessment

Principle of the development

43. Policy DS1 supports the development of renewable energy infrastructure in principle.
44. Although the site is located fairly close to the farm complex, it nevertheless has a clear separation and is viewed within a wider open landscape setting, exposed to public view from both Tagg Lane and at distance from the A515.
45. Consequently, there are concerns over the development and its potential conflict with the principles of the Development Plan regarding landscape impact, which is further discussed in the following report.

Siting, Design and materials

46. The solar array would be sited in a parcel of land to the south east of the main farm buildings and to the south of an existing touring caravan site.
47. The full array would be made up of 176 panels, comprising 2 rows of 2 mounting tables, each table measuring approximately 39m in length x 4m wide x 3.2m in height from ground level. Each table would hold 44 panels, the formation being 11 panels wide and 4 high.
48. According to the submitted details, the PV modules would be Canadian Solar 300w panels or similar. These modules having an anti-reflective coating to ensure that there are no undesirable side effects related to light reflecting glare.

Landscape and visual impact

49. Policy L1 seeks to ensure that all development conserves and enhances valued landscape character and sites.
50. The adopted supplementary planning document '*Climate Change and Sustainable Buildings*' is a material consideration. This states at paragraph 9.2.9, that large scale ground mounted solar arrays are not appropriate. It also says, that to meet National Park policies, ground mounted solar arrays outside the curtilage of a building should be avoided.
51. The landscape character type for the area is defined as Limestone Plateau Pastures within the White Peak. Described as an upland pastoral landscape with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls.

52. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground. The landscape surrounding the application site is generally considered a peaceful rural setting, reflecting these characteristics.
53. The solar array would be sited in a relatively flat area of land to the south east of the main farm buildings and to the south of an existing touring caravan site. This area of field is located around 80m from the main road (Tagg Lane), however, is clearly visible when approaching the farm from the west and also at distance from the main A515 road, in particular when approaching from the south.
54. Whilst less dominant from distance, they would appear solid in these views, therefore would look at odds with the typically open landscape character of the locality.
55. From these aspects, but particularly from Tagg Lane, the introduction of two rows of ground mounted panels and their supporting structures at a height of 3.2m and almost 40m in length would appear prominent and unduly intrusive, having a harmful visual impact on the character, appearance and setting of the surrounding landscape, particularly given that the only boundary to the edge of the field when looking from Tagg lane is post and wire fencing, which provides no effective screening of the site.
56. The plans show the removal of two trees from the field, with the intention of planting another six on the boundary between the caravan and development sites. Whilst this may give some cover (When viewed from Tagg Lane) in the longer term, it would take a number of years before these trees would mature enough to have any significant impact on the screening of the site.
57. The Authority's Landscape Architect had offered some proposed mitigation measures regarding landscaping for this particular scheme, should it go ahead. This included maintaining a dry stone boundary wall to the south of the proposed panels, where this would act as the permanent extent of development on site. In addition, the opportunity to plant a mixture of small and medium sized trees to the west of the existing campsite, to help reinforce a separation with the farm's activities from the open fields beyond.
58. However, again, planting would inevitably take a number of years to mature to afford any meaningful screening of the development site. Therefore, it is challenging to reflect how best to mitigate the landscape harm this development would cause, other than looking at alternative siting of the panels. One such location could be on the roof slopes of the existing buildings, which had previously been discussed with the applicant (See section on 'Other Matters' below).
59. In this case, it is also material that the incremental development of this site and the neighbouring site over recent years (as detailed in the history section of this report). It is therefore important that the array is not considered in isolation, but is looked at in the context of impacts arising from the expansion of the site as a whole, and that would be furthered by the erection of the array.
60. In support of such an approach, policy DMC1 states that any development proposal with a wide scale landscape impact should provide a landscape assessment with reference to the Landscape Strategy and Action Plan to address the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.
61. The submitted details do not include an appraisal these matters, but it clear that the increasing sprawl of the site beyond it's current boundaries and in to prominent open fields would compromise the valued rural characteristics of the wider area. It would be an incongruous feature that also serves to draw further attention to the existing grouped development in the landscape.

62. Whilst the Authority supports in principle the introduction of renewables, the development plan supports a 'landscape first' approach that accords with the National Parks statutory purposes, and the management and protection of the landscape must therefore take precedent.
63. Consequently, due to a combination of the open aspect of the site, the scale and appearance of the array, and the cumulative impacts arising from this further addition to the large area of development in this countryside location, Officers have concluded that the development would have a harmful effect on the landscape and scenic beauty of the National Park and would conflict with policies GSP1, GSP3, L1, and CC2 of the Core Strategy and policies DMC1 & DMC3 of the Development Management policies document, where priority is given to the conservation and enhancement of the National Park and valued landscape character. It would also conflict with paragraph 176 of the NPPF.
64. Furthermore, there would be conflict with the National Park's Climate Change and Sustainable Building Supplementary Planning Document (SPD), where it seeks to avoid ground mounted solar arrays outside of the curtilage of buildings.
65. Overall, whilst the development would reduce reliance on non-renewable energy sources is a material consideration, the benefit of this is significantly outweighed by the adverse landscape impacts that would arise from the development, as detailed above.

Other Matters

66. A site visit by Officers met with the applicant after the previous scheme (NP/DDD/0520/0390) was withdrawn, to discuss any alternative options available. The advice was that if possible, the panels should preferably be located on the south facing roof slopes of the applicants existing agricultural buildings and that a ground mounted array would unlikely be supported on landscape impact grounds.
67. The applicant had declared, that the roofs of the buildings were not structurally sound enough to support the panels and would indeed block out natural light from the integral rooflights, requiring artificial lighting to the internal space, which in turn would negate any environmental benefit.
68. However, no evidence has been provided (in the form of a structural survey for example), to say that the structural integrity of the buildings could or could not support an array of solar panels on the roofs of the agricultural buildings.
69. It is acknowledged, that the current application has reduced the scale of the development from the previously withdrawn scheme from 220 to 176 panels. Nevertheless, it is still considered the siting and scale would be unacceptable in landscape terms.

Potential amenity issues

70. With respect to the amenity of neighbouring dwellings. Given the distance of separation from the nearest residential properties, the proposal would have no adverse impact or significantly harm any residential amenity in the locality, therefore accords with policies GSP3 & DMC3 in these respects.

Local Highway matters.

71. The local Highway Authority have not responded. However, the development would have no impact on the access or highway than already exists. Regarding this, the proposal would be acceptable in highway terms, according with policies DMT3 in these respects.

Environmental Management and sustainability

72. The submitted planning statement indicates, that ‘... *this solar PV array would allow the business to cut its CO2 production by 30 tonnes a year. One of the core principle planning policies of the NPPF is a move towards a low carbon economy and the Framework is clear in its support of renewable energy projects. The generation of electricity at the site is a positive factor in favour of the proposal and it would make a valuable contribution in the context of wider environmental benefits.*
73. Whilst this is acknowledged, the benefit of this is not outweighed by the landscape harm of the scheme on the locality and the valued characteristics of the National Park landscape more widely. Consequently, the scheme is contrary to policies DMC3 & CC2 in these respects.

Conclusion

74. It is concluded that on balance, the location, size, and appearance of the development would result in significant harm to the landscape character of the area. The benefit that would arise in terms of reduced reliance on non-renewable energy would not outweigh the impact the panels would have on landscape character.

There are no other planning policy or other materials considerations that indicate that planning permission should be approved. The application is therefore recommended for refusal.

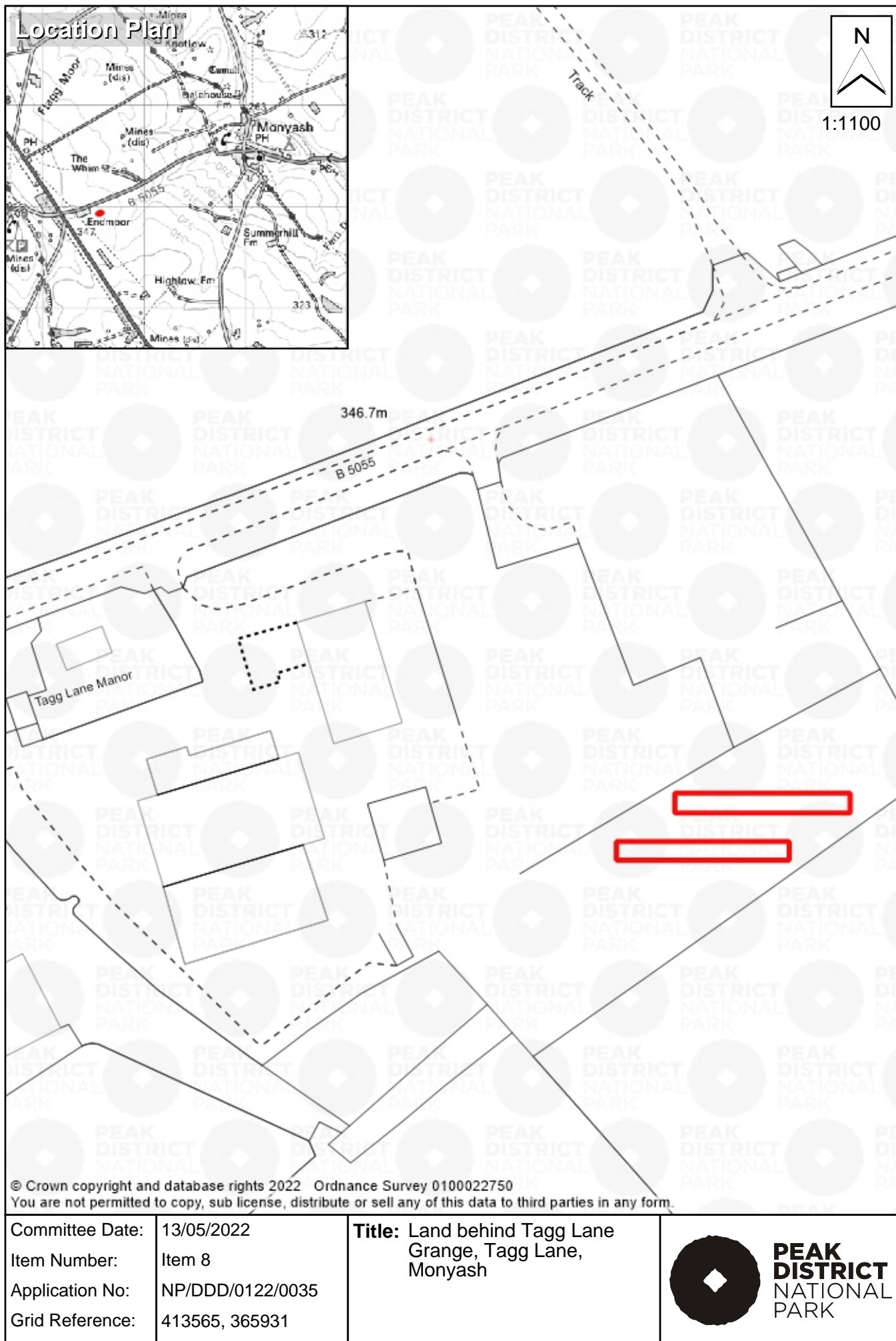
Human Rights

75. Any human rights issues have been considered and addressed in the preparation of this report.
76. List of Background Papers (not previously published)

Nil

Report Author: Steve Coombes, South Area Planning Team.

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9. FULL APPLICATION - CHANGE OF USE OF LAND AND ERECTION OF BUILDING FOR CLASS E PURPOSES (PREVIOUSLY WITHIN CLASS B1) – THE OLD SCRAPYARD, OFF A515 NR BIGGIN (NP/DDD/1221/1378, ALN)

APPLICANT: MR SAM DAVIES

Summary

1. The application is for the change of use of the land from its lawful use as a scrapyard to an office/warehouse use.
2. It is proposed to erect a new building on the north western side of the site, and associated parking and manoeuvring to the east.
3. On balance, as amended, the development would be less harmful in terms of its landscape impacts and potential for other impacts, than the existing lawful use.
4. The proposed soft landscaping and the existing tree screening would help to mitigate the visual impacts of the development from the A515 and the Tissington Trail.
5. Traffic generation would be only marginally more than permitted by the lawful use and subject to conditions a safe and suitable access would be provided.
6. The application is recommended for conditional approval.

Site and Surroundings

7. The application site is located in open countryside, just to the west of the A515 between Newhaven and Alsop en le Dale. The site is rectangular in shape and is accessed via a 100m long access track off the A515.
8. The Tissington Trail, a popular bridleway, runs in a north south direction approximately 180m to the west, on the former railway trackbed.
9. To the south there is a caravan and camping site (Banky Barn Caravan and Camping), whilst to the east of the site is Bank House Farm, a traditional farm complex.
10. There are currently no buildings on the site and the site is currently vacant. In 2010 a Lawful Development Certificate was granted for 'use of land for the purposes of buying, selling, storage and sorting of scrap metal, reclaimed stone and second hand goods' (NP/DDD/0410/0318).
11. The site is relatively level. The majority of the site is surfaced with concrete hardstanding with other parts being bare ground, covered with crushed stone. It is bounded by a mixture of drystone walls and post and wire fencing.

Proposal

12. Planning permission is sought to for a change of use of the site from a sui generis use to E(g)(i) office use with associated parking and manoeuvring space. The submitted Design and Access statement explains that the site would be occupied by a company that sells mobility showers and bathrooms.
13. It is proposed to erect an L-shaped portal framed building arranged along the western and northern boundaries of the site.

14. As amended the bay that would run along the western boundary would be 23m long by 8m wide with a height of 5m to the eaves. The eastern bay would be 14m long by 8m wide and would be lower, with an eaves height of 3m. The western bay would be used as a warehouse and the single storey element as an office.
15. The walls and roof would be clad with pre-coated composite panels, finished in grey. As amended there would be a roller shutter door on the east facing elevation of the higher bay. On the single storey element there would be a door and three windows on the south facing wall and an array of solar panels. There would be no openings on the west and north facing elevations.
16. Six parking spaces would be provided to the east and south of the new building. An area of landscaping including hedgerows and trees would be provided in the south eastern part of the site.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation time limit.**
2. **Adopt amended plans.**
3. **Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the site shall be used for office (use class E (g)) and/or storage/warehousing (use class B8) only and for no other use within the Use Classes Order. There shall be no retail sales from the site.**
4. **The use hereby permitted shall be limited only to the triangular shaped area to the north west of the new boundary wall that runs north east to south west to the north of the proposed tree planting area. There shall be no storage of materials or other equipment associated with the approved use on land in ownership outside of this area.**
5. **Submitted landscaping scheme to be implemented. The new boundary feature that runs along the south east side of the parking and manoeuvring area shall be a 1.2m high continuous limestone drystone wall (not a post and wire fence as annotated on approved plan no. 2124-01 Rev E).**
6. **Before any other works commence, the first 10m of the private access road from A515 to be widened to 5 metres (within the confines of and without demolition of the flanking drystone walls), unless otherwise agreed.**
7. **Passing place and parking and manoeuvring space all as shown on the approved plans to be provided before the premises if first brought into use and retained for the life of the development.**
8. **The land in advance of visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access to the extremities of the site frontage abutting the highway in each direction shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.**

9. **Landscape management plan to be submitted and agreed for existing trees on the site.**
10. **There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.**
11. **There shall be no ‘daylight panels’ on the south elevation of the single storey element of the building.**
12. **The solar pv panels shall be matt black with black framing and shall have a matt, non-reflective finish.**
13. **Before the premises is first brought into use an ecological management plan for the surrounding land in ownership shall be submitted to and agreed by the National Park Authority.**
14. **Bird nesting boxes to be provided in accordance with the submitted ecological appraisal.**
15. **Before the premises is first brought into use a scheme for environmental management measures on land in the applicant’s ownership and control shall be submitted to an agreed in writing by the National Park Authority.**
16. **External lighting scheme to be submitted and agreed.**
17. **The sheeting for the sides and roof of the building shall be dark green.**

Key Issues

17. The key planning issues relating to the development are:

1. The principle of a new business use in open countryside.
2. Impact on the landscape character of the area.
3. Impact on trees
4. Ecological considerations
5. Highways and Parking
6. Impact on Amenity

History

18. March 2021 – application refused for erection of steel portal framed building for use as E(g)(i) Office and change of use of 722sq m of agricultural land to E(g)(i) Office and associated parking and manoeuvring space (NP/DDD/1020/0920). The application was refused on the following grounds:
 19. *1. The proposed change of use of existing agricultural land to business use and the erection of a new, isolated building in open countryside is directly contrary to Core Strategy policy E2C. The existing lawful use of the site is a material consideration but the expansion of the site and the proposed new building would cause harm to the landscape character of the area, over and above the lawful use, contrary to Core Strategy policy GSP2.*
 20. *2. The proposed building, by virtue of its size, massing, design and materials; and the proposed car parking would cause harm to the landscape character of the area contrary to Core Strategy policies GSP3 and L1 and Development Management Plan policy DMC3.*

21. 3. *It has not been demonstrated that the required visibility sightlines and alterations to the access track can be achieved without harm to the visual amenities of the area (including loss of trees) contrary to Core Strategy policy L1 and Development Management policies DMT3 and DMC13.*
22. 4. *There are trees on the site but no tree survey has been provided to assess the impact of the proposals on trees. Thus the current information submitted is not sufficient to assess the impact on trees contrary to Development Management policy DMC13.*
23. July 2011 – application for Lawful Development Certificate granted for ‘use of land for the purposes of buying, selling, storage and sorting of scrap metal, reclaimed stone and second hand goods’ (NP/DDD/0410/0318).
24. 2009 - Application for lawful development certificate for use of land for metal recycling and sorting refused (NP/DDD/0509/0436).

Consultations

25. **Highway Authority** – *The site most recently has been used as the scrap yard. The proposed site is in a rural area in a somewhat unsustainable location, leaving the future employees heavily reliant on the private car.*
26. *The access will be taken from the existing access to the previous scrapyard site, which forms a junction with A515, a classified road subject to a 50mph speed limit. A515 also provides access to Caravan sites and stables just approximately 80m south of the site. It has been noted in the Design and Access statement that traffic generation compared to the consented use would increase; however, the proposed site would not result in significant increase in traffic generation. As the access exists and was operational for the scrap yard previously and considering insignificant increase in traffic generation, the principle of the access is acceptable.*
27. *It is noted that at both sides of access, a wide verge exists due to which maximum emerging visibility splays at the site's extremities on the highway's land could be achieved. The visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction be provided. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level. A planning condition to provide emerging visibility splays in line with the above comments is acceptable.*
28. *The proposed site plan indicates that a total of 6 car parking spaces will be provided for the proposal. The parking needs to be justified in accordance with the LPA standards. It is noted that the site has sufficient area for manoeuvring. The access road to the proposed site is of single-width up to its junction with A515 without having passing places and is not suitable for two-way traffic movements. Therefore, the Highway Authority, recommends that at least one passing place be installed along the access road. The passing place is constructed in such a manner that increases the track's width to a minimum of 5.5m for a minimum length of 15m (to allow two vehicles to pass). Furthermore, the first 10m of the private access road from A515 be widened to 5 metres to avoid a vehicle waiting on the main road if another vehicle is exiting from the site in the interest of road safety. A revised plan to this effect should be submitted for approval.*

29. *The first 10m of the proposed access road from A515 should not be surfaced with loose material and should be upgraded to tar or any other hardstanding surface. There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.*

30. *Information about the refuse collection area and refuse collection arrangement be provided.*

31. **District Council** – no response

32. **Parish Council** – response to consultation on amended scheme *‘Whilst the site looks tidier and the new application is for a smaller building, this would still be large building which would stand out in open countryside which is intended for a use which is incompatible with the area. The use intended would bring little, if any, benefit to the local population and would increase traffic to a quiet location on a busy road. It has also been suggested that given the history of this particular stretch of road and accidents, access off the A515 will be an issue too.’*

33. **Natural England** – no response

34. **Authority’s ecologist** – *‘A report about the wildlife on site has been submitted - Preliminary Ecological Appraisal Land off A515, Biggin, Derbyshire (Dec 20) by Peak Ecology Ltd. No protected species were found and no further surveys are required. The report suggests avoidance measures for breeding birds and some ecological enhancement. All of these proposals should be carried out in full if the development goes ahead.’*

35. **Authority’s Tree Conservation Officer** – no response

36. **Authority’s Landscape Architect** – *‘This is an improvement on the previous planning application but I still have the following concerns: The tree survey does not conform to the recommended guidance provided by the tree officer. In addition I would like to see a management plan for the remaining existing trees on site to ensure that the building doesn’t suddenly become exposed within the landscape.*

37. *Because the site has been opened up to longer distance views I would like to see a simple landscape and visual impact assessment looking at in particular the impact of the buildings within the landscape. A plan showing the proposed building and suggested landscaping has been provided. Clarification is required that there is to be a new limestone wall on the SE boundary which straightens up the existing boundaries.’*

Representations

38. None received

Main Policies

39. Relevant Core Strategy policies: GPS1, GSP2, GSP3, E2, L1, L2, CC1, CC2

40. Relevant Local Plan policies: DMC1, DMC3, DMC11, DMC13, DME5, DMT3

National Planning Policy Framework

41. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in July 2021. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and policies in the Peak District National Park Development Management Policies document 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.
42. In particular, paragraph 176 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.
43. In the National Park, the development plan comprises the Authority's Core Strategy and the Development Management Policies (DMP). These Development Plan policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

Main Development Plan Policies

Core Strategy

44. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conservation and enhancement of the National Park's landscape and its natural and heritage assets.
45. 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.
46. DS1 - *Development Strategy* states that the majority of new development will be directed into named settlements. In all settlements and in the countryside outside the natural zone the conversion or change of use for business uses will be acceptable in principle, preferably by re-use of traditional buildings.
47. E2 - *Businesses in the Countryside*. Section A states that proposals for business development in the countryside outside of the Natural zone and named settlements, should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads and in groups of buildings in sustainable locations, However where not suitable traditional building exist, the re-use of modern buildings may be acceptable. E2 B states that on farmsteads small scale business development will be permitted provided that it supports an existing agricultural or other primary business responsible for estate or land management. E2 C states that business use in an isolated existing or new building in the open countryside will not be permitted. E2 D states that the growth and intensification of existing businesses will be considered carefully in terms of their impact on the character of landscapes.

48. 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.
49. L2 – Sites of biodiversity or geo-diversity importance. 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 is likely to have an adverse impact on any site, features or species of biodiversity importance or their setting.
50. CC1 requires development to make the most efficient and sustainable use of land and resources, to take account of the energy hierarchy, to achieve the highest standards of carbon reduction and water efficiency, and to be directed away from flood risk areas.
51. CC2 states that proposals for low carbon and renewable energy development will be encouraged provided that they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area.

Development Management Policies

52. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, 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.
53. Policy DMC11 - *Safeguarding, recording and enhancing nature conservation interests*. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development that details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan. For all sites, features and species development proposals must consider amongst other things, the setting of the development in relation to other features of importance, historical and cultural.
54. DME5 - *Use Class B1 employment in the countryside outside Core Strategy policy DS1 settlements* states that planning permission for a Use Class B1 employment use in an existing building will be granted provided that certain criteria are met.
55. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.
56. DMC13 – *Protecting trees, woodland or other landscape features put at risk by development* – requires that sufficient information is submitted to enable impacts on trees to be properly considered.

Assessment

The principle of a new business use in open countryside

57. The Authority's Development Strategy policy DS1 makes it clear that the majority of development in the National Park should be directed into named settlements in order to promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park. Core Strategy policy E2 makes it clear that in the countryside businesses should be located in existing traditional buildings

in smaller settlements, on farmsteads and in groups of buildings in sustainable locations. It states that business use in an isolated existing or new building in the open countryside will not be permitted.

58. In this case the application site is in open countryside outside of any settlement and there is no farmstead or existing buildings at the site. Consequently a business use and building in this location would ordinarily be contrary to policy.
59. A material consideration in this case however is that a Lawful Development Certificate (LDC) was granted on the existing site in 2011 for '*use of land for the purposes of buying, selling, storage and sorting of scrap metal, reclaimed stone and second hand goods*'. It should be noted that the certificate relates to the north-western triangular half of the application site only (and the access road), whilst the south-eastern triangular portion was part of the adjoining field and until recently partly planted with boundary trees.
60. The Lawful Development Certificate limits the lawful use to:
- Up to 10 tons of scrap metal, including sorted metals which are sorted in no more than two skips at any one time
 - Up to 20 tons of reclaimed stone stored on the land
 - Up to 10 tons of second-hand goods stored within Building A and Building B which are shown in the approximate positions shown hatched black on the attached plan
 - All working takes place on the land during weekdays (Monday to Friday) 7.30am to 4.30pm except for a maximum of 12 days per calendar year when the duration of working is extended to between 7.30am and 8.00pm during weekdays (Monday to Friday)
 - Any unsorted scrap metal or stone on the site is not stacked to a height greater than 3 metres
 - One 7.5 ton wagon is used for the purposes of transporting the scrap metal, reclaimed stone and second hand goods onto and from the land per week with a maximum of 10 vehicular movements (5 in and 5 out) per week.
61. This must be given considerable weight because in theory the site could be brought back into use for these purposes, which could cause harm to the National Park in terms of example of noise, visual impacts and traffic impacts. In fact, since they purchased the site the applicant has, until fairly recently, been using the site for the storage of waste in association with their business (this has now been removed).
62. It should also be noted that the two buildings referred to in the Certificate have now been demolished.
63. In 2021 an application to almost double the site area over and above that permitted by the Lawful Development Certificate and to erect a higher building than is currently proposed was refused on the grounds that the considerable expansion of the site would cause landscape harm to the area and would not represent a net benefit over and above what was permitted by the LDC.
64. This revised application seeks to address the previous reasons for refusal. The proposed site area is now limited to the area previously approved under the LDC. The remainder of the red-edged area (as amended) would not be included in the operational area of the site and would be given over to new soft landscaping.
65. The proportions of the building and the size of the parking area have been reduced. Previously the building was a single span building across the western boundary with dimensions of 30m x 15m and a height of 6m to the eaves. As amended the gable width

of the building would be nearly halved (to 8m). The taller section is reduced in length to 23m and its eaves height lowered from 6m to 5m. Officers have tried to negotiate a further reduction in height but the applicant feels that the proposed height is necessary for the proper operation of the business. Part of the building has also been reduced to single storey with an eaves height of 3m. The overall footprint of the building is reduced from 450 sqm to 312 sqm.

66. The main issue therefore is whether this amended scheme would represent a net benefit, in terms of its impacts on the landscape, over and above the potential impacts of the lawful use of the site as a scrapyards.

Impact on the landscape character of the area

67. The site falls within the Limestone Plateau Pastures Landscape Character type within the Authority's Adopted Landscape Strategy. This is a rolling upland plateau area with a regular pattern of small to medium sized rectangular fields, and open views to surrounding higher ground. A Landscape and Visual Impact Assessment has not been submitted. Notwithstanding this, officers have viewed the site from nearby public vantage points and on balance have sufficient information to come to a view on the likely impacts of the proposals.
68. The application site is clearly visible set back off the main A515 Ashbourne to Buxton road. Prior to the 2021 planning application there was tree/shrub planting around the majority of the site which helped to screen it in views from the road but before that application was submitted, a number of trees along the south east boundary in particular were removed, which has opened up the site more.
69. The proposed building would also be clearly visible from the Tissington Trail to the north west. In this area the trail runs along a raised embankment and so there are extensive views available across the fields towards the site.
70. When viewed from the A515 and the Trail the building would cause some harm to the landscape character of the area because it would appear as an isolated modern shed, largely unrelated to other built development in the area. However, one mitigating factor is that when viewed from the trail, it would be seen against a distant backdrop of trees that line the A515 and also against the background of the buildings at Bank House Farm some distance to the east. At 5m to the eaves maximum the building would not be dissimilar in appearance to an agricultural building. The building would be completely plain on its western and northern elevations facing towards the trail and from there the building would screen the car parking area. On balance, when viewed from the trail the building is likely to be less harmful in the landscape than the lawful use of the site for the storing and processing of scrap both in terms of visual impacts and the potential for noise and impacts on the quiet enjoyment of the area.
71. When viewed from the A515 from the east, as well as the building, parked vehicles would also be visible from the road, certainly in the shorter term until planting is established. However by articulating the building somewhat into a higher and lower section, its bulk and outline would be broken up.
72. As submitted the plans did not show any firm boundary between the proposed operational area, which follows the footprint of the LDC and the landscaped area in the south east corner. This could have led to 'creep' of the development into the landscaped area. Amended plans have now been received showing a stone wall to demarcate a clear boundary between the two areas. This will ensure that the site is well contained in the landscape and no larger than that permitted by the LDC. The proposed landscaping scheme includes the planting of native boundary hedgerows and a number of specimen

trees to provide more immediate cover to the site. In the medium to longer term the proposed planting (together with the remaining existing trees) would screen the development effectively when viewed from the A515.

73. As submitted the elevations showed extensive glazing on the eastern and southern elevations of the single storey 'office' bay. This detailing would have been prominent in the landscape and would signal the commercial use of the site very clearly. Amended plans have now been received showing the amount of glazing substantially reduced. Three windows to serve a single room office space is considered sufficient. As amended the elevations now have a more simple, agricultural character that would not be wholly out of keeping with their surroundings.
74. Finally, the proposals are for the sheeting to the sides and roof of the building to be 'Merlin Grey'. Given the isolated location of the building and its setting within an arable landscape, we consider that a dark green colour would be more appropriate and would help to minimise the visual impact of the building better. This can be required by condition.
75. Taking all of the above into account, on balance this amended scheme is likely to represent a modest enhancement to the landscape in comparison to the impacts of the lawful use as a scrapyard of the scale and extent approved under the LDC. The storage and sorting of scrap metal, stone and second hand goods in piles up to 3m high would be particularly harmful on this open and prominent site, especially given that the trees that previously screened the site have been removed. Given that the current owner has been storing scrap on the site in recent times there appears to be a realistic prospect of this fall-back position being implemented.

Impact on Trees

76. There are existing immature and young mature trees along the northern and western boundaries of the site as well as along both sides of the access track. A full tree survey has not been submitted with the application. However a topographical survey has been submitted which accurately plots all of the existing trees on the site. The Design and Access Statement explains that none of the existing (remaining) trees would be removed and the site plan shows that they should not be unduly affected by the development. The Authority's Landscape Architect has suggested that a tree management plan for the existing trees be submitted to ensure that the building does not become more exposed in the landscape. This is a reasonable request, especially given that some of the trees are ash and are suffering from ash die back. The plan will be required by condition.

Ecological Considerations

77. A preliminary ecological appraisal has been submitted with the application. The report concludes that the grassland habitats on site and semi-improved grassland Priority Habitat immediately adjacent to the site (eastern bank of the Tissington Trail) have potential to provide a network of good grassland habitats and a management plan to develop species rich grassland would represent an enhancement. The site has negligible potential for roosting bats and low potential for foraging and commuting bats. No evidence of Badger was found. The site is sub-optimal terrestrial habitat for amphibians but a precautionary approach is recommended for any drystone wall rebuilding with respect to Great Crested Newts
78. The applicant has previously advised that he is willing to consider proposals to improve the grassland habitat in the fields in ownership to the west and south of the site. The Planning Officer's report on the previous application welcomed this as it could represent an ecological enhancement and biodiversity gain, but noted that no plans or details had

been provided to show the extent of this or how it would be achieved in practice. The report concluded that had the proposals been acceptable in all other respects this element of the scheme would have been required by condition. The agent has confirmed that the applicant is still willing to consider such improvements and would accept a planning condition to achieve this.

79. Such a condition is considered to be necessary and reasonable to secure the enhancement of the site in biodiversity terms in accordance with policy L2.

Environmental Management

80. In response to Core Strategy policies CC1 and CC2, the following measures are proposed:

- Solar panels are to be installed on the south-facing roof slope of the office section. These would be an appropriate way of generating renewable energy on the site and subject to a condition with regard to their finish, they would be relatively unobtrusive.
- The Design and Access statement states that it is proposed to use ground source heat pumps to heat the building. The applicant owns the site and the adjacent fields, so there is space to install the pipework for the system. This will be covered by a planning condition requiring the submission of a scheme for environmental measures on land in the applicant's ownership and control.
- The building would be heavily insulated

81. These measures are proportionate to the scale of the development and would secure compliance with policy CC1.

Highways and Parking

82. Access would continue to be via the existing walled track from the A515. Following the previous refusal of planning permission it is stated that the applicant has given more thought to the scale of the use and now advises that the level of vehicular activity is likely to be 4-6 employee cars a day and 1-2 LGVs (light goods vehicles) a week. Overall this is a higher level than that accepted in the LDC (10 vehicular movements a week) but it is not significantly more intensive. The Highway Authority has accepted that this modest increase in usage is acceptable in principle.

83. There is a very wide highway verge both to the north and south of the access bellmouth and the road is straight in both directions. Visibility is well in excess of requirement to the south. To the north the road falls and visibility is restricted by a dip beyond around 150 metres, but given the level of use in comparison with the use allowed by the LDC, the slight shortfall is considered to be acceptable.

84. As submitted no passing places were proposed along the access track. Following comments from the Highway Authority that the track is not of a suitable width for two vehicles to pass, which could lead to cars stopping on the A515, amended plans have now been received showing a passing place roughly halfway along the track. This would be contained within the flanking drystone walls and so would have minimal landscape impact and no impact on trees.

85. The Highway Authority also requested that the first 10m of the access track be widened to 5m to avoid a vehicle waiting on the main road if another vehicle is exiting from the site. The plans indicate that there is a 5.5m gap between the flanking walls to the access and so there is sufficient space for this to be achieved without demolition of the walls.

86. Six car parking spaces are proposed. The Authority's Parking Standards advise that there should be a minimum of one parking space per 40 sqm for office space (which would equate to three spaces for the proposed office bay) but provides no minimum for warehousing space. Overall a further three spaces to service the storage area is considered to be reasonable.

87. In conclusion, as amended the application now accords with policy DMT3.

Impacts on Amenity

88. The site is in an isolated location. The nearest residential properties are Bank House Farm approximately 170m to the south east and Bank Top Barn some 160m to the south. Due to the intervening distances and relatively quiet nature of the business use proposed, there would no significant impact on residential amenity as a result of the development.

Conclusion

89. In conclusion the development, in particular the large new building would cause some harm to the landscape character of the area. However if the site were brought back into active use as a scrapyards then there is the potential for further harm to the character of the landscape and to the tranquillity of the area by virtue of noise, dust and vehicle movements. On balance this amended scheme is likely to represent a modest benefit to the landscape in comparison to the impacts of the lawful use as a scrapyards of the scale and extent approved under the LDC. The approval of the proposed development would secure additional planting and give the Authority more control over the use of the site and its impact.

90. All other considerations have been adequately addressed and the application is recommended for conditional approval.

Human Rights

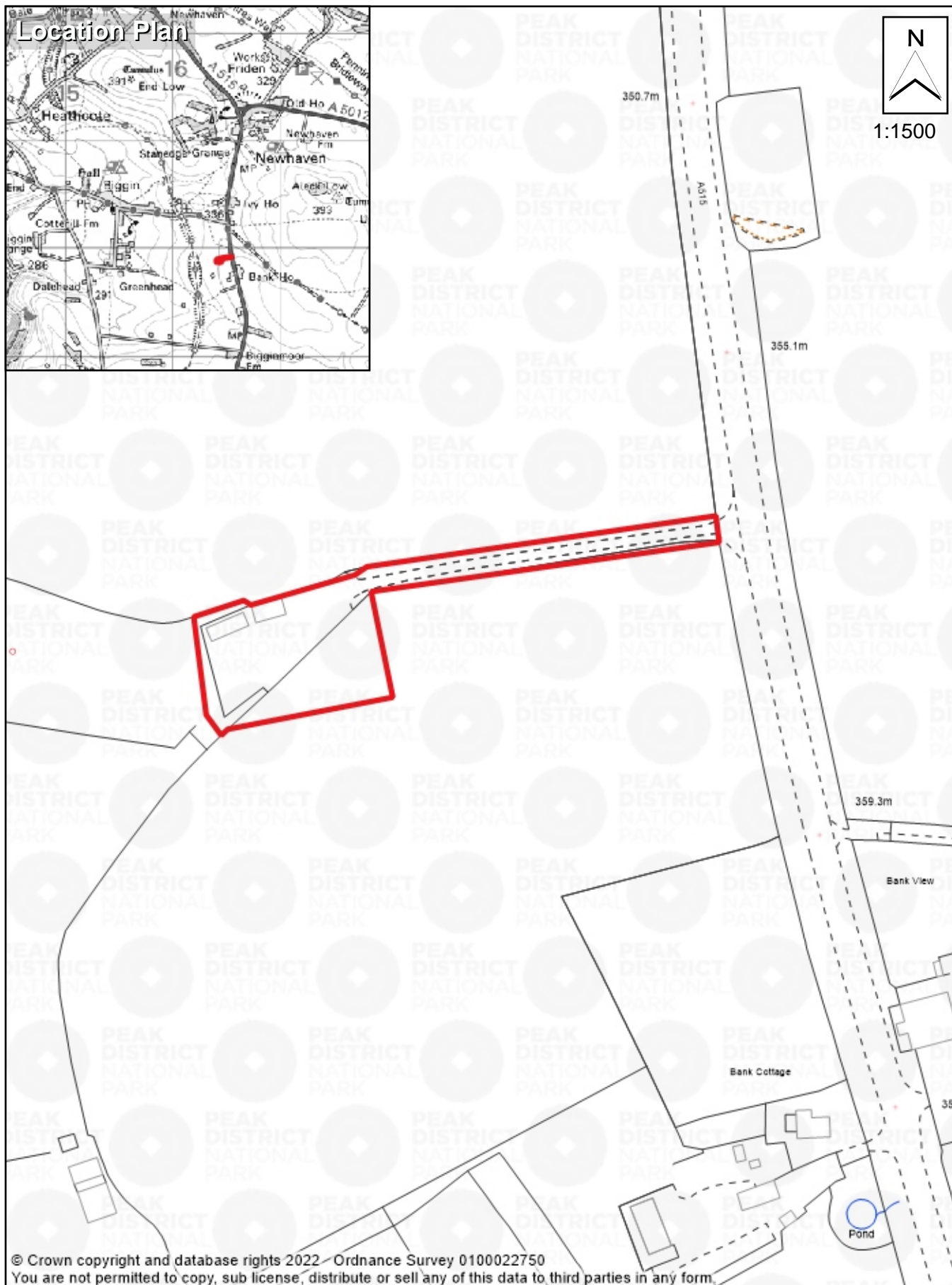
Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

Report Author and Job Title

Andrea Needham – Senior Planner - South



Committee Date:	13/05/2022	Title: The Old Scrap Yard unnamed section of A515 from Main Road to Back Lane, Biggin	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 9		
Application No:	NP/DDD/1221/1378		
Grid Reference:	416432, 358894		

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10. FULL APPLICATION – TO RE-POINT RATHER THAN RE-RENDER THE EAST AND NORTH WALLS OF THE CHAPEL. TO BUILD A WHEELCHAIR ACCESSIBLE PATHWAY (1200MM WIDE) FROM THE END OF THE EXISTING PAVED PATH IN FRONT OF THE CHAPEL TO THE PROPOSED ACCESSIBLE TOILET FACILITIES IN THE REAR OFFSHOT. TO BUILD A LOW RETAINING WALL BEHIND THE CHAPEL ALONGSIDE THE NEW PATH TO PROTECT THE BACK WALL FOUNDATION (WHICH IS AT A HIGHER LEVEL). FITTING A STOVE, THE FLUE PIPE OF WHICH WOULD PROJECT THROUGH THE CHURCH GABLE (WEST) THEN UP THROUGH THE REAR SLOPE OF THE SCHOOLROOM (AND THEREFORE NOT VISIBLE FROM THE FRONT). THE CREATION OF AN EASILY ACCESSIBLE, COMMUNAL REAR GARDEN. CREATION OF A SMALL CAR PARKING AREA AT THE FRONT LEFT OF THE BUILDING. THIS WOULD INVOLVE MOVING AND WIDENING THE EXISTING GATE POSTS AT EDALE METHODIST CHURCH, BARBER BOOTH, EDALE (NP/HPK/0521/0508 WE)

APPLICANT: TRUSTEES OF EDALE METHODIST CHURCH

Summary

1. This application is for a scheme of works to a Grade II listed Methodist Chapel, and its immediate setting.
2. In accordance with policies DMC7 and the National Planning Policy Framework, the works would cause a small amount of harm to the setting and significance of the listed building; however, the harm would be outweighed by the public benefits of the proposed works.
3. The development would allow the Chapel to become much a more accessible facility by providing a limited number of parking spaces within its curtilage, and providing a more even surface on the pathways surrounding the Chapel. The proposed works also include repair and restorative works to the Chapel which would facilitate its continued use as a community asset, including re-pointing the external walls and providing a heating element to the structure by way of a stove.
4. Any wider impact upon the amenity of local residents in Barber Booth would be neutral.
5. The application is recommended for conditional approval.

Site and Surroundings

6. Edale Methodist Chapel is located within Barber Booth, a small hamlet approximately 1.6km west of Edale proper. It is a Grade II listed chapel originally constructed in 1881. It is a simple two-storey structure built from rubble gritstone with a stone slate roof. To the front of the Chapel is a large lawned churchyard, with the northern section of the yard closest to the chapel reserved for the burial ground.
7. The chapel grounds are contained by a gritstone wall to the south and east, and hedgerows to the west and north. The southern gritstone wall features two access points, the eastern access point is a pedestrian access featuring a metal gate. The western access point is wider cart access comprised of two metal gates.
8. Wider access to the site is constrained. There is currently no parking provision for the chapel, and visitors typically park on the lay-by on the unnamed road connecting Barber Booth to Edale, and walk the approximate 100m uphill on the unadopted road (and public right of way) to the chapel.
9. The area is predominantly residential, with several properties using the unadopted road shared by the chapel to access their properties.

10. The development site falls within the Edale conservation area.

Proposal

11. This application is seeking consent for works to both the chapel and its immediate setting. These works consist of:

- Re-point rather than rerender the East and North walls of the chapel;
- Construction of wheelchair accessible pathway from end of existing paved path to the proposed accessible toilet facilities to the rear of the chapel;
- Installation of stove with associated flue projecting through church gable then up through the rear slope of the schoolroom;
- Creation of a communal rear garden; and
- Relocaiton of existing gateway through gritstone wall and creation of small carparking area.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **3 year implementation time limit.**
2. **Adopt submitted plans**
3. **Prior to commencement of work to the gritstone wall, a Method Statement for the creation of a new access shall be submitted and approved to the LPA. The development shall then be carried out in accordance with the approved details.**
4. **Prior to commencement of works to the gritstone wall, a scheme of protection measures to ensure the burial plot and headstones are not impacted by the proposed carparking area to be submitted and approved by the LPA. The development shall then be carried out in accordance with the approved details.**
5. **At commencement of works, space shall be provided for storage of plant in accordance with designed to be submitted to LPA. The development shall then be carried out in accordance with the approved details.**
6. **New access to be formed in accordance with approved plans, laid out, constructed and maintained in perpetuity free from any impediment.**
7. **The entire site frontage shall be cleared, and maintained thereafter, clear of any obstruction exceeding 1m in height in order to maximise visibility available to drivers emerging from access.**
8. **The proposed area within the curtilage of the application site shall be used for the parking, turning, loading and unloading of vehiculars clear of the fronting road and shall be maintained free of any impediment to its designated use.**
9. **The re-pointing of the western and northern elevations of the Chapel shall be carried out in accordance with the Method Statement received by the**

authority on 26/04/2022.

10. **Notwithstanding what is shown on the approved plans, this application does not grant consent for the air source heat pump as shown on 0115-02/9D.**
11. **Notwithstanding what is shown on the approved plans, the pathway from the pedestrian gate to the Chapel door shall be surfaced in Breedon Wayfarer following the specification received by the authority on 14th March 2022.**
12. **Archaeology conditions setting out a requirement for a watching brief to be agreed.**

Key Issues

12. The key planning issues relating to the development are:

- Principle of development
- Impact on significance and setting of Edale Methodist Chapel and Edale conservation area
- Residential amenity and parking requirement

History

13. The development site has the following relevant planning history:

- NP/HPK/0817/0894 - Conversion of an existing rear offshot into a wheelchair accessible toilet which requires the installation of a new external door – Approved conditionally November 2017.
 - NP/NMA/1220/1174 – 1. Moving the external door from the inner to the outer corner of the offshot's left elevation. 2. Re-pointing the offshoot walls rather than re-rendering – Amendments accepted 5th January 2021.
14. During the course of the 2021 NMA, PDNPA Office's advised that removal of the render on the Chapel itself, in addition to the installation of a boiler flue, would require a separate full planning application.

Consultations

15. Edale Parish Council – Support the application.
16. Derbyshire County Council Highways Authority – No objection subject to three recommended conditions.
17. Peak District National Park Authority Archaeology – Awaiting final comments and views on conditions
18. Peak District National Park Authority Built Environment – Support

Representations

19. There were 29 representation letters received during the course of the application. 16 representations supported the proposal, with 1 letter offering a general comment which resolved to note that they wished for the proposal to be approved. There were 12 objection letters which raised the following issues:
- Impact of the proposed carparking element to nearby residents;
 - Loss of greenspace/despoiling a green space;

- Increased vehicles movements on unadopted road;
- Concern that the proposed carparking area will be used by other users (outside of Chapel use);
- Impact on significance and setting of listed building and wall;
- Increased flood risk;
- No proven need for carparking.

Main Policies

20. Relevant Core Strategy policies: GPS1, GSP2, GSP3, L1, L3, HC4, CC1

21. Relevant Local Plan policies: DMC3, DMC5, DMC7, DMC8, DMT7

National Planning Policy Framework (NPPF)

22. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: 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.
23. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) 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 Paragraph 176 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.
24. 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.
25. Section 16 of the NPPF sets out guidance for conserving the historic environment.
26. Paragraph 199, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
27. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefit of the proposal, including where appropriate, securing its optimum viable use.

Main Development Plan Policies

Core Strategy

28. 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.

29. 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.
30. 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.
31. L3 – *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. States that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their setting.
32. HC4 – *Provision and retention of community services and facilities*. The provision or improvement of community facilities and services will be encouraged within settlements, or on their edges if no suitable site is available within. Proposals must demonstrate evidence of community need.
33. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.

Development Management Policies

34. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, 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.
35. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
36. DMC7 – *Listed buildings*. Planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with DMC5 and clearly demonstrate:
 - i) How their setting will be preserved; and
 - ii) Why the proposed development and related works are desirable or necessary.

Development will not be permitted if the applicant fails to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the Listed Building and its setting.

37. DMC8 – *Conservation area*. Applications for development in a Conservation Area should assess and clearly demonstrate how the character or appearance and significance of the conservation area will be preserved or enhanced.
38. DMT7 – *Visitor parking*. New or enlarged car parks will not be permitted unless a clear, demonstrable need, delivering local benefit can be shown. Where new or additional off-street visitor parking is permitted, an equivalent removal of on-street parking will usually be required.

Assessment

Background and Principle of Development

39. The works proposed within this application form part of a wider scope of works aiming to increase the accessibility to the Chapel, reducing issues caused by moisture retention within the structure, and improving the overall heat retention of building. Previously consented proposals include the conversion of an offshoot of the Chapel into an accessible toilet, and the creation of pathway to the WC. Much of the proposed works are internal, and as a result of the Chapel benefitting from ecclesiastical exemption are not part of this planning application. As a result, this application is seeking planning consent for the following alterations to the Chapel:
- Installation of an ecogrid system and creation of informal carparking area for 5/6 vehicles to the front of the property;
 - Alteration and relocation to the vehicular access on the gritstone wall to the front of the property to facilitate carparking access;
 - Resurfacing pathway from pedestrian access to Chapel
 - Re-pointing, as opposed to re-rendering, to the east and north elevation of the Chapel;
 - Installation of flue on northern slope of Schoolroom roof;
 - Creation of a community garden to the rear of the Chapel.
40. The proposed works are to facilitate the ongoing use of the Chapel as both a place of worship, but also a community centre for various secular activities. As such, the development site is considered to be a 'community facility' for the purposes of policy HC4, which states that the improvement to such facilities will be encouraged on the edge of named settlements.
41. The proposal seeks several minor alterations to the Grade II listed structure, including the re-pointing of the external walls and the installation of a stove flue on the northern slope of "schoolroom" section of the structure. As noted, the Chapel benefits from ecclesiastical exemption, and as such, these proposals can only be considered in the context of the impact on the significance and setting of the listed Chapel, and the wider Edale conservation area.
42. Larger aspects of the application include the proposed carparking area to the front of the Chapel, and the relocation and widening of the existing cart opening to facilitate access to the carparking area. To the rear of the Chapel, the application is proposing the creation of a community garden featuring furniture and raised planters.
43. The proposed works have the potential to impact the setting and significance of the listed structure and the wider Edale conservation area. As such, the proposal should be determined against policies L3, DMC5, DMC7, and DMC8, in addition to the relevant paragraphs of the National Planning Policy Framework. Any identified harm to the heritage assets will need to be appropriately weighed against the public benefits arising as a result of the proposal. Consideration will need to be given to any potential archaeological deposits on site.
44. As the proposal includes new off-street visit parking, the proposal will also be considered against policy DMT7 requiring the applicant to demonstrate the required need for new visitor carparking.

Impact on significance and setting of identified heritage assets

45. The development site is a grade II listed building within the Barber Booth sub-area of the wider Edale conservation area. As such, the proposal should consider the impact on both the significance and setting of the Chapel itself, in addition to the role it plays

within the wider conservation area.

46. Policies DMC5, DMC7 and DMC8 require applications affecting identified heritage assets to provide proportionate information to adequately assess the impact of the proposed development on the significance and setting on the identified heritage assets. This application is supported by a Heritage Statement that provides an extensive history on the Chapel and the role it plays within the wider locality, in addition to the author's interpretation on the evidential, historic, aesthetic and communal value of the building. The author determined that the evidential value was moderate to high, the historic value moderate, the communal value moderate, and the aesthetic value moderate. This interpretation is helpful in understanding the Chapel's context though it should not be misinterpreted as the buildings overall quality. The baseline for understanding the proposed development's impact on the Chapel is the impact on the asset's overall significance and setting.
47. One of the proposed alterations to the Chapel includes the re-pointing of the east and northern walls, as opposed to re-rendering. At present, the eastern elevation features a cement based render, whilst the northern elevation has exposed masonry as a result of the render being damaged through weathering. It is considered that the re-pointing of the masonry using a lime-based mortar will present an enhancement opportunity to the asset by restoring the original masonry, and providing additional repair through an appropriate lime-based mortar. Historic photographs of the western elevation show the original masonry, so it is understood that the cement render is a recent addition. Removal of render and allowing the masonry to be on display will be an overall enhancement to the Chapel.
48. The application includes the creation of a new path around the Chapel to the previously consented accessible WC and the resurfacing of the existing path from gateway to Chapel entrance. Closest to the Chapel, the pathway will be surfaced in the existing natural stone flags, whilst the other pathways will be surfaced in self-set local brown gravel (Breedon Wayfarer). The existing pathway from the pedestrian gate to the Chapel entrance is a black tarmac, which contrasts the colour palette of the Chapel and surrounding area. As such, the proposed brown gravel will appear as a more appropriate finishing material, and compliment the colour of the masonry and headstones. Officer's suggested all paving to be finished in natural stone flags; however, the applicant advised that as the premise of the application is to increase the accessibility to the Chapel, stone flags would be counter productive to this aim, and informed that a self-binding gravel would be a preferred material for elderly and wheelchair dependent visitors. This justification is accepted. The minor impact on the setting of the Chapel is appropriately outweighed by public benefit of increasing accessibility.
49. To facilitate the carparking area, the application is proposing to widen and relocate the existing cart access to allow appropriate turning space and visibility splays. The new opening will utilise the existing gatepost, gates and coping stones, in addition to stone blocks. The boundary wall forms a key setting to the Chapel, so alterations to it have the potential to detract from the overall significance of the asset. Whilst the application states that the materials will be reclaimed, the alteration will still have a harmful effect on both the Chapel and the conservation area; however, this is considered to be minor. As a result, the less than substantial harm to the setting of the Chapel will be outweighed by providing accessible parking to visitors to the Chapel. If approved, a condition will be applied that requires the applicant to provide a Method Statement ensuring that the works are carried out in an appropriate manner.
50. The area reserved for carparking will have an ecogrid system installed to ensure that the grass is not churned by vehicular movements. The ecogrid will be a layer of plastic diamond grids rolled into the surface approximately 3.5cm. The installation will be non-intrusive and not impact below ground archaeological deposits. The grid will allow grass to grow through it, obscuring the plastic meshing. These works are considered to

have a neutral impact on the setting of the listed building and conservation area.

51. Whilst the installation of the grid system will be a minimal alteration to the setting of the Chapel, it will facilitate the creation of an ancillary carpark. As such, there should be some consideration given to the impact of cars using the carpark, and what impact this will have on the Chapel. It should be noted that the carpark would only be small, permitting between 5-6 vehicles at once and when events are not on at the Chapel, the gates will be locked to limit access. As such, it is considered that the carpark will only be in use infrequently during Chapel events. Accordingly, there will be some harm as a result of cars parking on the Chapel foreground; however, this harm will be infrequent and outweighed by the provision of increased accessibility to the Chapel.
52. To the rear of the Chapel, the application is proposing the creation of a retaining wall to facilitate the correct gradient for wheelchair access to the WC. As shown by supporting documents, this work has already commenced so this section of the proposal will be for retrospective consent. The retaining wall will be finished in local stone to match the adjacent dry-stone wall. As such, the impact on the Chapel will be neutral.
53. The proposal is also seeking the creation of a community garden to the rear of the Chapel. At present, the rear of the Chapel is untidy, featuring piles of earthworks from the installation of soakways and pipes. The application is proposing the creation of a small wall built from salvaged stone to rear the pathway to the WC, with the raised ground behind it being formed into the garden. The garden will feature raised plants and garden furniture. The facilitation of the garden will tidy up the rear of the Chapel, and create an enhancement to the Chapel. It will also provide an additional community asset to Barber Booth.
54. Other minor works to the Chapel include the installation of a flue on the northern slope of the Schoolroom roof. By locating the flue on the northern slope, it will not be visible from the street-scene and will not impact the overall setting of the Chapel or conservation area. The installation of the flue will facilitate a stove, which will permit additional heating to the Chapel, and assist in mitigating the impacts of moisture damage. This alteration is considered to have a neutral impact but will provide additional benefits to the Chapel.
55. At the time of writing officers were awaiting final archaeological comments from specialist officers. Officers anticipate a requirement for a condition requiring a watching brief during the works, focussed at the rear of the property.
56. As a result of the proposed scope of works, there are varying impacts on significance and setting of the listed building and conservation area which can be summarised below:
 - Re-pointing of the western and northern elevation – Enhancement to the heritage assets;
 - Construction of wheelchair access behind Chapel and resurfacing of pedestrian path from gateway – neutral impact on heritage assets;
 - Creation of community garden to the rear of the Chapel – enhancement to the setting of the Chapel
 - Installation of flue on northern slope of Schoolroom roof – minor impact on the significance of the Chapel;
 - Alteration and widening of the cart access to facilitate vehicular access into Chapel grounds and installation of groundguard system – minor impact to the setting of the Chapel and wider conservation area
57. Whilst the proposal does include enhancements to the Chapel through the creation of a community garden, and removal of the inappropriate render, it is considered that the impact of the vehicular access would contribute to an overall less than substantial harm to the significance and setting of Edale chapel and the wider conservation area through

the alteration of the gritstone wall that provides a significance feature to the overall setting of the Chapel.

58. Accordingly, in line with paragraph 202 of the NPPF, the harm to the significance of the designated heritage asset(s) must be weighed against the benefits of the proposal.
59. Whilst the alterations to the front gritstone wall will amount to a small amount of harm to the setting of the Chapel and conservation area, the accompanying information has outlined that the works will utilise existing stone from the wall, and utilising the coping stones to frame the wider access. If approved, a pre-commencement condition will be applied requiring the applicants to submit a Method Statement setting out the proposed works will be carried out in an appropriate and sensitive manner. It is understood that the existing gates may need to be extended to facilitate the 3.5m wide access. This information will also be secured through the pre-commencement Method Statement condition.
60. These mitigation measures help contribute to a reduction in harm to the assets. On this basis, it is considered that the proposal would contribute towards a large degree of public benefits through increasing the accessibility of the Chapel. By permitting appropriate parking, it will allow for a wider demographic of visitors to the site through a reduction in the number of visitors needing to walk from the lay-by to the site. It will also give the Trustees of the Chapel the ability to put on a wider array of activities on site by providing a larger amount of parking spaces.
61. The creation of the community garden will also create an additional facility to the Chapel, and allow residents of Barber Booth to enjoy the Chapel and its wider setting.
62. It is therefore considered that the scope of works will provide substantial public benefits by facilitating the creation of a community centre that can be enjoyed by a wider demographic of people, increasing the inclusivity of the Chapel. This in turn will permit the Chapel to put on a wider array of activities to be enjoyed by residents of Edale, and also visitors to the site.
63. The public benefits are therefore considered to outweigh the less than substantial harm to the heritage assets.
64. The application is supported by a Heritage Statement which appropriately sets out the heritage asset's significance, including its identified features of value. The conclusions of the Statement outline how the features of value will be conserved and enhanced. It also provides a robust justification to why the works are necessary to the Chapel – through both ongoing maintenance of the Chapel but also through increased accessibility to the site. It is therefore considered that the proposed development has demonstrated compliance with policies DMC5, DMC7, and DMC8.

Impact on residential amenity

65. As the majority of the works proposed are to increase the accessibility of the Chapel and repair/reduce the issues surrounding water damage, there are no substantial issues surrounding the impact on the amenity of the local area.
66. Notwithstanding this, the creation of a carparking area on the grassed area to the front of the Chapel may have an impact on the neighbouring amenity of Barber Booth. The introduction of cars into the curtilage of the Chapel may have an impact on outlook of neighbouring properties onto the Chapel grounds.
67. At present, the Chapel and its curtilage have a significant influence on the openness and outlook of residents to Barber Booth. A key consideration for this application is whether the introduction of cars onto this open area will severely impact the residential

amenity of Barber Booth.

68. Invariably, cars within the setting of the chapel will have an impact on its wider character and appearance, and by extension the outlook of neighbouring properties. Notwithstanding this, the proposed carparking area forms a relatively small area of the Chapel's curtilage. Additionally, the application states that the carparking area will only be used when there is an event. As such, for the majority of the time the carparking area will remain empty, having no impact on the special qualities of the area, nor despoiling the residential outlook onto the site. The access gates would remain closed and locked when no events are on at the Chapel, reducing the risk of inappropriate and longterm parking on site.
69. The alterations to the boundary wall will impact the character of the area; however, as discussed above, a Method Statement would be secured by condition requiring the works to be carried out in an appropriate and sensitive way, using reclaimed materials. As such, this will have little impact on the amenity of nearby residents.
70. The access road to the Chapel is an unadopted highway and public right of way. The Highway Authority has noted that the access from the unadopted road is restricted in terms of geometry and alignment, but as the adopted highway it emerges onto is lightly trafficked, it raised no objection.
71. At present, the Chapel does not benefit from off-street carparking. Users of the Chapel therefore park in the nearby lay-by on the adopted road some 100m south of the development site. Public representations have noted that several of the neighbouring properties have offered carparking spaces to users of the Chapel during events in the past.
72. This application has received many objections on the basis of highway safety, stating that it would lead to an increase in vehical movements on a substandard road. Notwithstanding this, whether less mobile users of Chapel are dropped off outside the Chapel or park on site, it would likely lead to a similar number of vehical movements. Additionally, if less mobile users of the Chapel are "ferried" up from the nearby lay-by to the Chapel access, this would likely lead to a reduction in movements up the unadopted road due to offering a direct area to park.
73. As noted above, the carparking area would only be used during events at the Chapel. As such, there will be no movements associated with the Chapel for the majority of the time.
74. On this basis, there are no concerns with the number of movements associated with the creation of a carparking area on site, nor the noise generated with it. Due to the site not benefitting from existing off-street parking, it is considered that the proposed development would lead to a betterment in terms of highway safety and parking.

Requirement for carparking

75. Policy DMT6 states that new carparks will not be permitted unless its demonstrable need can be demonstrated. On this basis, the clear lack of provision for the Chapel is considered to be sufficient to demonstrate the need for additional offstreet carparking spaces. Indeed, the representations received stating that neighbours have provided additional carparking spaces during events further demonstrates the clear need for the Chapel to have its own small parking facility near the entrance to the facility.
76. The policy goes on further to state that additional off-street carparking will normally only be permitted where it replaces equivalent on-street parking spaces. In this stance, the Chapel does not benefit from its own on-street carparking. The closest on-street parking is in a lay-by near the water treatments work. It would be inappropriate to

remove the small amount of carparking available to Barber Booth, particularly given the number of public rights of way which pass through the village.

77. The lack of provision to Barber Booth and the Chapel demonstrates the rationale for the Chapel to have its own small carparking facility. The proposed development complies with policy DMT6.

Conclusion

78. The proposed works are to increase accessibility to a Grade II listed chapel, and to help alleviate issues surrounding moisture retention and damp.
79. The majority of the works will have a neutral impact on the significance and setting of the listed building and associated conservation area; however, the alteration to the front boundary wall and provision of a carparking area will have a less than substantial harm to the setting of the Chapel and conservation area. The proposed carparking will increase the accessibility of the Chapel, and allow it to function as a wider community facility. As such, the less than substantial harm will be outweighed by the public benefits of the development.
80. The proposal may have an impact on the residential amenity of the local area; however, due to the proposed frequency of use for the carpark, this is considered to be neutral. It has been demonstrated that the proposed carparking area is a necessary requirement for the Chapel.
81. Consequently, this application is recommended for approval.

Human Rights

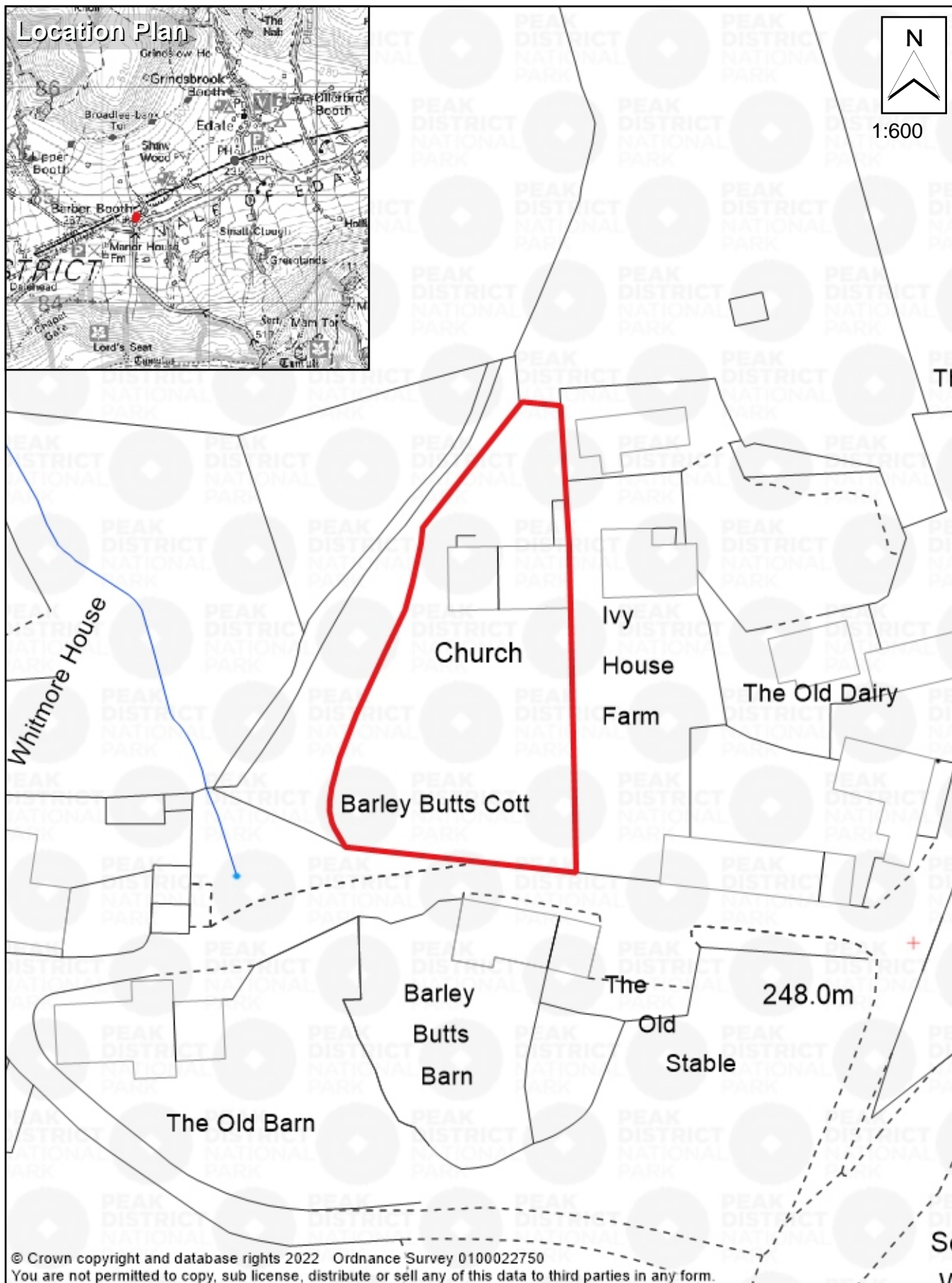
82. Any human rights issues have been considered and addressed in the preparation of this report.


83. List of Background Papers (not previously published)

Nil

Report author: Will Eyre – Planner – North

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Committee Date:	13/05/2022	Title: Edale Methodist Church, Barber Booth, Edale	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 10		
Application No:	NP/HPK/0521/0508		
Grid Reference:	411304, 384796		

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11. FULL APPLICATION – S.73 PLANNING APPLICATION FOR VARIATION OF CONDITION 2 ON NP/DDD/0419/0399 – AT ORCHARD FARM, MONSDALE LANE, PARWICH, (NP/DDD/1021/1143, SC)

APPLICANT: MR ROBERT ROEBUCK

Summary

1. The application seeks permission to vary condition 2 (Approved Plans) of planning permission NP/DDD/0419/0399. The permission (and condition) relates in part to the construction of an outbuilding, incorporating a double garage and workshop, ancillary to the main dwelling.
2. The changes proposed are for alterations and enlargement of the building. These would include reversing the footprint of the building so that the workshop element would be closer to the main dwelling, for easier access to incoming mains electric.
3. Enlargement in length and height of the building is proposed to incorporate Solar PV panels to the roof and to create useable space above the workshop. In addition, revised door and window positioning within the elevations are proposed to respond to the other changes.
4. In this case, the proposed scheme is considered acceptable in size, design and conservation terms and therefore the variation of condition to incorporate these changes is recommended for approval, subject to the other outstanding conditions from the original decision carried over and new conditions to secure the appearance of the solar panels being imposed.

Site and Surroundings

5. Orchard Farm is large detached 3-storey dwelling, sited on the south side of Monsdale Lane towards the eastern edge of the village of Parwich. The building group is set within a large plot and consists of the 3-storey farmhouse with an attached 2-storey barn converted to holiday letting. Around 20 metres west of the house, currently lies a modern Dutch style barn with an attached corrugated lean-to.
6. There are two accesses to the property, both off Monsdale Lane. One serves a parking and manoeuvring area close to the Dutch style barn and the other better serves the holiday cottages to the east of the farmhouse. A public footpath runs in a predominantly east west direction along the southern boundary of the property.
7. The nearest neighbouring dwellings are High Barn and Fair Oak both sited north and on the opposite side of Monsdale Lane and Bluebell Cottage and Trevarnly to the west. The property, its outbuildings and associated land are all sited within the Conservation Area of the village.

Proposal

8. Permission is being sought to vary condition 2 on previously approved planning application (NP/DDD/0419/0399 - *Proposed extensions to house and proposed detached garage/workshop*). In this case the permission is now extant, as the extension to the dwelling has been completed.
9. The proposed changes would include, reversing the footprint of the scheme, so the

workshop element would be closer to the main dwelling for easier access to incoming mains electric. Enlargement in length and height of the building to incorporate Solar PV panels to the roof and make available, useable space above the workshop. In addition to revised door and window positioning within the elevations.

RECOMMENDATION:

10. That the application be **APPROVED** subject to repeating across all other outstanding conditions from the original decision, and including additional conditions to secure the appearance of the solar panels.

Key Issues

11. Whether the variation of the condition would result in a negative impact on the character and appearance of the host property, the Conservation Area, the privacy and amenity of neighbouring dwellings and highway safety.

Relevant Planning History

12. 2019 – (NP/DDD/0419/0399) – Proposed extensions to house and proposed detached garage/workshop – Granted subject to conditions.

Consultations

13. Highway Authority – *‘No highway objections to the variation of condition 2, on the basis the previous highway comments relating to the original application continue to apply’*

14. Parish Council –

‘1. In general The Council continues to regret the loss of the historic open Dutch barn from its location in the Conservation Area. It draws the Planning Authority's attention to its previous comments to this effect. 1.2. The Council continues to consider that the replacement garage is not suited to its location as it has a negative impact on the Conservation Area in which it lies’.

2. ‘In particular in relation to this application the Council objects to 2.1. The proposed further enlargement of the garage as this will adversely impact its perceived mass. This is already a concern as it replaces an open structure with a solid one. 2.2. The mirroring of the garage from its currently approved location which will increase its perceived mass from the road. 2.3. Any change to construct walls adjacent to the road boundary any higher, or closer to that boundary as these would increase its perceived mass from the road. 2.4. The installation of photo voltaic panels on the garage roof which will be visible from other properties and public spaces, and out of keeping with the Conservation Area in which they would be situated. There are not believed to be any visible photovoltaic panels on the roofs of buildings in the conversation Area’.

Representations

15. Two letters of objection have been received and summarised below:

- Object to the removal of the Dutch barn as it is an important landmark in the village.
- Size of the development does not fit in with the existing landscape of the conservation area.
- The development is completely out of context with the site.
- The existing barn is important for local wildlife such as barn owls and bats.
- Proposed solar panels will have a negative impact on the Conservation Area.

- The increased size will hamper safe access and egress for the property and increase the perceived mass from the roadside.
- Any consent granted may lead to future application for change of use to add another holiday let or the property would be separated into two dwellings and sold on.

16. Whilst the above representations and the Parish Councils concerns are observed, it should be made clear, that in considering such an application (S.73), the Planning Authority may only consider the question of the conditions and not revisit the principle of the development. In this case, as the original permission has already been implemented (with the erection of the side extension to the main house), the permission is extant and the outbuilding has consent in perpetuity to be built out as approved.

17. Consequently, the only requirement is to look at the scale and design and the potential impact of these matters on the site, the conservation area, neighbourly amenity and highway safety. Which are addressed in detail in the following body of the report.

National Planning Policy Framework (NPPF)

18. 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.

19. In particular Para: 176 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.

20. Section 16 of the revised NPPF sets out guidance for conserving the historic environment.

21. Paragraph 194 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

22. Whilst Paragraph 199, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

23. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

24. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

25. 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.
26. 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.
27. DS1 - *Development Strategy*. Supports extensions and alterations to dwellinghouses in principle, subject to a satisfactory scale, design and external appearance.
28. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. 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 or its setting.
29. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions and water efficiency.
30. CC2 - *Low carbon and renewable energy development*. Sets out that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character or the special qualities of the National Park.

Development Management Policies

31. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, 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.
32. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals
33. DMC8 - *Conservation Areas*. States, that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
34. DMH7 - *Extensions and alterations*. States that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.

35. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

Assessment

36. Section 73 of the Town and Country Planning Act 1990 provides that an application maybe made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions.
37. Thus, it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear, that in considering such an application a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

Reasons for variation

38. Currently condition 2 reads:
39. *'The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, drawing numbers 06H, 05G & 09E and subject to the following conditions or modifications.*
40. Reason: *To enable the National Park Authority to retain control over the extent of the use and to prevent any adverse effect upon the character of the area and the interests of nearby residents.*
41. The applicant wishes to make changes to the scale and external appearance of the originally approved garage/workshop outbuilding, as shown on the approved plans (condition 2) of planning consent NP/DDD/0419/0399.
42. The changes would include, reversing the garage and workshop footprint, so the workshop element would be sited closer to the main dwelling, to afford better access to incoming mains electricity.
43. There would also be required an enlargement in length and height of the outbuilding to incorporate Solar PV panels within the inner roofslopes of the building, whilst also making available, useable storage space above the workshop.

Enlargement & alterations to the garage/ workshop outbuilding

44. The proposed changes in size of the building would see the approved length of the garage increased from 6.3m to 7.3m, an increase in length of 1m and the height to the ridge from 5m to 5.4m, an increase of 0.4m.
45. In addition, the garage element would be more offset within the side elevation of the workshop as opposed to a more central position as approved. The length and width of the workshop part would not alter, but the height would rise from 5.2m to 5.4m, an increase of 0.2m.

46. Whilst these changes would effectively take the side elevation of the garage closer to the road, the overall increase in massing that would come about by the relatively small increase in scale of the building, would have not have a significantly increased impact upon the character and appearance of the site or the Conservation Area than the already approved development.
47. In addition, the approved doors and windows (including rooflights) would be revised to reflect the changes. These would include having one larger door opening in the gable elevation of the workshop, with a window above to light the upper floor of the workshop.
48. Also, re-locating the approved single door from the gable of the workshop to the side elevation and re-siting a rooflight to the same elevation roofslope is proposed, to allow further natural light to the upper workshop floor.
49. These changes are considered to give a better solid to void relationship within the sides and roof elevations of the outbuilding, and are therefore considered acceptable in design terms.

With regard to the Solar PV panels.

50. Amended plans have been submitted which aside from showing the revised scale of the building, indicate the size, position and number of panels (18), which would be located on the inner roof slopes of the outbuilding away from the road – albeit they would be visible at a short distance (30m) from a public right of way, which runs to the south of the site.
51. As the outbuilding has not yet been constructed, the applicant had been advised that rather than laying the panels directly onto slates, the panels should be integrated into the fabric of the roof – as recommended in the Authority's Climate Change Supplementary Planning Document (SPD). This way they would appear flush with the roof slope, having a reduced prominence and retaining simplicity of form to the roof.
52. The applicants have agreed to this. Therefore, if permission is granted further conditions should be imposed relating to the fixing and incorporation of the panels into the roof slope, securing the frames and panels to be a dark recessive colour (black), and to require they are removed and the roof made good when they are no longer required for the purposes of micro regeneration.
53. In this way, the development would appear less intrusive on the building and consequently have less impact on the character of the locality and the village Conservation Area.
54. In this case and subject to all relevant conditions being carried out, the solar panels are acceptable in scale and design, in accordance with policies CC2, DMC3, DMC5, DMC8 & DMH7 in these respects.

Potential amenity impacts

55. The nearest neighbouring dwellings are High Barn and Fair Oak to the north and on the opposite side of Monsdale Lane and Bluebell Cottage and Trevarny to the west, all lying over 20m from the development.
56. In this case, the lane sits above the level of the main house, therefore the potential height and visual impact of the development would be less when viewed from the lane.

57. In addition, due to the siting and relatively low-key use of the garage/workshop building, this part of the development would have no adverse impact or significantly harm the residential amenity of neighbouring property or any other residential dwellings in the locality than has already existed.
58. Consequently, the amenity of neighbouring dwellings or any other dwellings in the locality would not be unduly compromised by the development; according with policies GSP3 & DMC3 in these respects.

Potential highway impacts

59. The Local Highway Authority has raised no objections, subject to garage and workshop/store use remaining private and ancillary to Orchard Farm.
60. In this case the relevant condition from the previously approved scheme would be replicated in any new permission. Subsequently, the proposal would be acceptable in highway terms, according with policy DMT3 in these respects.

Environmental Management

61. The proposed solar PV panels to the new garage/workshop roofs would help supply power to both the main dwelling and the garage/workshop, helping to reduce the carbon footprint of both the main house and the outbuilding. The proposed rooflights would also provide some natural light into the building, reducing the need for artificial lighting.
62. In this case, given the scale of development, the changes are sufficient to meet the requirements of Policy CC1. In addition, the proposed solar panels would have a low impact and recessive appearance that would conserve the appearance of the locality, according with policy CC2.

Conclusion

63. The variation of condition 2 is acceptable for the reasons stated in the above report. Subject to this and the replication of all applicable and subsisting conditions from the original consent being carried over to any new permission, the proposal is recommended for approval.

Human Rights

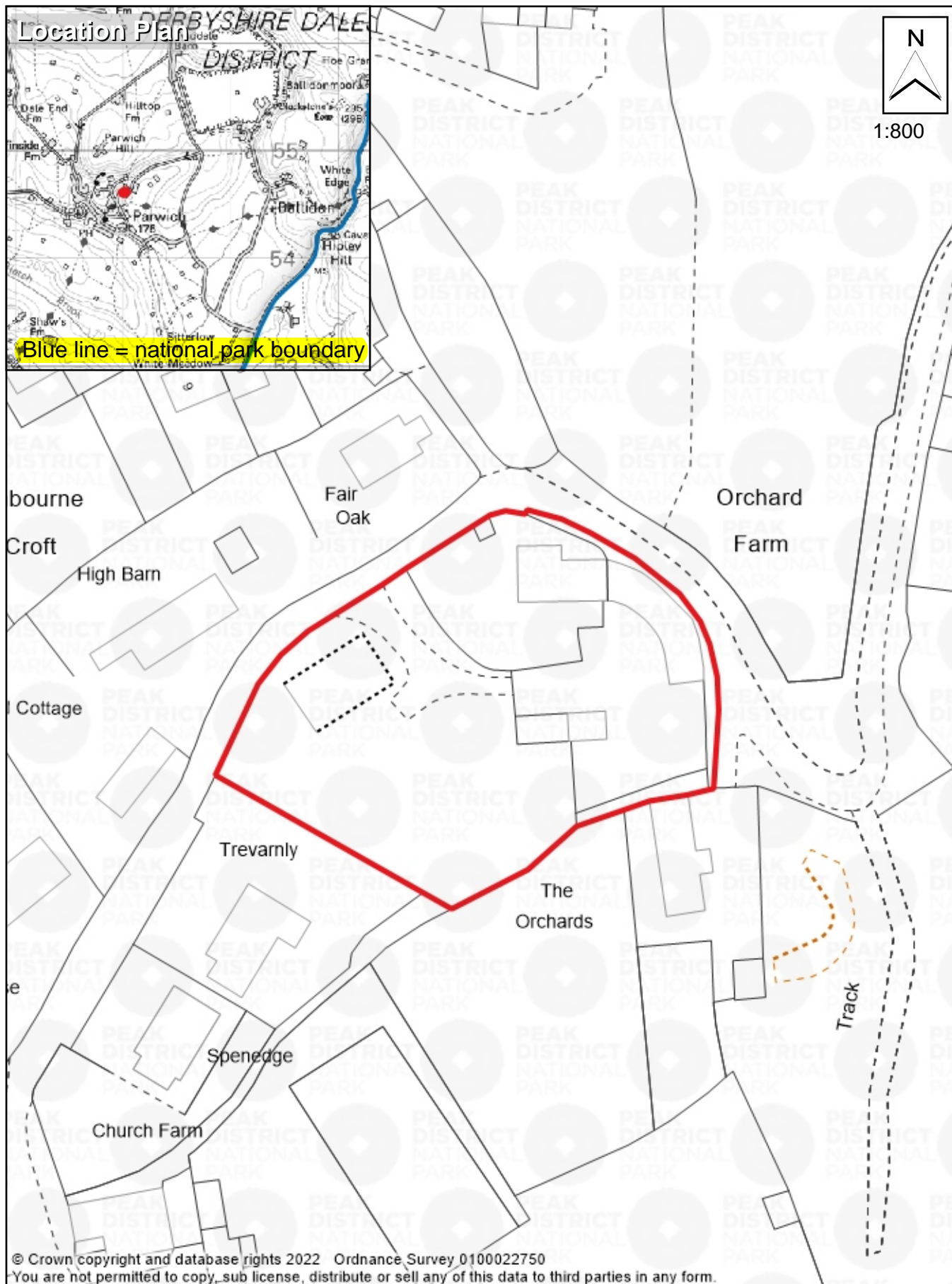
64. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author: Steve Coombes, South Area Planning Team.

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Committee Date: 13/05/2022
Item Number: Item 11
Application No: NP/DDD/1021/1143
Grid Reference: 419015, 354614

Title: Orchard Farm, Monsdale Lane, Parwich



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

1. **APPEALS LODGED**

The following appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0321/0240 3289387	Creation of new access track at Dry Hills, Gypsy Lane, Baslow Road, Bakewell	Written Representations	Delegated
NP/DDD/0121/0054 3295319	Two storey extension and single storey lean to extension at Hollytree Cottage, Bar Road, Curbar	Householder	Delegated
NP/SM/0621/0659 3292518	Erection of replacement dwelling house, demolition of existing, formation of a farm track and the installation of a sewage treatment plant at The Hollies, Blackshaw Road, Blackshaw Moor, Leek	Written Representations	Delegated
NP/SM/0621/0682 3291597	Installation of 36 solar panels at Back Forest Farm, Swythamley	Written Representations	Delegated

2. **APPEALS WITHDRAWN**

There have been no appeals withdrawn during this month.

3. **APPEALS DECIDED**

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1220/1171 3285395	Change of use from agricultural use to a residential dwelling at Oulds Barn, Greenlow, Alsop-en-le-Dale	Written Representations	Allowed	Committee
<p>The Inspector considered that the refurbishment of the building and reinstatement of the roof, using traditional materials would be a significant benefit, and that the form and external appearance of the building would remain largely unchanged thereby preserving the character of the building and its wider setting. The appeal was allowed.</p>				

4. **RECOMMENDATION:**

To note the report.

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