

Public Document Pack

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



Our Values: Care – Enjoy – Pioneer

Our Ref: A.1142/4968

Date: 1 August 2024



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 9 August 2024**

Time: **10.00 am**

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

PHILIP MULLIGAN
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting held on 12 July 2024** *(Pages 5 - 10)*
3. **Urgent Business**
4. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Members Declarations of Interests**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
6. **Full Application - Conversion of field barn to dwelling at Barker Barn, Moor Land, Elton (NP/DDD/0823/0974, AM)** *(Pages 11 - 34)*
Site Plan
7. **Listed Building Application - Conversion of field barn to dwelling at Barker Barn, Moor Land, Elton (NP/DDD/0823/0975, AM)** *(Pages 35 - 54)*
Site Plan
8. **Full Application - Conversion of redundant building to a dependent relative unit at Loxley Park Farm, Douse Lane, Onecote (NP/SM/0124/0026, RD)** *(Pages 55 - 66)*
Site Plan
9. **Full Application - Proposed alterations and extensions at 2 Castle Cottage, Unnamed Road from The Square to Coldwell End, Middleton by Youlgreave (NP/DDD/0424/0352, CB)** *(Pages 67 - 76)*
Site Plan
10. **Full Application - Installation of additional roof mounted solar panels at the property at Ade House, Main Street, Taddington. (NP/DDD/0624/0590, RD)** *(Pages 77 - 84)*
Site Plan
11. **Full Application - For the erection of agricultural building and retention of access track at the Firs Wood meadow, Fenny Bentley (NP/DDD/1222/1611/GG)** *(Pages 85 - 96)*
Site Plan
12. **Full Application - For the change of use from holiday let to dwelling with single storey bedroom extension at Nield Bank Bungalow, Buxton Road, Quarnford (NP/SM/0624/0601, GG)** *(Pages 97 - 108)*
Site Plan
13. **Full Application - Conversion to a single dwelling at Safari Quip, The Stones, Castleton (NP/HPK/0324/0297, WE)** *(Pages 109 - 122)*
Site Plan

14. **Section 73 Application - For the variation of Conditions 2, 15, 19, 20, 22, 42, 81, 91, 102 and 113 attached to NP/HPK/0814/0882, for the purpose of securing a revised working and restoration scheme at Topley Pike Quarry and Deep Dale and an increase in the permitted despatch of stone (NP/HPK/1220/1138, RB) (Pages 123 - 172)**
Site Plan
15. **Full application - Change of use from ancillary accommodation for disabled relative to holiday accommodation at Watergrove, Unnamed section of A623 from Housley Road to Long Lane, Foolow (NP/DD/0524/0549, HF) (Pages 173 - 182)**
16. **Minerals - Monitoring Report (TE) (Pages 183 - 192)**
Appendix 1
17. **Authority Solicitor Report - Planning Appeals (A.1536/AE) (Pages 193 - 196)**

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.

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Please note that meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell when necessary. Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Customer and Democratic Support Team 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 Customer and Democratic 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.

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Please note meetings of the Authority and its Committees may take place at venues other than its offices at Aldern House, Bakewell when necessary, the venue for a meeting will be specified on the agenda. 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 either visually broadcast via YouTube or audio broadcast and the broadcast will be 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. 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: Cllr P Brady
Vice Chair: Cllr V Priestley

Cllr M Beer	Ms R Bennett
Cllr M Buckler	Cllr M Chaplin
Cllr B Hanley	Cllr A Hart
Cllr L Hartshorne	Cllr I Huddleston
Cllr D Murphy	Cllr Mrs K Potter
Cllr K Richardson	Mr K Smith
Cllr J Wharmby	

Other invited Members: (May speak but not vote)

Prof J Dugdale Cllr C Greaves

Constituent Authorities
Secretary of State for the Environment
Natural England

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



MINUTES

Meeting: **Planning Committee**

Date: Friday 12 July 2024 at 10.00 am

Venue: Aldern House, Baslow Road, Bakewell

Chair: Cllr P Brady

Present: Cllr V Priestley, Ms R Bennett, Cllr M Beer, Cllr M Chaplin, Cllr B Hanley, Cllr A Hart, Cllr Mrs K Potter, Cllr K Richardson and Mr K Smith

Apologies for absence: Cllr M Buckler, Cllr L Hartshorne, Cllr I Huddleston, Cllr D Murphy and Cllr J Wharmby.

74/24 MINUTES OF PREVIOUS MEETING HELD ON 14 JUNE 2024

The minutes of the last meeting of the Planning Committee held on 14 June 2024 were approved as a correct record.

75/24 URGENT BUSINESS

There was no urgent business.

76/24 PUBLIC PARTICIPATION

One member of the public was present to make representations to the Committee.

77/24 MEMBERS DECLARATIONS OF INTERESTS

Item 8

The Chair declared a personal interest as he is acquainted with the applicant but has not discussed the application with them.

The Chair is a member of Taddington Parish Council and was not present at the meeting when this application was discussed.

78/24 FULL APPLICATION - REPLACEMENT DWELLING AT KEEPERS COTTAGE, MOORSIDE LANE, POTT SHRIGLEY (NP/CEC/0324/0285, WE)

The Planning Officer presented the report and outlined the reasons for refusal as set out in the report.

Some Members had visited the site the previous day.

It was noted that a previous application submitted in 2022 had been refused in April 2023 due to loss of a non-designated heritage asset, inappropriate design, impact on landscape and insufficient climate change and sustainability mitigation.

Members felt that the key issue is the complete loss of a non-designated heritage asset. This application does not offer significant overall enhancement that is required to justify such a loss.

The following spoke under the public participation at meetings scheme:

- Sarah Foster – Agent

The structural survey provided was not carried out by a conservation accredited surveyor whose primary focus would be the conservation of the current building.. Consequently there may be issues which have not been assessed and identified.

It was confirmed that any demolition of the building would need prior approval under the General Permitted Development Order. The erection of a replacement building requires planning permission.

A motion to defer the decision pending a conservation report prepared by a conservation accredited surveyor was proposed and seconded but not voted on.

Any replacement building would need to sit comfortably in the landscape and the proposed building is of a size and proportion that would look out of place. The demolition would result in the loss of a non-designated heritage asset. The contextual setting of this building close to Lyme Park and Shrigley Hall has to be considered and is vital to any application as there are many other estate buildings within Lyme Park.

The motion to defer the decision pending a survey carried out by a conservation accredited surveyor was withdrawn.

Members would like the applicant to obtain a survey from a conservation accredited surveyor. Following on from the receipt of this survey the officers would have discussions with the applicant and agent to investigate the options that are available as a result of the survey.

The Officer recommendation to refuse the application was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be REFUSED for the following reasons:

- 1. The proposed development would result in the loss of a non-designated heritage asset which is characteristic of the local building tradition and cultural heritage of the locality. There are no material planning considerations which outweigh the harm resulting from the loss of the asset. It is therefore contrary to policies GSP2, L3, DMC5, DMH9 and the National Planning Policy Framework.**
- 2. The proposed replacement dwelling would be of a scale, form and detailed design which does not respect the local building tradition and which is contrary to the Authority's policies, notably**

policies DMC3 and DMH9, and the Authority's design guidance.

3. The proposed dwelling would be of a form and scale that would have a harmful impact on the character of the site and its setting, including views from the nearby footpaths. It is therefore contrary to Core Strategy policies GSP1 and L1.
4. Notwithstanding the submitted details, the proposal does not adequately address the requirements of policies CC1 and DMH9 in respect of climate change and sustainable design.

79/24 FULL APPLICATION - SUB-DIVISION OF EXISTING DWELLING TO CREATE TWO DWELLINGS AT NEWFOLD FARM, UNNAMED ROAD FROM STONECROFT TO GRINDSLOW HOUSE, GRINDSBROOK BOOTH, EDALE (NP/HPK/0424/0401, HF)

The Planning Officer presented the report and outlined the reasons for approval as set out in the report.

Members requested that an additional condition should be added regarding the masking of the waste bins so that they do not dominate the street scene.

A motion to approve the application with an additional condition regarding masking of the waste bins was proposed, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to conditions covering the following matters and the additional condition to be included by the Planning Officer:

1. Standard time limit.
2. Accordance with the approved plans.
3. Replacement windows and doors to be of timber construction. Full details of the precise design of door and window frames, including details of their external finish to be submitted prior to their installation.
4. All stonework, including any lintels or sills, shall be natural gritstone to match the existing building.
5. Recess of replacement windows and doors.
6. Parking space for each dwelling to be made available prior to occupation of each dwelling, and shall remain for use as shown on the approved plans throughout the lifetime of the development.
7. Permitted development rights restricted for external alterations, extensions, porches and boundary treatments.
8. Submit for agreement details of a scheme for the screening of the waste bins.

80/24 FULL APPLICATION - ERECTION OF LOCAL NEEDS DWELLING AT LAND AT RIDGE VIEW, TADDINGTON (NP/DDD/1123/1417, MN)

The Planning Officer presented the report and outlined the reasons for approval as set out in the report.

Some Members had visited the site the previous day.

Although there had been some local concern regarding the scale and height of the proposed dwelling the officers were happy with the height proposed.

There was an amendment to recommended condition 1 to change the wording from “2 year time limit for implementation” to “3 year time limit for implementation”.

The following spoke under the public participation at meetings scheme:

- Kirsty Allen – Applicant – Statement read out by a member of Democratic Services.

Members felt there were many positive aspects to the application and there had not been any compromises on the location, scale and setting.

A motion to approve the application with the amendment to the first condition from 2 to 3 years , was proposed, seconded, put to the vote and carried.

RESOLVED

That the application be APPROVED subject to prior entry into a planning obligation under S.106 to secure the affordable housing in perpetuity and subject to the following conditions:

- 1. 3 year time limit for implementation**
- 2. Adopt submitted plans**
- 3. Removal of permitted development rights for extension, and for any new opening in either the east or west elevations**
- 4. Design details, including window materials and details**
- 5. Landscaping scheme to be agreed**
- 6. Parking and turning areas provided prior to occupation**
- 7. Tree protection measures**
- 8. Scheme of climate change mitigation measure to be agreed.**

81/24 MONITORING REPORT (AM)

The Policy and Communities Officer presented the report to update members on the latest policy Monitoring Report (2016/17-2022/23). There was a change to the legal requirements in 2017 on the reporting and from 2021 there were a series of Topic Papers for plan review.

The Officer explained that this latest report looks at data from 2017 onwards so that a full suite of Monitoring Reports is available that are similar and style in content to the comprehensive one previously produced. This brings the monitoring up to date and aligns as far as it is practical to the original Annual Monitoring Report (AMR). It was noted that the Minerals information shall be added at a later date and a separate Minerals report brought back to Committee.

The Officer took the Members through a short presentation and the following Headlines were noted:

1. Applications that are approved contrary to policy or that raise significant policy issues are rare, and within low tolerance thresholds.

2. All allowed appeals since 2017/18 have been cases where a site-specific judgement by the Inspector differed to that made by the Authority. No allowed appeals present a fundamental change to existing core policies.
3. There has been an increase in applications for camping pods and shepherd's huts since j2016/17 with a trend towards bigger structures.
4. More applications are including sustainability measures but many are not the "highest possible standard".
5. There are more renewable and low carbon schemes, particularly since 2021/22.
6. The number of open market homes remains consistent.
7. Overall there has been a decline in community services and facilities.
8. Overall trend for traffic is an increase over the plan period.

The Officer was commended for an interesting report. The loss of 8 shops over the period does not include the loss of the 2 banks in the PDNPA (Bakewell and Hathersage). Land use survey have been carried out which are presented in the Parish Statements that are available on the website and these capture changes which have not been picked up in the monitoring process. It was noted that a "change of use" does not count as a loss.

It was confirmed that there is no policy requirement for designated sites for Gypsy and Traveller pitches.

A question was asked regarding Local Needs Affordable Housing (LNAH) and what the mechanisms are for getting LNAH. Where the monitoring has picked up issues e.g. LNAH then this is being looked at in the Local Planning Review and the PDNPA will be working with constituent authorities particularly Derbyshire Dales as most of the delivery does occur here. There is a requirement for market homes and flexibility is needed for market homes where it drives conservation purpose. It would be helpful if the data regarding the table on new housing could be subdivided into local needs housing (self-build and new owner occupied).

There is a shift in transport (15.79% increase) and the nature of the transport has changed in that more people are working from home and more are coming to the park for recreation and this needs to be managed.

The previous government had advised that they were minded to introduce a new use class for short-term lets however this has not been forthcoming as yet.

RESOLVED:

To note the report.

82/24 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JULY 2024 (A.1533.AJC)

The Principal Enforcement Planner presented the report which provides a summary of the work carried out over the last quarter (April-June 2024). It was noted that in the last quarter two enforcement notices have been issued and these were explained to the committee and photographs displayed.. Both of these cases now have appeals pending.

We now have a full compliment of monitoring and enforcement staff and are now able to address the backlog of enquiries (that is, reports of potential breaches). 138 enquiries have been investigated in the last quarter and the number of outstanding enquiries reduced. Conversely due to investigating more enquiries the number of breaches that have been found has increased and in this quarter 48 new breaches have been created.

An additional temporary two year contract post has been created to focus on the backlog of Listed Building cases and so far 20 satellite dishes have either been removed, applications have been submitted and other satellite dishes have been re-located.

A review of the Local Enforcement Plan (LEP) has been recently undertaken. The original LEP was published in 2014 and updated in 2018. The main adjustments were outlined to the committee. The document has been reduced in length and includes more links within the plan to information available elsewhere. The plan sets out the priorities for 2024/25 which are:

- 1) To continue to reduce the backlog of casework
- 2) To review and update the internal processes and procedures and implement a more robust case management system
- 3) Formulating additional performance measures/targets

One improvement recently implemented is that the on-line form is now available and to submit enquiries. This form provides officers with a standard level of information and provides the public with an interactive map to indicate the precise location of the enquiry.

There is a section in the LEP regarding voluntary compliance and explains the method of submitting a retrospective application. Section 7 of the LEP explains the priorities of the Authority which were previously labelled "High/Medium/Low" and these have now been replaced with "urgent matters" and "other matters" prioritising those causing significant harm, the impact of the breach and the need to prevent further harm.

The Officer was thanked for his report and the work carried out on the revised Local Enforcement Plan.

Members requested that they receive a list of all enforcement cases that are being dealt with and this to go to the Chair and Vice-Chair. The value and content of the reports was recognised and more information on the backlog of cases and the difficulties in dealing with them was requested by the October planning committee.

RESOLVED

- 1. That the summary of activity be noted.**
- 2. That the committee approved the revised and updated Local Enforcement Plan, as set out in the appendix of the report, subject to minor amendments being delegated to the Head of Planning, in consultation with the Chair and Vice-Chair of Planning Committee.**

83/24 AUTHORITY SOLICITOR REPORT - PLANNING APPEALS (A.1536/AE)

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

RESOLVED:

To note the report.

6. FULL PLANNING PERMISSION – CONVERSION OF FIELD BARN TO DWELLING AT BARKER BARN, MOOR LANE, ELTON (NP/DDD/0823/0974, AM)

APPLICANT: MRS PAULINE MORRIS

Update

1. This application was deferred at the March Planning Committee meeting to allow for a structural report to be provided and discussions with the Applicant and Officers to take place to establish what was necessary to secure the future use of the building.
2. A structural survey and amended plans were submitted at the start of June. These have undergone re-consultation and are considered further in the report below. The agent has also indicated that they have attempted to make contact with the Authority in regard to the potential for FiPL funding.

Summary

3. The application site comprises a Grade II listed barn located south of Elton.
4. Planning permission is sought for the conversion of the barn to a market dwelling along with associated landscaping and drainage.
5. The proposed development would result in less than substantial harm to the significance of the listed building, its setting and would harm valued landscape character. Public benefits arising from the development would not outweigh the harm to the listed building.
6. The application is recommended for refusal for the reasons set out in the report.

Site and Surroundings

7. Barker Barn is a Grade II listed building located in open countryside on Moor Lane, approximately 1km south of Elton. The building is on the Authority's 'at risk' register.
8. The building is a two-storey field barn fronting directly onto the highway verge and to the fields behind with an overgrown access and small walled curtilage to the south west. The building is constructed from rubble limestone and gritstone. The roof of the building is partially collapsed.
9. The barn sits within the Limestone plateau and is visible in wider views in the landscape from surrounding highways, access land and footpaths. The nearest neighbouring property is Leadmines farm some 750m to the north east.

Proposal

10. Planning permission is sought for the conversion of the barn to a single market dwelling.
11. The amended plans show that the whole building would be converted to a three-bedroom dwelling, with the bedrooms and kitchen / dining room at ground floor with a new stair providing access to an open plan living room at first floor.
12. A structural survey has been carried out and amended plans submitted to show the extent of re-building proposed. The plans show that the roof would be removed and new oak king post trusses installed to replace the existing trusses. Some purlins would be replaced and some retained. The main roof of the building could be clad with the same mixture of blue clay tile, welsh slate and stone slate as on the existing building. The plans also show that parts of the walls would be re-built.

13. The existing window and door openings would be retained with an alteration to reduce the height of the opening to the north east elevation (W15). New timber window and door frames would be installed in the openings along with recessed glazing to the slot vents.
14. Internally, works are proposed to lift and relay the stone paving floor while levelling it. A new first floor and stair would be installed along with internal walls to sub-divide the space at ground floor level. The majority of internal walls would be lime rendered.
15. The plans also show that the dwelling would be provided with a domestic curtilage, utilising the existing access adjacent to the building to a hardstanding with space for two cars to park and turn and a patio area to the rear of the barn. The curtilage would be bound by a new drystone boundary wall. A package treatment plant would be installed within the curtilage to serve the development along with bin store, shed and air source heat pump to the rear of the barn. The dwelling would be provided with an underground electricity supply.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The development would harm the significance of this Grade II listed barn and its setting contrary to Core Strategy policies GSP3 and L3 and Development Management policies DMC3, DMC5, DMC7 and DMC10. The harm would be less than substantial but would not be outweighed by public benefits, including securing the optimal viable use of the building. The application is therefore contrary to the National Planning Policy Framework.**
- 2. The development would harm valued landscape character contrary to Core Strategy policy L1 and Development Management policy DMC1 and the National Planning Policy Framework.**

Key Issues

16. Whether the proposed development is acceptable in principle.
17. The impact of the development upon the significance of the listed building and its setting.
18. The impact of the development upon the landscape.
19. The impact of the development upon highway safety.
20. Whether the development is acceptable in all other respects.

Relevant Planning History

21. 2020 – ENQ/38435 – Pre-application enquiry for conversion to house. Officer advice given that conversion would not be acceptable due to the impact of the development upon a very isolated building in an open landscape setting.
22. 2016 – ENQ/28302 – Pre-application enquiry for change of use of barn to either residential or holiday let.

“In the light of the planning history on the site, it is unlikely that the Authority would support a residential use for the property unless it could be demonstrated that:

- 1. The development would represent the optimal viable use of the heritage asset; and*
- 2. Alterations would not harm the significance (architectural and historic interest) of the listed building; and*

3. *The setting of the listed building (the rural open landscape) would not be compromised by domestication.*

An agricultural use (the original use) is the preferred use for the barn. In line with my letter sent to the property owner, on 1st November 2007, a low-key leisure / recreation use, e.g. camping barn or low-key business use e.g. workshop or office might be supported but this would have to be in accordance with points 1-3 above.

My view is that holiday use is another possibility as this would have less impact upon the setting of the building than a permanent residential dwelling.”

23. 2015 – ENQ/24539 – Pre-application enquiry for change of use to a dwelling and also to incorporate camping/caravanning on neighbouring land.

24. 1994 – Appeal against applications WED0393091 and 3092 dismissed.

In determining the appeal, the Inspector stated that “any form of domestication would have a significant visual impact upon the character of the barn and upon that of its surroundings”. The Inspector stated, “the open character of the peak National Park countryside would, by implementation of the proposal, be unacceptably harmed”.

The Inspector was satisfied that the scheme considered at appeal would preserve the exterior of the barn, however, the Inspector was concerned about the proposed insertion of a first floor to the whole of the northern wing. The inspector stated, “this part of the barn is currently a high vaulted space which is an important and historic feature. By the insertion of the floor and the horizontal subdivision of this space, this internal feature of architectural and historic interest would be destroyed.”

25. 1993 Planning permission and listed building consent for conversion of the barn to dwelling (WED0393091 and 3092) refused on design and landscape impact grounds.

26. 1991 Planning permission and listed building consent for conversion of the barn to a dwelling refused (WED0391132 and WED0991435) refused in principle and on design and landscape impact grounds.

Consultations

27. Parish Council – Strongly support the application.

28. Highway Authority – Requests speed survey is carried out before positive determination of the planning application. Comments are summarised below.

“The application site is located on Moor Lane which is a classified road subject to a 60mph speed limit, however, due to the nature of the road i.e., rural, bends in the road and somewhat limited width, vehicle speeds are likely below the legal limit. It should be noted that the site is in a remote location and it is considered that future residents would be reliant on the use of private car, however, it is appreciated that the proposal will re-use an existing building and this Authority has taken commensurate use into its consideration of the proposals.

The proposal includes the creation of a new vehicular access to Moor Lane, therefore, the proposed vehicular access should be provided with emerging visibility sightlines in accordance with the speed limit of Moor Lane, to conform with current guidance any new access to a 60mph road should typically be provided with emerging visibility sightlines of 203m in either direction, measured from a point located centrally and setback 2.4m into the access, to the nearside carriageway edge in either direction. Any lesser extents should be supported by the results of a traffic speed survey.

The above-mentioned emerging visibility sightlines appear to be unachievable from the proposed vehicular access in either direction due to the alignment of the road, with splays in the region of 60 - 70m being achievable in the Southerly direction. However, there is an existing field access to the land within the applicant's control, therefore, the applicant may wish to explore utilising this access to serve the proposed dwelling which appears to be significantly more suitable in terms of available emerging visibility. Nonetheless, it is recommended the applicant considers a traffic speed survey to ascertain details of 85thile vehicle speeds, in order to determine what would be acceptable in regards to emerging visibility sightlines.

The proposed level of off-street parking provision is adequate for a 2no bedroom dwelling, and there appears to be sufficient space within the site for maneuvering to enable vehicles to both enter and emerge in a forward gear.”

29. Natural England – No response to date.

30. PDNPA Conservation Officer – Object to the application.

Comments on the amended scheme are summarised below. The more detailed comments on the original submitted application which went to the March meeting are summarised after.

Current scheme:

“Structural appraisal

A structural appraisal has been provided by Peak Engineers, who it should be noted are not conservation accredited. The structural appraisal recommends the complete replacement of the roof, and a large amount of rebuilding to the southern extension and the rear facing walls to the main building.

Although only partial rebuilding is recommended, the report acknowledges that the areas identified for partial rebuilding may need to be rebuilt to the ground with new foundations. Major structural works of this nature also present a risk that further areas of the building (such as the front elevation) become unstable and require rebuilding after consent is granted.

The loss of the roof and large areas of rebuilding will result in a loss of significance. If the committee conclude that this is justified, then the risk to the rest of the structure will need to be managed by a condition that provides a detailed methodology (written by a structural engineer) on how the rest of the structure will be safeguarded during works.

The loss of significance is not simply a case of visual impact. Surviving historic construction techniques also contribute towards architectural interest and therefore significance. This loss can be mitigated (but not avoided) through conditions asking for a detailed methodology for the rebuilding of the walls and roof, requiring that they will be constructed in a truly like-for-like manner, both in terms of appearance and construction.

Design changes

- *The arrangement of the ground and first floors have been swapped, leaving an open plan living area on the first floor, preserving the formally open space. This is an improvement*
- *Roof lights have been removed*
- *Doors and windows have been altered, with the majority of both to be fully glazed.*

In addition to the above, the replacement roof covering is still proposed to be predominantly welsh slate to the rear, when the majority was previously stone slate.

Overall, whilst some of the design details have been improved, the structural appraisal has demonstrated that a large amount of rebuilding will be required in order to facilitate the conversion. This will in itself lead to a loss of significance, but also presents the risk of further structural instability. Notwithstanding the impact on significance of the building caused by harm to its setting, the scheme still presents a high degree of less than substantial harm.”

The Conservation Officer goes on to recommend conditions if planning permission and listed building consent are granted.

Scheme which went to the March meeting:

“Barker Barn is a grade II listed building (1335216, listed on 14th December 1983). Built as a field barn in the late 18th century, the barn was extended with the addition of a loose box in the late 19th century.

Field barns were typically built in the Peak District from the late 18th to 19th century as formerly open fields and wastes were enclosed. ‘The Peak District Farmsteads Character Statement says: ‘Field Barns... are a highly significant feature of the Peak District, and combine with the intricate patterns of dry-stone walling and hay meadows to form an integral and distinctive part of the landscape.

Unusually the barn can be dated with some certainty to 1787, and is identified on the Elton Enclosure Award plan of 1809. The precise date is unknown, but it is reasonable to assume that the surrounding fields were enclosed from open wastes and commons not long before the construction of the barn, in a process that defines the present-day character of the White Peak.

The position of the barn with its near contemporary enclosed fields is highly illustrative of the process of enclosure, which has defined the present character of the White Peak. The presence of the barn so close to scheduled lead workings is also highly illustrative of the dual farming/mining economy of the area.

The heritage statement has also identified that the barn largely retains its original layout, as well as a surviving original roof structure (part of which lies on the floor), and an original gritstone floor. Most cow houses and field barns were altered in the 20th century due to hygiene regulations for the production of milk, which usually resulted in the loss of their original floor. Therefore, the survival of an original 18th century stone floor is significant.

Taking the above into account, the barn can be described as highly significant. The key elements that contribute to its significance are its age and rarity, its surviving historic layout, its surviving historic fabric, and its relationship with a landscape which hasn’t changed for over 200 years.

Outline of proposals, summary of impact, and the principle of conversion

As I see it, aspects of the proposals can be divided into three categories: Proposals that will harm the significance of the building that can’t be mitigated, proposals that lack sufficient information to judge their impact, proposals that would harm the significance of the building but could be changed or mitigated should the principle of development be approved. The latter two areas would need to be addressed should the principle of development be deemed acceptable.

Harmful proposals intrinsic to the scheme:

- *The imposition of extra domestic curtilage and car parking space would have a negative impact on the barn’s setting and the contribution this makes to its significance. Both of these, but particularly the garden curtilage, would harm the*

relationship between the barn and its setting, which contributes greatly to its significance.

- *The floor finish has been identified as likely original and highly significant. The application proposes lifting the floor and reusing the paving stones in different places. Updated plans propose to lift and relay the stone paving, whilst levelling it. The floor would have to be recorded and re-laid as it was in order to preserve its significance, as patterns of wear contribute towards a buildings historic and archaeological interest. Levelling the floor would harm its significance.*
- *The insertion of a new, heavily subdivided first floor will destroy a previously open space and obscure the highly significant roof truss.*
- *The lining of the walls will obscure the original interior of the barn and destroy the evidence of its surface finish.*
- *The installation of roof-lights will inevitably have a negative impact on the significance and agricultural character of the barn.*
- *The addition of external plant for an air source heat pump, and a garden store will add to the barn's visual clutter, harming its character and significance.*

Where more information is required should the principle of development be deemed acceptable:

- *On visiting the site, it was noted that in addition to part of the building being roofless, cracks have appeared in the walls. In order to assess the application against DMC10, a structural appraisal should be undertaken by a suitably experienced engineer, ideally CARE registered. Drawings should then identify exactly what elements of the building require rebuilding, and where other structural interventions are required. If a significant amount of rebuilding is required this would harm the historic interest of the building, compounding the harm already proposed by the application.*
- *There is no information as to how much of the roof will be kept or replaced, or what the justification is for a steel ridge beam. The roof is highly significant and its loss would be very harmful to the significance of the barn.*
- *Repointing is mentioned but there are no details. I noticed on site that what remains of the current pointing is likely to be original mortar, which is itself of historical value. Historic mortar in good condition should be identified and retained. Replacement mortar should be visually and mechanically compatible with the historic mortar.*

Unnecessary harmful proposals that should be amended should the principle of conversion be deemed acceptable:

If the principle of conversion is approved, there are a number of harmful elements to the proposal that would need addressing. These include:

- *The proposed doors and windows, which would erode the agricultural character of the building and harm its significance.*
- *The replacement of the varied roof coverings with uniform welsh slate. The updated drawings somewhat address this comment, with the inclusion of stone slate to the rear catslide roof. However most of the rear roof covering prior to its collapse was stone slate, and the front elevation is clad with clay tiles.*

Conclusion

Overall, in the language of the NPPF, the proposals would cause substantial harm. Substantial harm is quite a high test, so it is worth looking at the government’s planning practice guidance, which states:

“in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”

To break down the above statement, we should consider the key elements that contribute to the significance of the barn. These are; the building’s age and rarity, surviving historic features, layout and fabric (such as the roof truss and stone floor), and the relationship between the barn and its landscape setting. The historic fabric of the barn and its landscape setting will be severely impacted by the proposals, leading to what can only be described as substantial harm to its significance, which could lead to the barn losing its listed status. If it transpires that the barn would need significant rebuilding, this would further undermine the barn’s significance.

As per our development management policies and paragraph 201 of the NPPF, the application should be refused unless substantial public benefits are achieved, or the tests in paragraph 201(a-d) are demonstrated.

A read through the planning file for the barn suggest that attempts have repeatedly been made over the years to encourage the owner to maintain the listed barn, in order to arrest its decay. However, it appears that almost no attempt has been made by the owner to keep the building in good repair, which would have been considerably cheaper if done before the building’s condition worsened.

It is important to state that the choice here is not between a barn conversion and a pile of stones. The PDNPA could serve an urgent works notice, which would give the Authority the power to carry out emergency repairs and recover the costs from the owner. Under the Levelling-up and Regeneration Act 2023, the costs could be recovered via a land charge.

The amended drawings somewhat answer some of my comments, and would somewhat reduce the level of harm proposed. However, the proposals still fail to answer the substance of my comments, resulting in a scheme that leaves questions to be answered, and substantial harm to the significance of the building.”

31. PDNPA Archaeology – Makes the following comment:

“Supporting Information

This application has been supported by a heritage statement that describes the significance of the barn as a heritage asset, considers the below ground archaeological interest of the site and has consulted the Derbyshire Historic Environment Record and made us of the PDNPA Historic Farmstead guidance. It meets the requirements of NPPF.

Significance

The barn is a designated heritage asset and is of national significance, of 18th century origin with 19th century alterations. It has archaeological interest because the structure has potential for concealed or previously unknown evidence associated with its

constructions, development and use to be revealed through specialist study of the structure itself.

The site and barn has belowground archaeological interest for previously unknown and unrecorded archaeological remains from the prehistoric period to the post-medieval period, specifically:

- *Neolithic and Bronze Age settlement – the fields immediately to the west have produced a wealth of chert, flint and pottery artefacts that suggest occupation during the Neolithic and Bronze Age. Finds include arrowheads, scrapers, blades, axes and stone axe fragments, several polish stones axes, a spear head, awls, sickles, saws and cores, including from in this particular field, with a particular concentration of finds suggesting a settlement focus slightly further west and then surrounding agricultural activity. The site is recorded in the Derbyshire Historic Environment Record and the Peak District National Park Authority Historic Buildings, Sites and Monuments Record.*
- *Bronze Age funerary and ritual activity – a now lost barrow was excavated by Thomas Bateman in 1844. The precise location of the original barrow is unknown, with the location given only as Elton Moor. The site is recorded in the Derbyshire Historic Environment Record as in the immediate vicinity of the barn. Finds comprised human remains (inhumation and cremated bone), flint tools, ceramic vessels, and non-local pebbles.*
- *Medieval agricultural activity – LiDAR mapping data demonstrates the survival of ridge and furrow earthworks oriented north-east to south-west within the field associated with barn. These could be associated with the medieval field systems of Elton, Winster or associated with agricultural activity of the medieval grange at Mouldridge (Scheduled, NHLE # 1020947) to the south west.*
- *Post-medieval lead mining – the barn is within a landscape of lead mining remains that survive as belowground features, underground features and extant surface structures and earthworks. Two areas of scheduled remains lie within the immediately landscape setting of the site, Rainslow Scrins (NHLE # 1017749) c. 500m to the north east and remains of Dunnington and Hardbeat Mines, Rath and Cowlica Rakes, and Rath Rake Sough south west of Oddo House Farm (NHLE # 1019045) c.800m to the north west. Extensive non-designated lead mining remains at present within the immediate surrounding landscape of the barn as recorded in the Historic Environment Record and evident within the site itself as visible on the LiDAR mapping.*
- *Post-medieval agricultural – particularly the earlier phase of the barn at the south end as depicted on the 1809 Enclosure prior to the late 19th century alteration.*

Any such archaeological remains and features that survived on the site would be considered to be non-designated heritage assets. Any remains relating to the construction, use and development of the barn would contribute directly to the significance of a designated heritage asset.

The significance of archaeological remains and features that could be encountered can be estimated to be of local significance (post medieval agricultural) to regional (lead mining and prehistoric remains).

Previous ground impact can be anticipated from the creation of the barn itself, including levelling of the ground, excavation for any foundations etc. These previous ground impacts lowers the chance of finding entirely undisturbed remains within the footprint of

the building itself, although this cannot be entirely ruled out as the level of previous impact and disturbance is unknown.

The chances of encountering such remains within the immediate vicinity of the barn and in the areas proposed to form the drive way, parking areas, residential curtilage etc. is deemed to be moderate-high.

Impact

The works to the building have the potential to encounter, damage and destroy concealed or previously unknown evidence associated with its constructions, development and use of the building, particularly its adaptation in the 19th century and the footprint of the original structure. This would result in minor harm to the archaeological interest of the building.

The groundworks associated with the proposed development, both within the existing barn structure (e.g. for the new concrete floor slab, associated membranes, insulation, any underfloor heating etc.) and in the area around it for the delivery of (but not limited to) the amenity space and curtilage, drive and parking areas, package treatment plant, electrical and other services connections, drainage, package treatment plant etc. have the potential to encounter, damage and destroy previously unknown and unrecorded archaeological remains and features of local to regional significance relating to a range of human activity (settlement, funerary and ritual, agricultural and lead mining) from prehistory to the post-medieval period.

This would result in permanent and irreversible harm to the archaeological interest of the site. The scale of the anticipated groundworks suggests that this harm would be moderate in scale to the site overall, but would lead to the complete loss of the remains and features within the footprint of the groundworks.

Recommendations

Should the proposals be considered acceptable with respect to the advice of the Building Conservation Officer and with respect to an appropriately weighted planning balance for the relevant designated and non-designated heritage assets in accordance with national and local policy then I recommend that the harm and impacts detailed above are mitigated through a conditioned scheme of building recording (nature and level to be specified by the Building Conservation Officer) and a programme of archaeological investigation (a scalable watching brief to strip, maps and sample excavation) on all internal and external groundworks.

This work needs to be carried out by a suitably qualified and experienced heritage/archaeological contractor in accordance with the nationally agreed standards of the Chartered Institute for Archaeologists, and to a written scheme of investigation approved by the Senior Conservation Archaeologist. These recommendations are in accordance with NPPF para 205 requiring developers to record and advance the understanding of heritage assets to be lost wholly or in part in a manner proportionate to their significance and the impact of the development.”

32. PDNPA Ecology – No objection subject to conditions. Comments are summarised below:

“Baker Consultants Ltd undertook a protected species survey of Barker Barn, Elton in May 2023. The Baker Consultant’s survey involved a preliminary bat inspection of the building and although no evidence of bats was recorded, the barn was assessed as having moderate bat roost potential. The ensuing report therefore advised that two nocturnal surveys were undertaken in line with current best practice guidelines (BCT 2016). Subsequently, two dusk emergence surveys were carried out on 20th July and 7th August 2023 by Dunelm Ecology with an assessment of impacts and mitigation

proposals presented within the report entitled Barker Barn, Elton Supplementary Bat Survey August 2023.

All surveys have been undertaken in line with the relevant guidelines. An appropriate impact assessment has been undertaken, along with suitable mitigation methods and enhancements.

The surveys by Dunelm Ecology found that the barn is used by low number <5 common pipistrelle bats. The report states:

“Without the implementation of mitigation measures, individual or small numbers of common pipistrelle bats could be disturbed and/or possibly injured or killed during conversion works. This action could, therefore, result in an offence under the legislation that protects bats and their roosts. However, since only low numbers of bats are considered likely to be present, the scale of impact is assessed as low at a local level.”

A bat mitigation class license from Natural England is required prior to commencement of the development.

All mitigation and Compensation measures as detailed within Section 4.4 of the Supplementary Bat Survey report by Dunelm Report (2023) to be adhered to.

No external lighting should be installed which would directly shine on or adjacent to new roosting sites with new lighting kept below 3 lux in the vicinity of roost access points.”

Representations

33. The Authority has received 26 letters of representation in support of the application to date. No additional representations have been received since the application was deferred. The reasons are summarised below:

34. Support

- a) The barn is an important part of the history of Elton and development of farming in the area. If allowed to remain in its current state its rate of deterioration will accelerate as the loss of the roof will allow the elements to further erode the structure and will attract theft and vandalism.
- b) Over the last 15 years the barn has gradually fallen apart. If something is not done soon it will be lost.
- c) Many of these barns are being lost.
- d) The plans present an opportunity for this building to be saved.
- e) The design is very sympathetic to the original design and purpose of the barn. The accommodation is contained within the existing building conserving its external appearance.
- f) Conversion of the barn to a market dwelling is preferable to the loss of the barn.
- g) The position of the development will not cause problems for the users of Moor Lane as there are no bends in the road and there will be plenty of off-road parking.
- h) A number of isolated redundant barns have been converted into dwellings in recent years. There is therefore a precedent.

Main Policies

35. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, CC1, CC5, and HC1

36. Relevant Development Management policies: DMC3, DMC5, DMC6, DMC7, DMC10, DMC11, DMC12, DMC14, DMT8 and DMU1
37. Conversion of Historic Buildings Supplementary Planning Document (SPD)

National Planning Policy Framework

38. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
39. In the National Park the development plan comprises the Authority's Core Strategy (2011) and the 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. There is no significant conflict between policies in the development plan and the NPPF.
40. Therefore, full weight should be given to policies in the development plan and the application should be determined in accordance with the Authority's policies unless material considerations indicate otherwise.
41. Paragraph 182 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.
42. Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It notes that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It advises that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
43. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
44. Paragraph 202 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be considered in any decision.
45. Paragraph 203 states that in determining applications account should be taken of desirability of sustain and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
46. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

47. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional.
48. Paragraph 207 states that where a proposed development will lead to substantial harm (or total loss of significance of) a heritage asset consent should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or that all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
49. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
50. Paragraph 211 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Peak District National Park Core Strategy

51. Policy GSP1 requires all development to be consistent with the National Park's legal purposes and duty and that the Sandford Principle be applied and the conservation and enhancement of the National Park will be given priority. Policy GSP2 states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. Enhancement proposals must demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area.
52. Policy GSP3 states that development must respect, conserve and enhance all valued characteristics of the site and buildings subject to the development proposal paying particular attention to (amongst other things) impact on character and setting, scale, siting, landscaping, building materials, design, form, impact upon amenity, highways and mitigating the impact of climate change.
53. Policy DS1 states that in the countryside conversion or change of use for housing is acceptable in principle.
54. Policies L1, L2 and L3 state that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, biodiversity and cultural heritage assets.

- 55. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources and to achieve the highest possible standards of carbon reductions and water efficiency.
- 56. Policy HC1. C states that, exceptionally, and in accordance with policies GSP1 and GSP2 new housing will be permitted where it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

Development Management Policies

- 57. Relevant Development Management policies: DMC3, DMC5, DMC6, DMC7, DMC10, DMC11, DMC12, DMC14, DMT8 and DMU1
- 58. Policy DMC3 sets out detailed criteria for the assessment of siting, design, layout and landscaping.
- 59. Policy DMC5 provides detailed criteria relevant for 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 applications.
- 60. Policy DMC7 provides detailed criteria relating to proposals affected listed buildings and states that;
 - a. Planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:
 - (i) how their significance will be preserved;
 - (ii) why the proposed development and related works are desirable or necessary.
 - b. Development will not be permitted if applicants fail 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 and any curtilage listed features.
 - c. Development will not be permitted if it would:
 - (i) adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or
 - (ii) result in the loss of or irreversible change to original features or other features of importance or interest.
 - d. In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to (amongst other things):
 - (i) removal of original walls, stairs, or entrances or subdivision of large interior spaces
 - (ii) removal, alteration or unnecessary replacement of structural elements including walls, roof structures, beams and floors.
- 61. Policies DMC10 sets out detailed criteria for the assessment of proposals to convert heritage assets. Development will be permitted provided that:
 - (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and

- (ii) the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and
- (iii) the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and
- (iv) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquility, dark skies or other valued characteristics.

62. Policies DMC11 and DMC12 set out detailed criteria to secure safeguarding, recording and enhancement of nature conservation interests and conservation of sites, features and species of importance. Policy DMC14 states that development that represents a risk of pollution (including soil, air, light, water, noise or odor pollution will not be permitted unless adequate control measures are put in place to bring pollution within acceptable limits.

63. Policy DMT8 requires off-street parking to be provided for residential development unless it is demonstrated that on-street parking is appropriate. Parking provision should meet the Authority's adopted standards.

64. Policy DMU1 permits new or upgraded service infrastructure for new development provided that it does not adversely affect the valued characteristics of the area and provided that services are provided before commencement of a new land use.

Assessment

Whether the proposed development is acceptable in principle

65. The application building is a Grade II listed barn located in open countryside. Policies DS1 and HC1.C allow for the conversion of listed buildings to market dwellings, in principle, provided that it is demonstrated that the development is required to secure the conservation or enhancement of the building.

66. The key issue in the determination of this application is therefore the impact of the proposed development upon the significance of the building, its setting and valued landscape character, having regard to our duty to conserve the special qualities of the National Park and give great weight to the desirability of preserving and enhancing the listed building.

The impact of the development upon the significance of the listed building and its setting

67. Barker Barn is a Grade II listed building standing in an isolated and very prominent location on Elton Moor. The barn is on the Authority's 'at risk' register. Unusually, the barn can be dated with some certainty to 1787, and is identified on the Elton enclosure Award plan of 1809. The precise date is unknown but it is likely that the fiends were enclosed from open wastes not long before the construction of the barn. The enclosure process defines the present-day character of much of the White Peak.

68. The main structure was built as a field barn with the addition of a loose box in the late 19th century. The position of the barn within its near contemporary enclosed fields is highly illustrative of the process of enclosure. Furthermore, the presence of the barn so close to scheduled lead workings is also highly illustrative of the dual farming / mining economy of the area.

69. The application is supported by a heritage statement which meets the requirements of policy DMC5, the conversion SPD and the NPPF. The heritage statement identifies that the barn largely retains its original layout, as well as a surviving original roof structure (which is partially collapsed) and an original gritstone floor. Most cow houses and field barns were lost their original floor during the 20th century due to hygiene regulations for the production of milk and therefore the survival of an original 18th century floor is significant.
70. Overall and having had regard to the submitted heritage statement and advice from the Authority's Conservation Officer and Archaeologist, it is clear that the building is a designated heritage asset of national interest. The barn can be described as highly significant due to its age and rarity, its surviving historic layout, fabric and its relationship with a contemporaneous landscape which has seen little change since it was enclosed over 200 years ago.
71. Relevant policies in the development plan and the NPPF make clear that great weight must be given to the conservation of the significance of the barn and its setting, particularly in the National Park bearing in mind its statutory purposes. Furthermore, in considering this application the Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
72. This application seeks planning permission for the conversion of the building along with associated landscaping to create a parking and garden area and to provision of services to the building. Following the deferral of the application in March further amended plans have been received. The Authority's Conservation Officer has been consulted and has provided a detailed assessment of the impact of the development and associated works.
73. The conversion of the barn to a market dwelling and likely any type of residential accommodation would require changes to the curtilage of the building due to the fact that the building is effectively sandwiched between the road and the field with only a very limited enclosed curtilage to the side. This application proposes alterations to the existing walling and erection of new walling to form a parking and turning area to the side of the barn and a patio area to the rear of the barn.
74. The proposed curtilage is relatively modest and would be enclosed by dry-stone walling which would be appropriate in the landscape. However, the introduction of parked cars and an albeit small domestic curtilage with bin storage, shed and air source heat pump, associated domestic paraphernalia and lighting would result in a change to the setting of the building and its relationship with the surrounding open landscape.
75. The setting of the barn and its relationship with the surrounding landscape is a key aspect of the significance of the building. The formation and existence of the barn is closely tied with the enclosure of the surrounding land. The setting is therefore of high significance and sensitive to change. The proposed changes therefore would result in harm to the setting of the building.
76. Externally, the conversion is within the shell of the existing building which would be repaired and partly re-built. The repair and re-building, subject to appropriate details and methodology is welcomed in principle as it would be a significant enhancement to the building. The application is now supported by a structural appraisal by Peak Engineers, who it should be noted are not conservation accredited (CARE).
77. The structural appraisal recommends the complete replacement of the roof and a large amount of re-building to the southern extension and the rear facing walls to the main building. Although only partial re-building is recommended, the report acknowledges that the areas identified for partial re-building may need to be re-built to the ground with new foundations.

78. Major structural works of this nature may would likely constitute the erection of a new building rather than a conversion and therefore be beyond the scope of this application. Such works would also present a risk that further areas of the building (such as the front elevation) become unstable and require re-building.
79. The loss of the roof and large areas of re-building will result in a loss of significance. The loss of significance is not simply a case of visual impact. Surviving historic construction techniques also contribute towards architectural interest and therefore significance. If it is concluded that the proposed re-building works are justified then the risk to the rest of the structure would need to be managed by planning condition to ensure a detailed methodology (provided by a structural engineer) is followed to safeguard the rest of the structure.
80. Internally the building would be converted to habitable accommodation as shown on the plans. The barn retains its original layout and gritstone floor and therefore these elements are of particular significance. The application proposes to retain the gritstone floor which would be lifted and re-laid. The retention of the floor is welcomed provided that it is appropriately recorded to retain historic patterns of wear. The levelling of the floor would result in some harm to its significance.
81. The amended plans have changed the layout with part of the ground floor now proposed to be subdivided to create the bedrooms with a new stair to an open plan living room at first floor. The amended layout would better conserve the open space at first floor which relates to the historic function of the building and therefore of high significance.
82. Finally, the application proposes to line the internal walls with lime plaster. This is an appropriate finish to an historic building; however, the lime plaster would conceal the original interior of the barn and destroy and evidence of its surface finish. This element of the works would also therefore result in some harm to the significance of the building.
83. Overall it is concluded that the amended scheme is an improvement, particularly in regard to the proposed floor plan. However, the development would still result in significant harm to the setting of the building and harm to internal elements including the walls and to the gritstone floor. Externally the development would have the potential to enhance the structure through repair if the extent of re-building proposed is concluded to be justified.
84. In accordance with policies DMC5 and DMC7 and the NPPF the level of harm to the listed building must be identified. The Authority's Conservation Officer advises that the development and associated works would cause a high degree of less than substantial harm to the listed building. There is a strong presumption against development which results in harm in our policies and the NPPF.
85. The impact of the development must be considered and weighed in the planning balance bearing in mind the duty of the Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact of the development along with other issues such as alternative options and public benefits are considered further in the conclusion section of the report.

Is there evidence of deliberate neglect to the heritage asset

86. Whether or not there is evidence of deliberate neglect to the listed building was raised at the March planning committee. This is capable of being a material consideration and paragraph 202 of the NPPF states: *"Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."*

87. This policy makes clear that while policies allow for some types of development which otherwise would not be acceptable because they would secure the long term conservation of a heritage asset, such as a listed building, the deteriorated state of a heritage asset should not be considered where there is evidence of deliberate neglect. This is to prevent any incentive in planning policies for land owners to not appropriately maintain historic buildings.
88. This is an important consideration and one Members must consider in assessing this application. If it is concluded that there is evidence of deliberate neglect then the current deteriorated state of the building should not be considered in accordance with paragraph 202 of the NPPF. If this is the case then the building should be considered as being in fair condition when weighing the potential harm and benefits of the proposal in the planning balance.

The impact of the development upon the landscape

89. For the purposes of policies L1 and DMC1 and the adopted Landscape Strategy the application site is located in the White Peak and the Limestone Plateau Pastures landscape character type. This is an upland pastoral landscape with regular patterns of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground. Isolated stone farmsteads and field barns are a key characteristic of this landscape type.
90. The Limestone Plateau Pastures is a planned agricultural landscape, derived from the enclosure of former commons around and beyond the older settled core of the village farmlands. Enclosure is characterised by small to medium sized fields defined by stone walls. The straight boundaries and regular enclosure pattern are strong and very distinct features of this landscape, reflecting the relatively late enclosure from common and waste. Many of the enclosures were the result of later 18th and earlier 19th century Parliamentary Enclosure Awards As outlined above the barn was erected as the time of enclosure of this part of the landscape and makes a positive contribution to landscape character.
91. Policies L1 and DMC1 state that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and must be supported by sufficient information to enable impacts upon the landscape to be understood.
92. The application is not supported by a Landscape Assessment but it is possible to understand the impacts of the development by means of a site visit. The site and barn sit in a remote and highly prominent location in the limestone plateau where the building is read in almost complete isolation from other built development. The barn is seen as an integral aspect of this landscape with close historic and functional relationship with the adjacent highway and field behind.
93. The barn is currently in a state of disrepair with part of the roof collapsed. The current condition of the building detracts from valued landscape character. The repair of the building would result in enhancement.
94. The proposed conversion of the building to a dwelling, domestic curtilage, parking, activity and lighting would inevitably change the simple utilitarian character of the building in this landscape. The provision of parking spaces and parked cars would introduce a significant domestic element as would provision of and use of a garden area which would erode the relationship of the barn with the field. Lighting and domestic activity would also be obvious in this prominent location.

95. The development therefore while retaining the building would result in changes to the setting and use of the building which collectively would result in significant harm in a very prominent location in an open landscape setting. The development therefore would result in harm to valued landscape character contrary to policies DMC1 and DMH1.
96. It is relevant to note that in determining the appeal in 1994 the Inspector concluded that *“any form of domestication would have a significant visual impact upon the character of the barn and upon that of its surroundings”*. It is acknowledged that the appeal decision was taken around 30 years ago and under different policies. However, the policy principles for landscape conservation remain unchanged as does the character of this landscape. Therefore, the Inspectors decision remains a material consideration.

The impact of the development upon highway safety

97. The application proposes two off-street parking spaces and turning area which is acceptable from a highway safety perspective. The Highway Authority has been consulted and advises that visibility splays appear to be unachievable. The Highway Authority therefore requests a speed survey be carried out to inform what would be acceptable in terms of emerging visibility sightlines.
98. The agent has indicated that a speed survey would be carried out if the principle of the development were approved. Having visited the site it is considered likely that adequate visibility splays could be achieved if permission were granted. Provision of maximum possible splays in accordance with an approved scheme could be secured by a planning condition.
99. It is therefore concluded that the development would not harm highway safety or the amenity of road users.

Whether the development is acceptable in all other respects

100. The application proposes the conversion of a traditional building to a dwelling. In principle, the re-use of such a building for this purpose is a sustainable form of development. The application states that the development would incorporate high levels of thermal insulation, low energy light fittings and an air source heat pump to minimise energy consumption. Low water use fittings for taps and sanitary ware will also be used throughout along with water butts to reduce water consumption. The proposed measures are considered to be acceptable and in accordance with policy CC1.
101. The application is supported by protected species reports. The building was surveyed and this found that the building is used by a low number of Common Pipistrelle bats. The report concludes that a mitigation class licence will be required from Natural England and recommends mitigation and compensation measures including appropriate working methods and creation of roosting opportunities in mortar cavities in the stonework.
102. The impact of the development upon bats is a material consideration as a protected species. The submitted information is sufficient to understand the potential impact of development upon bats and to be confident that the development will not harm the conservation status of identified species. If the development was considered to be acceptable then the impact upon bats would be justified and meet the derogation tests. If permission were granted planning conditions would be recommended to ensure that the development was carried out in accordance with the recommendations of the report and that details of external lighting were controlled.

103. There is no evidence to suggest that the development would harm any birds or other protected species and the development would not harm any designated sites. There are limited opportunities for biodiversity enhancement given the nature of the proposals and the desire to minimise impact upon the building and its setting, however, the development would incorporate additional bat roosts in wall cavities.
104. Foul drainage from the development would be treated by a package treatment plant on site before draining through infiltration in the adjacent field. This is acceptable in principle as it would not be practicable to connect to the main drain given the remote location. The site is outside of the nutrient neutrality catchment.
105. Given the distance from the barn to nearest neighbouring properties there are no concerns that the development would result in any significant harm to the amenity of neighbouring properties.

Conclusion

106. The Authority's Conservation Officer advises that proposed development and associated works would result in a high degree of harm to the significance of the Grade II listed barn. The harm identified would be less than substantial.
107. In accordance with policies DMC5 and DMC7 and the NPPF the Authority must therefore refuse the application unless it is demonstrated that public benefits arising from the development would outweigh the harm identified. The barn is on the Authority's at risk register and the development would result in the repair of the barn and would provide a use which would secure the long-term conservation of the building.
108. If the development would secure the optimal viable use of the building then this would constitute a public benefit which could be weighed against the harm. If there is only one viable use for a building, then that use is the optimal viable use. If there are a range of alternative viable uses then the optimal viable use is the one likely to cause the least harm to the significance of the building.
109. Officers agree with the applicant that use of the building for agricultural purposes is unlikely to be viable as the building no longer meets current welfare requirements and there are no large openings for storage of equipment or machinery. The submitted application considers alternative uses to the proposal including: stabling, a camping barn, commercial purposes such as an office or workshop or holiday accommodation.
110. The application concludes that use as stabling would not be viable due to the investment required to make the building safe. The application accepts that use as a camping barn would have less impact upon the significance of the barn but again concludes that this would not be viable. Use as an office or workshop the application considers would be equally impactful as the proposal and unlikely to be viable. Finally, the application considers that use as holiday accommodation would be marginally less harmful than the proposed market dwelling but considers that a market dwelling would be preferable as it would be more beneficial to the community.
111. The barn is in a poor state of repair and therefore significant investment would be required to repair the structure before any use could be considered. How much weight should be given to the deteriorated state of the building depends upon the conclusion whether there is evidence of deliberate neglect. This would mean that less economically viable options with lower impact could be the optimal viable use.

112. It is accepted that use for agriculture or stabling would be unlikely to be viable. The application considers that use as a camping barn or office / workshop would not be viable. However, there is no evidence to indicate what the cost of repair works are and what projected incomes from these uses could be. There remains therefore insufficient evidence to conclude that these uses would not be viable.
113. Use as a camping barn would have a significantly lesser impact than the proposal in terms of setting and internal layout in particular. It is accepted that a workshop or office use would require parking, however, there would be no requirement for a garden or the domestic paraphernalia which accompanies this.
114. Finally, a holiday let would result in less impact as there would be no requirement for a garden. The application rules out use as a holiday let on the grounds that use as a market dwelling may be more beneficial for the community. This point is understood; however, it must be stressed that the proposal is for a market dwelling not an affordable dwelling to meet eligible local need. A market dwelling could be purchased on the open market and there would be no occupancy restriction. Furthermore, currently a market dwelling could be used as holiday accommodation.
115. Therefore, on the basis of information provided use of the barn as a camping barn, workshop / office and holiday let cannot be ruled out as not viable. These uses would be likely to result in less harm to the listed building than the proposed market dwelling. Therefore, the application has not demonstrated that the proposed market dwelling represents the optimal viable use of the heritage asset. Therefore, the public benefit of the development of restoring the building would not outweigh the harm identified. The application is therefore contrary to policies GSP3, L3, DMC3, DMC5, DMC7 and DMC10 and the NPPF.
116. In addition, and as a separate matter the development while retaining the building would result in changes to the setting and use of the building which collectively would result in significant harm in a very prominent location in an open landscape setting. This is the same conclusion the Inspector reached in 1994. The development therefore would result in harm to valued landscape character contrary to policies DMC1 and DMH1 and the NPPF.
117. The development would not harm biodiversity, highway safety or the amenity of neighbouring properties. These are neutral considerations which do not weigh heavily either in favour or against the development.
118. The concern raised about the condition of the barn is understood as is the need to find viable uses to secure the long-term conservation of heritage assets. However, the nature of the barn and its setting makes it very sensitive to change and the application has not demonstrated that the proposal represents the optimal viable use or that harm, particularly to the setting would be minimised. It is reasonable to conclude that there are alternative options that could secure the building with less harm to the building or the landscape.
119. There it is therefore concluded that having had regard to all matters raised that the development would be contrary to the development plan there are no material considerations that indicate that permission should be otherwise granted.

Human Rights

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

List of Background Papers (not previously published)

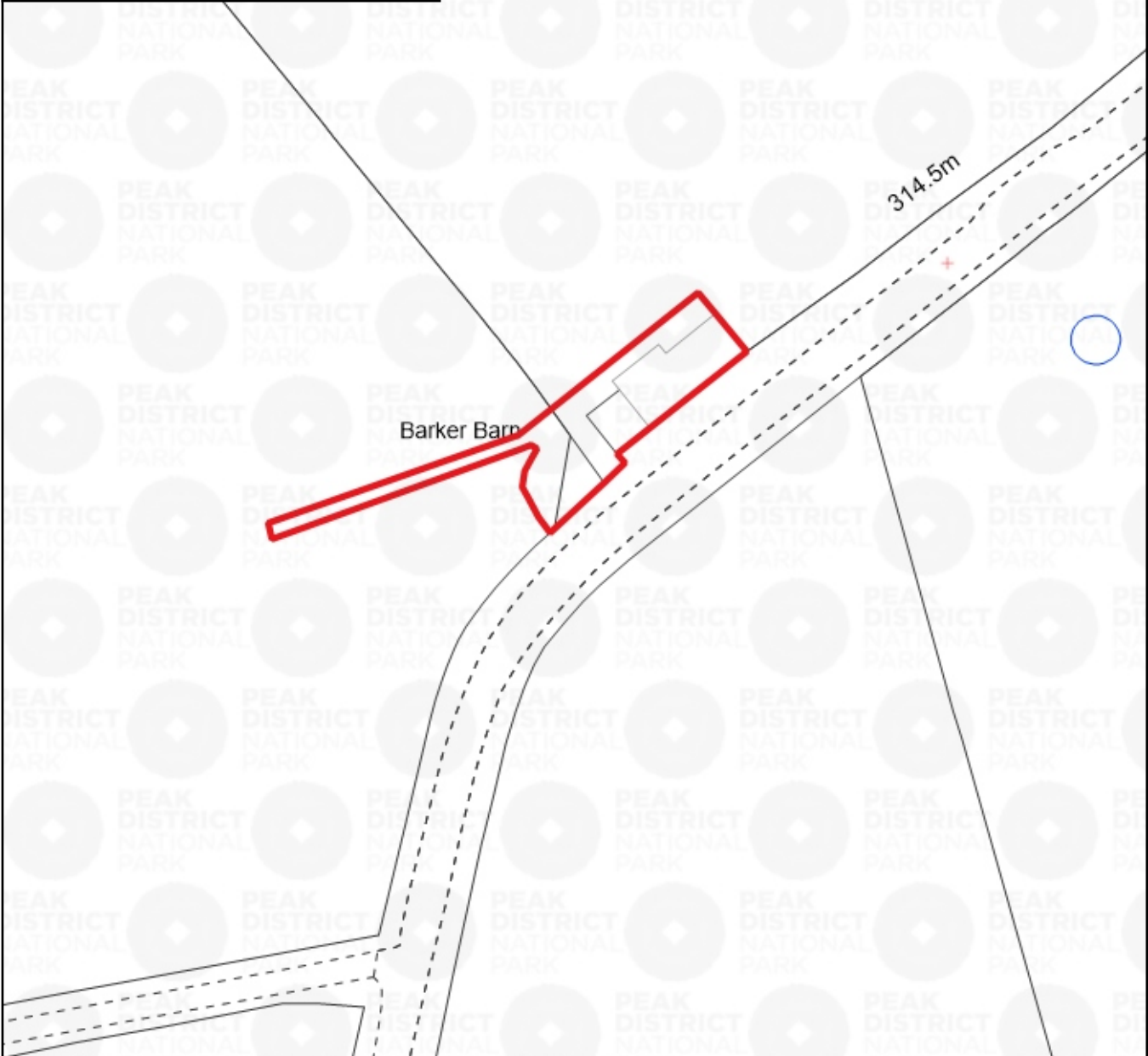
121. Nil

Report Author: Adam Maxwell – Development and Enforcement Manager


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Committee Date:	09/08/2024	Title: Barkers Barn, Moor Lane, Elton	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6 & 7		
Application No:	NP/DDD/0823/0974 & NP/DDD/0823/0975		
Grid Reference:	421965, 359964		

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7. LISTED BUILDING CONSENT – CONVERSION OF FIELD BARN TO DWELLING AT BARKER BARN, MOOR LANE, ELTON (NP/DDD/0823/0975, AM)

APPLICANT: MRS PAULINE MORRIS

Update

1. This application was deferred at the March Planning Committee meeting to allow for a structural report to be provided and discussions with the Applicant and Officers to take place to establish what was necessary to secure the future use of the building.
2. A structural survey and amended plans were submitted at the start of June. These have undergone re-consultation and are considered further in the report below. The agent has also indicated that they have attempted to make contact with the Authority in regard to the potential for FiPL funding.

Summary

3. The application site comprises a Grade II listed barn located south of Elton.
4. Listed building consent is sought for the conversion of the barn to a market dwelling along with associated landscaping and drainage.
5. The proposed works would result in less than substantial harm to the significance of the listed building, its setting and would harm valued landscape character. Public benefits arising from the works would not outweigh the harm to the listed building.
6. The application is recommended for refusal for the reasons set out in the report.

Site and Surroundings

7. Barker Barn is a Grade II listed building located in open countryside on Moor Lane, approximately 1km south of Elton. The building is on the Authority's 'at risk' register.
8. The building is a two-storey field barn fronting directly onto the highway verge and to the fields behind with an overgrown access and small walled curtilage to the south west. The building is constructed from rubble limestone and gritstone. The roof of the building is partially collapsed.
9. The barn sits within the Limestone plateau and is visible in wider views in the landscape from surrounding highways, access land and footpaths. The nearest neighbouring property is Leadmines farm some 750m to the north east.

Proposal

10. Listed building consent is sought for the conversion of the barn to a single market dwelling.
11. The amended plans show that the whole building would be converted to a three-bedroom dwelling, with the bedrooms and kitchen / dining room at ground floor with a new stair providing access to an open plan living room at first floor.
12. A structural survey has been carried out and amended plans submitted to show the extent of re-building proposed. The plans show that the roof would be removed and new oak king post trusses installed to replace the existing trusses. Some purlins would be replaced and some retained. The main roof of the building could be clad with the same mixture of blue clay tile, welsh slate and stone slate as on the existing building. The plans also show that parts of the walls would be re-built.

13. The existing window and door openings would be retained with an alteration to reduce the height of the opening to the north east elevation (W15). New timber window and door frames would be installed in the openings along with recessed glazing to the slot vents.
14. Internally, works are proposed to lift and relay the stone paving floor while levelling it. A new first floor and stair would be installed along with internal walls to sub-divide the space at ground floor level. The majority of internal walls would be lime rendered.
15. The plans also show that the dwelling would be provided with a domestic curtilage, utilising the existing access adjacent to the building to a hardstanding with space for two cars to park and turn and a patio area to the rear of the barn. The curtilage would be bound by a new drystone boundary wall. A package treatment plant would be installed within the curtilage to serve the development along with bin store, shed and air source heat pump to the rear of the barn. The dwelling would be provided with an underground electricity supply.

RECOMMENDATION:

That the application be REFUSED for the following reason:

1. **The works would harm the significance of this Grade II listed barn and its setting contrary to Core Strategy policy L3 and Development Management policies DMC5, DMC7 and DMC10. The harm would be less than substantial but would not be outweighed by public benefits, including securing the optimal viable use of the building. The application is therefore contrary to the National Planning Policy Framework.**

Key Issues

16. The impact of the works upon the significance of the listed building and its setting.

Relevant Planning History

17. 2020 – ENQ/38435 – Pre-application enquiry for conversion to house. Officer advice given that conversion would not be acceptable due to the impact of the development upon a very isolated building in an open landscape setting.
18. 2016 – ENQ/28302 – Pre-application enquiry for change of use of barn to either residential or holiday let.

“In the light of the planning history on the site, it is unlikely that the Authority would support a residential use for the property unless it could be demonstrated that:

1. *The development would represent the optimal viable use of the heritage asset; and*
2. *Alterations would not harm the significance (architectural and historic interest) of the listed building; and*
3. *The setting of the listed building (the rural open landscape) would not be compromised by domestication.*

An agricultural use (the original use) is the preferred use for the barn. In line with my letter sent to the property owner, on 1st November 2007, a low-key leisure / recreation use, e.g. camping barn or low-key business use e.g. workshop or office might be supported but this would have to be in accordance with points 1-3 above.

My view is that holiday use is another possibility as this would have less impact upon the setting of the building than a permanent residential dwelling.”

19. 2015 – ENQ/24539 – Pre-application enquiry for change of use to a dwelling and also to incorporate camping/caravanning on neighbouring land.
20. 1994 – Appeal against applications WED0393091 and 3092 dismissed.

In determining the appeal, the Inspector stated that “*any form of domestication would have a significant visual impact upon the character of the barn and upon that of its surroundings*”. The Inspector stated, “*the open character of the peak National Park countryside would, by implementation of the proposal, be unacceptably harmed*”.

The Inspector was satisfied that the scheme considered at appeal would preserve the exterior of the barn, however, the Inspector was concerned about the proposed insertion of a first floor to the whole of the northern wing. The inspector stated, “*this part of the barn is currently a high vaulted space which is an important and historic feature. By the insertion of the floor and the horizontal subdivision of this space, this internal feature of architectural and historic interest would be destroyed.*”

21. 1993 Planning permission and listed building consent for conversion of the barn to dwelling (WED0393091 and 3092) refused on design and landscape impact grounds.
22. 1991 Planning permission and listed building consent for conversion of the barn to a dwelling refused (WED0391132 and WED0991435) refused in principle and on design and landscape impact grounds.

Consultations

23. Parish Council – Strongly support the application.
24. PDNPA Conservation Officer – Object to the application.

Comments on the amended scheme are summarised below. The more detailed comments on the original submitted application which went to the March meeting are summarised after.

Current scheme:

“Structural appraisal

A structural appraisal has been provided by Peak Engineers, who it should be noted are not conservation accredited. The structural appraisal recommends the complete replacement of the roof, and a large amount of rebuilding to the southern extension and the rear facing walls to the main building.

Although only partial rebuilding is recommended, the report acknowledges that the areas identified for partial rebuilding may need to be rebuilt to the ground with new foundations. Major structural works of this nature also present a risk that further areas of the building (such as the front elevation) become unstable and require rebuilding after consent is granted.

The loss of the roof and large areas of rebuilding will result in a loss of significance. If the committee conclude that this is justified, then the risk to the rest of the structure will need to be managed by a condition that provides a detailed methodology (written by a structural engineer) on how the rest of the structure will be safeguarded during works.

The loss of significance is not simply a case of visual impact. Surviving historic construction techniques also contribute towards architectural interest and therefore significance. This loss can be mitigated (but not avoided) through conditions asking for a detailed methodology for the rebuilding of the walls and roof, requiring that they will be constructed in a truly like-for-like manner, both in terms of appearance and construction.

Design changes

- *The arrangement of the ground and first floors have been swapped, leaving an open plan living area on the first floor, preserving the formally open space. This is an improvement*
- *Roof lights have been removed*
- *Doors and windows have been altered, with the majority of both to be fully glazed.*

In addition to the above, the replacement roof covering is still proposed to be predominantly welsh slate to the rear, when the majority was previously stone slate. Overall, whilst some of the design details have been improved, the structural appraisal has demonstrated that a large amount of rebuilding will be required in order to facilitate the conversion. This will in itself lead to a loss of significance, but also presents the risk of further structural instability. Notwithstanding the impact on significance of the building caused by harm to its setting, the scheme still presents a high degree of less than substantial harm.”

The Conservation Officer goes on to recommend conditions if planning permission and listed building consent are granted.

Scheme which went to the March meeting:

“Barker Barn is a grade II listed building (1335216, listed on 14th December 1983). Built as a field barn in the late 18th century, the barn was extended with the addition of a loose box in the late 19th century.

Field barns were typically built in the Peak District from the late 18th to 19th century as formerly open fields and wastes were enclosed. ‘The Peak District Farmsteads Character Statement says: ‘Field Barns... are a highly significant feature of the Peak District, and combine with the intricate patterns of dry-stone walling and hay meadows to form an integral and distinctive part of the landscape.

Unusually the barn can be dated with some certainty to 1787, and is identified on the Elton Enclosure Award plan of 1809. The precise date is unknown, but it is reasonable to assume that the surrounding fields were enclosed from open wastes and commons not long before the construction of the barn, in a process that defines the present-day character of the White Peak.

The position of the barn with its near contemporary enclosed fields is highly illustrative of the process of enclosure, which has defined the present character of the White Peak. The presence of the barn so close to scheduled lead workings is also highly illustrative of the dual farming/mining economy of the area.

The heritage statement has also identified that the barn largely retains its original layout, as well as a surviving original roof structure (part of which lies on the floor), and an original gritstone floor. Most cow houses and field barns were altered in the 20th century due to hygiene regulations for the production of milk, which usually resulted in the loss of their original floor. Therefore, the survival of an original 18th century stone floor is significant.

Taking the above into account, the barn can be described as highly significant. The key elements that contribute to its significance are its age and rarity, its surviving historic layout, its surviving historic fabric, and its relationship with a landscape which hasn't changed for over 200 years.

Outline of proposals, summary of impact, and the principle of conversion

As I see it, aspects of the proposals can be divided into three categories: Proposals that will harm the significance of the building that can't be mitigated, proposals that lack sufficient information to judge their impact, proposals that would harm the significance of the building but could be changed or mitigated should the principle of development be approved. The latter two areas would need to be addressed should the principle of development be deemed acceptable.

Harmful proposals intrinsic to the scheme:

- The imposition of extra domestic curtilage and car parking space would have a negative impact on the barn's setting and the contribution this makes to its significance. Both of these, but particularly the garden curtilage, would harm the relationship between the barn and its setting, which contributes greatly to its significance.
- The floor finish has been identified as likely original and highly significant. The application proposes lifting the floor and reusing the paving stones in different places. Updated plans propose to lift and relay the stone paving, whilst levelling it. The floor would have to be recorded and re-laid as it was in order to preserve its significance, as patterns of wear contribute towards a buildings historic and archaeological interest. Levelling the floor would harm its significance.
- The insertion of a new, heavily subdivided first floor will destroy a previously open space and obscure the highly significant roof truss.
- The lining of the walls will obscure the original interior of the barn and destroy the evidence of its surface finish.
- The installation of roof-lights will inevitably have a negative impact on the significance and agricultural character of the barn.
- The addition of external plant for an air source heat pump, and a garden store will add to the barn's visual clutter, harming its character and significance.

Where more information is required should the principle of development be deemed acceptable:

- On visiting the site, it was noted that in addition to part of the building being roofless, cracks have appeared in the walls. In order to assess the application against DMC10, a structural appraisal should be undertaken by a suitably experienced engineer, ideally CARE registered. Drawings should then identify exactly what elements of the building require rebuilding, and where other structural interventions are required. If a significant amount of rebuilding is required this would harm the historic interest of the building, compounding the harm already proposed by the application.
- There is no information as to how much of the roof will be kept or replaced, or what the justification is for a steel ridge beam. The roof is highly significant and its loss would be very harmful to the significance of the barn.
- Repointing is mentioned but there are no details. I noticed on site that what remains of the current pointing is likely to be original mortar, which is itself of historical value. Historic mortar in good condition should be identified and retained. Replacement mortar should be visually and mechanically compatible with the historic mortar.

Unnecessary harmful proposals that should be amended should the principle of conversion be deemed acceptable:

If the principle of conversion is approved, there are a number of harmful elements to the proposal that would need addressing. These include:

- *The proposed doors and windows, which would erode the agricultural character of the building and harm its significance.*
- *The replacement of the varied roof coverings with uniform welsh slate. The updated drawings somewhat address this comment, with the inclusion of stone slate to the rear catslide roof. However most of the rear roof covering prior to its collapse was stone slate, and the front elevation is clad with clay tiles.*

Conclusion

Overall, in the language of the NPPF, the proposals would cause substantial harm. Substantial harm is quite a high test, so it is worth looking at the government’s planning practice guidance, which states:

“in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”

To break down the above statement, we should consider the key elements that contribute to the significance of the barn. These are; the building’s age and rarity, surviving historic features, layout and fabric (such as the roof truss and stone floor), and the relationship between the barn and its landscape setting. The historic fabric of the barn and its landscape setting will be severely impacted by the proposals, leading to what can only be described as substantial harm to its significance, which could lead to the barn losing its listed status. If it transpires that the barn would need significant rebuilding, this would further undermine the barn’s significance.

As per our development management policies and paragraph 201 of the NPPF, the application should be refused unless substantial public benefits are achieved, or the tests in paragraph 201(a-d) are demonstrated.

A read through the planning file for the barn suggest that attempts have repeatedly been made over the years to encourage the owner to maintain the listed barn, in order to arrest its decay. However, it appears that almost no attempt has been made by the owner to keep the building in good repair, which would have been considerably cheaper if done before the building’s condition worsened.

It is important to state that the choice here is not between a barn conversion and a pile of stones. The PDNPA could serve an urgent works notice, which would give the Authority the power to carry out emergency repairs and recover the costs from the owner. Under the Levelling-up and Regeneration Act 2023, the costs could be recovered via a land charge.

The amended drawings somewhat answer some of my comments, and would somewhat reduce the level of harm proposed. However, the proposals still fail to answer the substance of my comments, resulting in a scheme that leaves questions to be answered, and substantial harm to the significance of the building.”

25. PDNPA Archaeology – Makes the following comment:

“Supporting Information

This application has been supported by a heritage statement that describes the significance of the barn as a heritage asset, considers the below ground archaeological interest of the site and has consulted the Derbyshire Historic Environment Record and made us of the PDNPA Historic Farmstead guidance. It meets the requirements of NPPF.

Significance

The barn is a designated heritage asset and is of national significance, of 18th century origin with 19th century alterations. It has archaeological interest because the structure has potential for concealed or previously unknown evidence associated with its constructions, development and use to be revealed through specialist study of the structure itself.

The site and barn has belowground archaeological interest for previously unknown and unrecorded archaeological remains from the prehistoric period to the post-medieval period, specifically:

- *Neolithic and Bronze Age settlement – the fields immediately to the west have produced a wealth of chert, flint and pottery artefacts that suggest occupation during the Neolithic and Bronze Age. Finds include arrowheads, scrapers, blades, axes and stone axe fragments, several polish stones axes, a spear head, awls, sickles, saws and cores, including from in this particular field, with a particular concentration of finds suggesting a settlement focus slightly further west and then surrounding agricultural activity. The site is recorded in the Derbyshire Historic Environment Record and the Peak District National Park Authority Historic Buildings, Sites and Monuments Record.*
- *Bronze Age funerary and ritual activity – a now lost barrow was excavated by Thomas Bateman in 1844. The precise location of the original barrow is unknown, with the location given only as Elton Moor. The site is recorded in the Derbyshire Historic Environment Record as in the immediate vicinity of the barn. Finds comprised human remains (inhumation and cremated bone), flint tools, ceramic vessels, and non-local pebbles.*
- *Medieval agricultural activity – LiDAR mapping data demonstrates the survival of ridge and furrow earthworks oriented north-east to south-west within the field associated with barn. These could be associated with the medieval field systems of Elton, Winster or associated with agricultural activity of the medieval grange at Mouldridge (Scheduled, NHLE # 1020947) to the south west.*
- *Post-medieval lead mining – the barn is within a landscape of lead mining remains that survive as belowground features, underground features and extant surface structures and earthworks. Two areas of scheduled remains lie within the immediately landscape setting of the site, Rainslow Scrins (NHLE # 1017749) c. 500m to the north east and remains of Dunnington and Hardbeat Mines, Rath and Cowlica Rakes, and Rath Rake Sough south west of Oddo House Farm (NHLE # 1019045) c.800m to the north west. Extensive non-designated lead mining remains at present within the immediate surrounding landscape of the barn as recorded in the Historic Environment Record and evident within the site itself as visible on the LiDAR mapping.*
- *Post-medieval agricultural – particularly the earlier phase of the barn at the south end as depicted on the 1809 Enclosure prior to the late 19th century alteration.*

Any such archaeological remains and features that survived on the site would be considered to be non-designated heritage assets. Any remains relating to the construction, use and development of the barn would contribute directly to the significance of a designated heritage asset.

The significance of archaeological remains and features that could be encountered can be estimated to be of local significance (post medieval agricultural) to regional (lead mining and prehistoric remains).

Previous ground impact can be anticipated from the creation of the barn itself, including levelling of the ground, excavation for any foundations etc. These previous ground impacts lowers the chance of finding entirely undisturbed remains within the footprint of the building itself, although this cannot be entirely ruled out as the level of previous impact and disturbance is unknown.

The chances of encountering such remains within the immediate vicinity of the barn and in the areas proposed to form the drive way, parking areas, residential curtilage etc. is deemed to be moderate-high.

Impact

The works to the building have the potential to encounter, damage and destroy concealed or previously unknown evidence associated with its constructions, development and use of the building, particularly its adaptation in the 19th century and the footprint of the original structure. This would result in minor harm to the archaeological interest of the building.

The groundworks associated with the proposed development, both within the existing barn structure (e.g. for the new concrete floor slab, associated membranes, insulation, any underfloor heating etc.) and in the area around it for the delivery of (but not limited to) the amenity space and curtilage, drive and parking areas, package treatment plant, electrical and other services connections, drainage, package treatment plant etc. have the potential to encounter, damage and destroy previously unknown and unrecorded archaeological remains and features of local to regional significance relating to a range of human activity (settlement, funerary and ritual, agricultural and lead mining) from prehistory to the post-medieval period.

This would result in permanent and irreversible harm to the archaeological interest of the site. The scale of the anticipated groundworks suggests that this harm would be moderate in scale to the site overall, but would lead to the complete loss of the remains and features within the footprint of the groundworks.

Recommendations

Should the proposals be considered acceptable with respect to the advice of the Building Conservation Officer and with respect to an appropriately weighted planning balance for the relevant designated and non-designated heritage assets in accordance with national and local policy then I recommend that the harm and impacts detailed above are mitigated through a conditioned scheme of building recording (nature and level to be specified by the Building Conservation Officer) and a programme of archaeological investigation (a scalable watching brief to strip, maps and sample excavation) on all internal and external groundworks.

This work needs to be carried out by a suitably qualified and experienced heritage/archaeological contractor in accordance with the nationally agreed standards of the Chartered Institute for Archaeologists, and to a written scheme of investigation

approved by the Senior Conservation Archaeologist. These recommendations are in accordance with NPPF para 205 requiring developers to record and advance the understanding of heritage assets to be lost wholly or in part in a manner proportionate to their significance and the impact of the development.”

26. PDNPA Ecology – No objection subject to conditions. Comments are summarised below:

“Baker Consultants Ltd undertook a protected species survey of Barker Barn, Elton in May 2023. The Baker Consultant’s survey involved a preliminary bat inspection of the building and although no evidence of bats was recorded, the barn was assessed as having moderate bat roost potential. The ensuing report therefore advised that two nocturnal surveys were undertaken in line with current best practice guidelines (BCT 2016). Subsequently, two dusk emergence surveys were carried out on 20th July and 7th August 2023 by Dunelm Ecology with an assessment of impacts and mitigation proposals presented within the report entitled Barker Barn, Elton Supplementary Bat Survey August 2023.

All surveys have been undertaken in line with the relevant guidelines. An appropriate impact assessment has been undertaken, along with suitable mitigation methods and enhancements.

The surveys by Dunelm Ecology found that the barn is used by low number <5 common pipistrelle bats. The report states:

“Without the implementation of mitigation measures, individual or small numbers of common pipistrelle bats could be disturbed and/or possibly injured or killed during conversion works. This action could, therefore, result in an offence under the legislation that protects bats and their roosts. However, since only low numbers of bats are considered likely to be present, the scale of impact is assessed as low at a local level.”

A bat mitigation class license from Natural England is required prior to commencement of the development.

All mitigation and Compensation measures as detailed within Section 4.4 of the Supplementary Bat Survey report by Dunelm Report (2023) to be adhered to.

No external lighting should be installed which would directly shine on or adjacent to new roosting sites with new lighting kept below 3 lux in the vicinity of roost access points.”

Representations

27. The Authority has received 26 letters of representation in support of the application to date. No additional representations have been received since the application was deferred. The reasons are summarised below:

28. Support

- a) The barn is an important part of the history of Elton and development of farming in the area. If allowed to remain in its current state its rate of deterioration will accelerate as the loss of the roof will allow the elements to further erode the structure and will attract theft and vandalism.
- b) Over the last 15 years the barn has gradually fallen apart. If something is not done soon it will be lost.
- c) Many of these barns are being lost.
- d) The plans present an opportunity for this building to be saved.
- e) The design is very sympathetic to the original design and purpose of the barn. The accommodation is contained within the existing building conserving its external appearance.

- f) Conversion of the barn to a market dwelling is preferable to the loss of the barn.
- g) The position of the development will not cause problems for the users of Moor Lane as there are no bends in the road and there will be plenty of off-road parking.
- h) A number of isolated redundant barns have been converted into dwellings in recent years. There is therefore a precedent.

Main Policies

- 29. Relevant Core Strategy policies: L3
- 30. Relevant Development Management policies: DMC5, DMC7, DMC10
- 31. Conversion of Historic Buildings Supplementary Planning Document (SPD)

National Planning Policy Framework

- 32. The National Planning Policy Framework (NPPF) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.
- 33. In the National Park the development plan comprises the Authority's Core Strategy (2011) and the 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. There is no significant conflict between policies in the development plan and the NPPF.
- 34. Therefore, full weight should be given to policies in the development plan and the application should be determined in accordance with the Authority's policies unless material considerations indicate otherwise.
- 35. Paragraph 182 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.
- 36. Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It notes that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It advises that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 37. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 38. Paragraph 202 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be considered in any decision.

39. Paragraph 203 states that in determining applications account should be taken of desirability of sustain and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
40. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
41. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional.
42. Paragraph 207 states that where a proposed development will lead to substantial harm (or total loss of significance of) a heritage asset consent should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or that all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
43. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
44. Paragraph 211 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Peak District National Park Core Strategy

45. Policy L3 states that development must conserve and enhance cultural heritage assets.

Development Management Policies

46. Policy DMC5 provides detailed criteria relevant for 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 applications.
47. Policy DMC7 provides detailed criteria relating to proposals affected listed buildings and states that;

- a. Planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:
 - (i) how their significance will be preserved;
 - (ii) why the proposed development and related works are desirable or necessary.
 - b. Development will not be permitted if applicants fail 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 and any curtilage listed features.
 - c. Development will not be permitted if it would:
 - (i) adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or
 - (ii) result in the loss of or irreversible change to original features or other features of importance or interest.
 - d. In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to (amongst other things):
 - (i) removal of original walls, stairs, or entrances or subdivision of large interior spaces
 - (ii) removal, alteration or unnecessary replacement of structural elements including walls, roof structures, beams and floors.
48. Policies DMC10 sets out detailed criteria for the assessment of proposals to convert heritage assets. Development will be permitted provided that:
- (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
 - (ii) the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and
 - (iii) the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and
 - (iv) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquility, dark skies or other valued characteristics.

Assessment

The impact of the development upon the significance of the listed building and its setting

49. Barker Barn is a Grade II listed building standing in an isolated and very prominent location on Elton Moor. The barn is on the Authority's 'at risk' register. Unusually, the barn can be dated with some certainty to 1787, and is identified on the Elton enclosure Award plan of 1809. The precise date is unknown but it is likely that the fiends were enclosed from open wastes not long before the construction of the barn. The enclosure process defines the present-day character of much of the White Peak.

50. The main structure was built as a field barn with the addition of a loose box in the late 19th century. The position of the barn within its near contemporary enclosed fields is highly illustrative of the process of enclosure. Furthermore, the presence of the barn so close to scheduled lead workings is also highly illustrative of the dual farming / mining economy of the area.
51. The application is supported by a heritage statement which meets the requirements of policy DMC5, the conversion SPD and the NPPF. The heritage statement identifies that the barn largely retains its original layout, as well as a surviving original roof structure (which is partially collapsed) and an original gritstone floor. Most cow houses and field barns were lost their original floor during the 20th century due to hygiene regulations for the production of milk and therefore the survival of an original 18th century floor is significant.
52. Overall and having had regard to the submitted heritage statement and advice from the Authority's Conservation Officer and Archaeologist, it is clear that the building is a designated heritage asset of national interest. The barn can be described as highly significant due to its age and rarity, its surviving historic layout, fabric and its relationship with a contemporaneous landscape which has seen little change since it was enclosed over 200 years ago.
53. Relevant policies in the development plan and the NPPF make clear that great weight must be given to the conservation of the significance of the barn and its setting, particularly in the National Park bearing in mind its statutory purposes. Furthermore, in considering this application the Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
54. This application seeks listed building consent for the conversion of the building along with associated landscaping to create a parking and garden area and to provision of services to the building. Following the deferral of the application in March further amended plans have been received. The Authority's Conservation Officer has been consulted and has provided a detailed assessment of the impact of the works.
55. The conversion of the barn to a market dwelling and likely any type of residential accommodation would require changes to the curtilage of the building due to the fact that the building is effectively sandwiched between the road and the field with only a very limited enclosed curtilage to the side. This application proposes alterations to the existing walling and erection of new walling to form a parking and turning area to the side of the barn and a patio area to the rear of the barn.
56. The proposed curtilage is relatively modest and would be enclosed by dry-stone walling which would be appropriate in the landscape. However, the introduction of parked cars and an albeit small domestic curtilage with bin storage, shed and air source heat pump, associated domestic paraphernalia and lighting would result in a change to the setting of the building and its relationship with the surrounding open landscape.
57. The setting of the barn and its relationship with the surrounding landscape is a key aspect of the significance of the building. The formation and existence of the barn is closely tied with the enclosure of the surrounding land. The setting is therefore of high significance and sensitive to change. The proposed changes therefore would result in harm to the setting of the building.
58. Externally, the conversion is within the shell of the existing building which would be repaired and partly re-built. The repair and re-building, subject to appropriate details and methodology is welcomed in principle as it would be a significant enhancement to the building. The application is now supported by a structural appraisal by Peak Engineers, who it should be noted are not conservation accredited (CARE).

59. The structural appraisal recommends the complete replacement of the roof and a large amount of re-building to the southern extension and the rear facing walls to the main building. Although only partial re-building is recommended, the report acknowledges that the areas identified for partial re-building may need to be re-built to the ground with new foundations.
60. Major structural works of this nature may would likely constitute the erection of a new building rather than a conversion and therefore be beyond the scope of this application. Such works would also present a risk that further areas of the building (such as the front elevation) become unstable and require re-building.
61. The loss of the roof and large areas of re-building will result in a loss of significance. The loss of significance is not simply a case of visual impact. Surviving historic construction techniques also contribute towards architectural interest and therefore significance. If it is concluded that the proposed re-building works are justified then the risk to the rest of the structure would need to be managed by planning condition to ensure a detailed methodology (provided by a structural engineer) is followed to safeguard the rest of the structure.
62. Internally the building would be converted to habitable accommodation as shown on the plans. The barn retains its original layout and gritstone floor and therefore these elements are of particular significance. The application proposes to retain the gritstone floor which would be lifted and re-laid. The retention of the floor is welcomed provided that it is appropriately recorded to retain historic patterns of wear. The levelling of the floor would result in some harm to its significance.
63. The amended plans have changed the layout with part of the ground floor now proposed to be subdivided to create the bedrooms with a new stair to an open plan living room at first floor. The amended layout would better conserve the open space at first floor which relates to the historic function of the building and therefore of high significance.
64. Finally, the application proposes to line the internal walls with lime plaster. This is an appropriate finish to an historic building; however, the lime plaster would conceal the original interior of the barn and destroy and evidence of its surface finish. This element of the works would also therefore result in some harm to the significance of the building.
65. Overall it is concluded that the amended scheme is an improvement, particularly in regard to the proposed floor plan. However, the works would still result in significant harm to the setting of the building and harm to internal elements including the walls and to the gritstone floor. Externally the works would have the potential to enhance the structure through repair if the extent of re-building proposed is concluded to be justified.
66. In accordance with policies DMC5 and DMC7 and the NPPF the level of harm to the listed building must be identified. The Authority's Conservation Officer advises that the works would cause a high degree of less than substantial harm to the listed building. There is a strong presumption against works which results in harm in our policies and the NPPF.
67. The impact of the works must be considered and weighed in the planning balance bearing in mind the duty of the Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact of the works along with other issues such as alternative options and public benefits are considered further in the conclusion section of the report.

Is there evidence of deliberate neglect to the heritage asset

68. Whether or not there is evidence of deliberate neglect to the listed building was raised at the March planning committee. This is capable of being a material consideration and paragraph 202 of the NPPF states: *“Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*
69. This policy makes clear that while policies allow for some types of development which otherwise would not be acceptable because they would secure the long term conservation of a heritage asset, such as a listed building, the deteriorated state of a heritage asset should not be considered where there is evidence of deliberate neglect. This is to prevent any incentive in planning policies for land owners to not appropriately maintain historic buildings.
70. This is an important consideration and one Members must consider in assessing this application. If it is concluded that there is evidence of deliberate neglect then the current deteriorated state of the building should not be considered in accordance with paragraph 202 of the NPPF. If this is the case then the building should be considered as being in fair condition when weighing the potential harm and benefits of the proposal in the planning balance.

Whether the works are acceptable in all other respects

71. The application is supported by protected species reports. The building was surveyed and this found that the building is used by a low number of Common Pipistrelle bats. The report concludes that a mitigation class licence will be required from Natural England and recommends mitigation and compensation measures including appropriate working methods and creation of roosting opportunities in mortar cavities in the stonework.
72. The impact of the works upon bats is a material consideration as a protected species. The submitted information is sufficient to understand the potential impact of works upon bats and to be confident that the works will not harm the conservation status of identified species. If the works were considered to be acceptable then the impact upon bats would be justified and meet the derogation tests. If consent were granted planning conditions would be recommended to ensure that the works are carried out in accordance with the recommendations of the report and that details of external lighting were controlled.
73. There is no evidence to suggest that the works would harm any birds or other protected species and the works would not harm any designated sites. There are limited opportunities for biodiversity enhancement given the nature of the proposals and the desire to minimise impact upon the building and its setting, however, the works would incorporate additional bat roosts in wall cavities.

Conclusion

74. The Authority’s Conservation Officer advises that proposed works would result in a high degree of harm to the significance of the Grade II listed barn. The harm identified would be less than substantial.
75. In accordance with policies DMC5 and DMC7 and the NPPF the Authority must therefore refuse the application unless it is demonstrated that public benefits arising from the works would outweigh the harm identified. The barn is on the Authority’s at risk register and the works would result in the repair of the barn and would provide a use which would secure the long-term conservation of the building.

76. If the works would secure the optimal viable use of the building then this would constitute a public benefit which could be weighed against the harm. If there is only one viable use for a building, then that use is the optimal viable use. If there are a range of alternative viable uses then the optimal viable use is the one likely to cause the least harm to the significance of the building.
77. Officers agree with the applicant that use of the building for agricultural purposes is unlikely to be viable as the building no longer meets current welfare requirements and there are no large openings for storage of equipment or machinery. The submitted application considers alternative uses to the proposal including: stabling, a camping barn, commercial purposes such as an office or workshop or holiday accommodation.
78. The application concludes that use as stabling would not be viable due to the investment required to make the building safe. The application accepts that use as a camping barn would have less impact upon the significance of the barn but again concludes that this would not be viable. Use as an office or workshop the application considers would be equally impactful as the proposal and unlikely to be viable. Finally, the application considers that use as holiday accommodation would be marginally less harmful than the proposed market dwelling but considers that a market dwelling would be preferable as it would be more beneficial to the community.
79. The barn is in a poor state of repair and therefore significant investment would be required to repair the structure before any use could be considered. How much weight should be given to the deteriorated state of the building depends upon the conclusion whether there is evidence of deliberate neglect. This would mean that less economically viable options with lower impact could be the optimal viable use.
80. It is accepted that use for agriculture or stabling would be unlikely to be viable. The application considers that use as a camping barn or office / workshop would not be viable. However, there is no evidence to indicate what the cost of repair works are and what projected incomes from these uses could be. There remains therefore insufficient evidence to conclude that these uses would not be viable.
81. Use as a camping barn would have a significantly lesser impact than the proposal in terms of setting and internal layout in particular. It is accepted that a workshop or office use would require parking, however, there would be no requirement for a garden or the domestic paraphernalia which accompanies this.
82. Finally, a holiday let would result in less impact as there would be no requirement for a garden. The application rules out use as a holiday let on the grounds that use as a market dwelling may be more beneficial for the community. This point is understood; however, it must be stressed that the proposal is for a market dwelling not an affordable dwelling to meet eligible local need. A market dwelling could be purchased on the open market and there would be no occupancy restriction. Furthermore, currently a market dwelling could be used as holiday accommodation.
83. Therefore, on the basis of information provided use of the barn as a camping barn, workshop / office and holiday let cannot be ruled out as not viable. These uses would be likely to result in less harm to the listed building than the proposed market dwelling. Therefore, the application has not demonstrated that the proposed market dwelling represents the optimal viable use of the heritage asset. Therefore, the public benefit of the works of restoring the building would not outweigh the harm identified. The application is therefore contrary to policies L3, DMC5, DMC7 and DMC10 and the NPPF.
84. The concern raised about the condition of the barn is understood as is the need to find viable uses to secure the long-term conservation of heritage assets. However, the nature of the barn and its setting makes it very sensitive to change and the application has not demonstrated that the proposal represents the optimal viable use or that harm,

particularly to the setting would be minimised. It is reasonable to conclude that there are alternative options that could secure the building with less harm to the building or the landscape.

85. There it is therefore concluded that having had regard to all matters raised that the works would be contrary to the development plan there are no material considerations that indicate that consent should be otherwise granted.

Human Rights

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

List of Background Papers (not previously published)

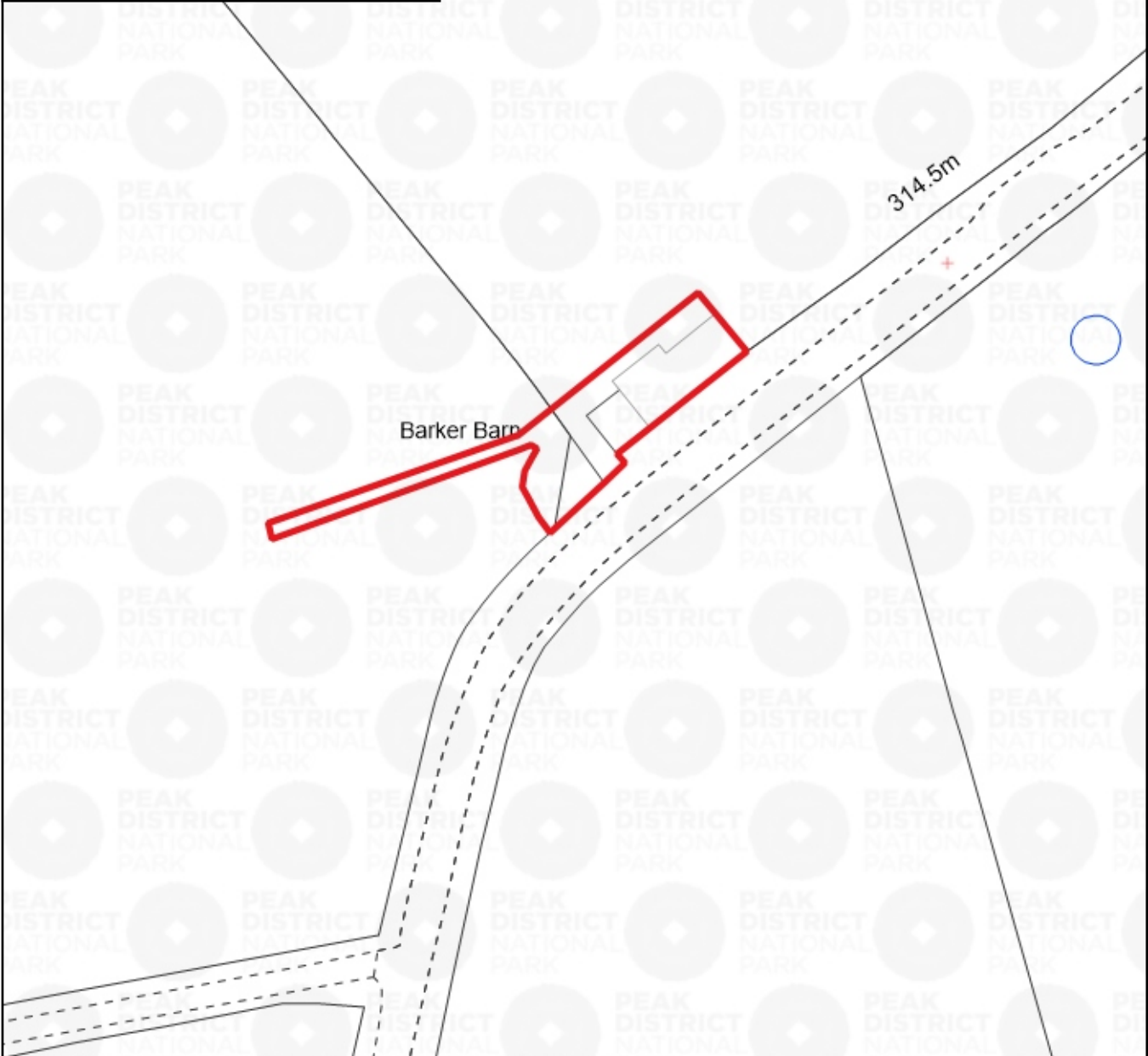
87. Nil

Report Author: Adam Maxwell – Development and Enforcement Manager


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Committee Date:	09/08/2024	Title: Barkers Barn, Moor Lane, Elton	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 6 & 7		
Application No:	NP/DDD/0823/0974 & NP/DDD/0823/0975		
Grid Reference:	421965, 359964		

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8. FULL APPLICATION – CONVERSION OF REDUNDANT BUILDING TO A DEPENDENT RELATIVE UNIT AT LOXLEY PARK FARM, DOUSE LANE, ONECOTE (NP/SM/0124/0026/RD)

APPLICANT: MR AND MRS RICH STOKES

Summary

1. The application proposes conversion of an existing barn to a residential annexe, which is adjacent to the main farm house.
2. The barn is closely associated with the established farmhouse, and the conversion would create no separate address, access, garden area, parking, post box, or utility meters. It therefore, would not indicate a separate dwelling. The conversion would work within the existing shell of the building, with no proposed extensions or additions to the building. Existing openings have been utilised to their full extent, with the only new openings proposed being two heritage conservation rooflights inserted into the rear roof slope.
3. Officers have negotiated an amended scheme which would retain the historic character and appearance of the building, whilst proposing a viable and beneficial use, which in turn would contribute to the setting of the building in the wider landscape.
4. The proposed scheme is considered to comply with relevant policies and is therefore recommended for approval.

Site and Surroundings

5. Loxley Park Farm stands off the south side of Douse Lane, approximately 485m to the north-west of Onecote, which is not a named settlement in policy DS1. The nearest point of the designated conservation area is 326m to the south-east of the farmstead. There are no listed buildings on the site, the nearest listed building to the site being the barn at Lane Head Farm, 150m to the west. A public right of way runs in a north to south direction through the farmstead.
6. The site comprises a holding of approximately 25 acres, the farmhouse, and a range of modern portal frame agricultural buildings to the north-west. The subject of the application is the eastern half of an existing portal frame agricultural building within the group.
7. The nearest neighbouring property is Lane Head Farm, 100m to the west, Loxley Cottage 50m to the north-east, and Brownlow End Farm on the opposite side of Douse Lane.

Proposals

8. This application is for the conversion of an existing barn into an annexe, which is adjacent to the main farmhouse, which is an established C3 dwelling.
9. The use of the annexe would be ancillary to the main dwelling with strong links between them. The proposed occupants of the annexe would be the applicants' mother and her partner, who currently all live in the farmhouse.
10. There would be no separate, address, access, garden area, parking, post box, or utility meters, it therefore, does not indicate a separate dwelling.

11. The proposed converted annexe would consist of a two-storey barn, providing a ground floor dining kitchen, with a staircase access to a bedroom, the attached single storey barn extension would be converted into a lounge, with access via steps down to the existing path to the farmhouse. This would also have a new roof to match the pitch and tiles of the existing barn.
12. The ground floor windows would be replaced with hopper style timber windows, with planked barn doors to front and side entrances, the existing pitching hole shutter would also be replaced with a planked shutter, the pitching hole would have a single panel timber top hung escape window. The access door into the dining kitchen would have a level threshold.

RECOMMENDATION:

13. **That the application be APPROVED subject to the following conditions:**
 1. **Statutory time limit**
 2. **In accordance with amended plans**
 3. **Restrict occupancy of the annex ancillary to the existing dwelling house and retained within a single planning unit.**
 4. **Design and materials**
 5. **Flu pipe to be painted a dark recessive colour and maintained**
 6. **Removal of permitted development rights for alterations, extensions walls, fences and other means of enclosure.**
 7. **Bird and bat mitigation and enhancement plan to be implemented in accordance with details to be submitted and approved by the Authority.**
 8. **No works to be undertaken during bird breeding season (March-August inclusive) unless preceded by a nesting bird check by an ecologist.**

Key Issues

- The principle of development
- The potential impact on the character and appearance of the building
- The privacy and amenity of neighbouring dwellings
- Highway safety

History

February 2023 – NP/GDO/0223/0188: GDO Notification - Notification under Class R of Permitted Development - Change of use from agricultural use to Class E Workshop – Prior Approval not Required

August 2008 – NP/SM/0608/0544: Erection of roof over building – Granted Conditionally

Consultations

14. Highway Authority – No response at time of writing
15. District Council – No response at time of writing

16. Parish Council – Objects for the following reasons:

- *The site, in particular area around the farmhouse, has been extended considerably over the last 18 years. This can be seen from Google Earth images for 2006, 2013 and 2022;*
- *The proposed development is for all practical purposes the creation of a new stand-alone dwelling;*
- *The building in question is known locally as the old school and is not just a redundant agricultural building;*
- *The proposed development would change the profile of the structure;*
- *The location of the building and its relationship with the main farmhouse is not clear from the information available on the planning portal;*
- *A bat survey should be conducted to ensure that there is no disturbance.*

The council is not sure of the criteria for a “dependant relative” or of the relevance to a planning application. The council understands that the proposed occupants are neither elderly nor infirm.

For the above reasons the council cannot support this application in its current form.

17. PDNPA Ecologist – Three surveys were undertaken within relevant guidelines with no bats observed emerging. Given this, I am satisfied with the submitted information, but given the high potential of the site for bats and given a couple of bat droppings were found would like to ensure the loss of habitat for bats and birds is mitigated for and to provide net gains for biodiversity in line with NPPF (2023). Therefore, recommend a bird and bat mitigation and enhancement plan to be submitted to the PDNPA for approval.

18. PDNPA Archaeologist – *Given the size and nature of this building I am not going to offer any detailed heritage comments, and leave it to be assessed by you in relation to the conversions guidance and determine in line with policy, other than to say that the half boarded, half window treatment to the doorway openings is not great visually for the character of the building and the elevations. Could it be better to keep them either full boarded or glazed with door retained externally to be closed when building/rooms not in use?*

Representations

19. No letters of representation have been received by the Authority.

Main Policies

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

21. Relevant Local Plan policies: DMC3, DMC5, DMC10, DMT3, DMT8, DMH5 and DMH8

National Planning Policy Framework

22. 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 Local Plan and the NPPF.

23. Para 182. of the NPPF states that ‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.’
24. Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It notes that the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. It advises that as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

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*. States that recreation and tourism development is acceptable in principle in open countryside.
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. 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.
30. 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.

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. 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.
33. DMC10 - *Conversion of a heritage asset*. Conversion will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding, and that any changes conserves or enhances the heritage significance and its setting in accord with policy DMC5.
34. 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.
35. DMT8 - *Residential off-street parking* says, that off-street parking for residential development should be provided and the design and numbers of parking spaces associated with the residential development respects the valued characteristics of the area.
36. DMH5 - *Ancillary dwellings in the curtilages of existing dwellings by conversion or new build* states that the conversion of an outbuilding close to a dwelling, to ancillary dwelling use will be permitted provided that:
- (i) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property at a later date through demand for further outbuildings; and
 - (ii) the site can meet the parking and access requirements of the proposed development; and
 - (iii) the new accommodation provided would remain within the curtilage of the main house, accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling
37. DMH8 - *New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses* states that alterations and extensions to existing outbuildings will be permitted provided changes to the mass, form, and appearance of the existing building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character.

Assessment

Principle of Development

38. The provision of ancillary accommodation and outbuildings is supported by planning policy in principle, through both conversion and new build. The proposed conversion of the existing barn to residential accommodation would result in a modest ancillary annexe. The barn would be occupied by family members and remain subordinate to the main

building, would not have a separate access, garden area, parking or utilities, and therefore would not amount to a separate dwelling.

39. The proposal therefore complies with planning policy in principle. If permission were granted an occupancy condition would be recommended to ensure that the development remains ancillary to the existing dwelling.
40. Development Management Policy DMH5 outlines the criteria ancillary residential accommodation development must meet in order for it to be acceptable. Such criteria include the location and scale of the development, access to it, the ownership of the property and its shared utilities. It must conserve and enhance the existing building/building group, and not have a detrimental impact on valued landscape, or any cultural heritage. Development must also comply with adopted design guidance, maintain adequate parking and not negatively impact the amenity of any neighbouring property.
41. The building is known locally as 'The Old School House'. For clarity, this is not considered relevant to the application. Its previous use is contended due to a lack of support from historic mapping, records and local memory. In any case, the barn as existing, is a small agricultural building, which has fallen into disuse, located within an active farm complex. Officers consider that the building would benefit from renewed use and that the application presents an opportunity for conservation and enhancement of the vacant building.

Design and Impact of alterations on Heritage Significance

42. Policy DMC10 states that, conversion will be permitted provided it can accommodate the new use without changes that adversely affect its character, including enlargement, subdivision, or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding.
43. The proposed annex would consist of a two-storey barn, providing a ground floor kitchen/dining area, with staircase access to a bedroom. The attached single storey barn extension would be converted to a lounge, with access via steps down to the existing path to the farm house. This would have a new roof to match the pitch and tiles of the existing barn.
44. This layout would be achieved with minimal alterations to the building. The plan layout, as existing, contains one sub-division at ground floor level, which the development proposes to remove. This wall is of modern timber construction and holding no inherent value to the building.
45. No new openings are proposed in the walls of the building. Three of the four windows would remain largely the same, to be repaired and replaced with hopper style timber windows. This would not impact the aesthetic value of the building, and would be considered a minor enhancement with regard to maintenance. A previously blocked up existing pitching hole would be re-opened with a glazed unit and vertical planked hinged shutter. The Authority's adopted guidance given in the Conversion of Historic Buildings SPD states that '*Original openings that have been blocked up in the past should be re-used in preference to the creation of new openings. If they have been blocked up in an unsympathetic manner or using inappropriate materials, an enhancement can be gained by reopening them.*' This alteration is therefore welcomed.
46. A window on the end elevation would be altered to accommodate a planked barn door with guarded steps to ground level. This would be the only change to external openings and utilises an existing one rather than proposing a new one. This is in line with Policies DMC5, DMC10 and the Authority's guidance on conversion of historic building SPD,

which requires that the proportions of the existing layout are followed, respecting the existing distribution of openings. The historic solid to void ratio of the building would be maintained.

47. Two roof lights would be installed in the rear elevation roof slope. These would not be visible from within the farmstead or street scene and are considered to be minimal and therefore acceptable alterations to the building.
48. The original submitted design proposed two half boarded, half window treatment to the doorways on the front elevation. This was considered visually inappropriate for the character of the building. Amended plans have since been submitted which show the addition of vertically planked timber doors adjoined to these openings, to remain closed when the building is not in use, in line with advice from the Authority's Archaeologist.
49. All replacement doors and windows would be constructed in timber, utilizing existing stone cills. Windows and doors would be obtained from a heritage range, following a specification which is typical of a heritage hopper window. This would replicate the traditional style of the barn and be considered an enhancement to the current condition of the fenestration on the barn.
50. The existing sheeted roof would be replaced with Staffordshire blue clay tiles to match those on the existing attached conversion.
51. The conversion would see the introduction of a new double skin flue pipe, this would be stainless steel, necessary for the wood burning stove and painted matt black externally. It would be necessary for this recessive colour to be maintained.
52. Overall, it is considered that the proposed works would lead to an enhancement to the appearance of the building and conserve its long-term future.
53. In conclusion the proposed scheme would represent a minor enhancement to the appearance of the barn, and therefore its landscape setting, in accordance with policies L1, L3, DMR3 and DMC10.

Amenity Impacts

54. The relationship with the host property would not give rise to any amenity concerns given that the use of the converted barn would be for residential annexe use only and occupied by a family member of the parent dwelling occupants.
55. The nearest neighbouring properties are Loxley Cottage, approximately 50m to the north east of the development building, and Brownlow End Farm, approximately 50m to the north of the development building, on the opposite side of the highway.
56. In this case, due to the intervening distances from these neighbouring properties, it is considered the amenity of these dwellings or any other dwellings in the locality would not be significantly harmed by the development. Consequently, the proposal accords with policies GSP3 & DMC3 in respect of the impact on the residential amenity of neighbouring occupiers.

Highway impacts

57. In the context of the current use of the site, where all relevant parties currently reside, the proposed use would not result in any intensification of use to give to highway safety or amenity concerns.

58. Space for the parking vehicles would be unaffected by the proposals.
59. Site access would also remain unchanged, and the development would not result in a significant intensification of use on the site that would result in any highway impacts.
60. No special access arrangements would be required. The proposal is confined to a private farm complex and therefore no provision has been made for any disabled or public access. No additional parking is required in respect of the proposed works.
61. The highway impacts arising from the development are therefore considered to be acceptable.

Ecology

62. A bat survey report by Eco 360 Ltd (August 2022) has been submitted. A preliminary roost assessment was completed on the 19th March 2024. Building 1 (B1) was found to have high potential for bats to roost and low potential to support nesting birds. Building 2 (B2) was found to have high potential for bats to roost and is confirmed to support nesting birds. Subsequent activity surveys (3x) were carried out in May and June 2024.
63. All surveys have been undertaken in line with the relevant guidelines. An appropriate impact assessment has been undertaken along with details for appropriate mitigation/compensatory methods for all surveyed species/habitats subject to a single comment raised by PDNPA Ecology.
64. *The report states that no bat droppings were found. However, Plate 4 appears to show a bat dropping, although the photograph is entitled A photograph of the stripped roof on the western aspect. Additional commentary is required regarding this.*
65. Response to this query has been provided.
66. *The upper level had heavy cobwebbing throughout with multiple active spiders with butterfly and moth remains caught in the webs. Two individual droppings were identified as potential bat droppings, these were ruled out as being rodent droppings as they were easily crushed showing the invertebrate remains. Only two droppings were found.*
67. This is considered to sufficiently address the concern.
68. The enhancement of the site is welcomed. Suitable ecological enhancement measures for the loss of any 'potential' roost or nesting features should be incorporated into any development works at the site, such as incorporating raised roof tiles, to allow bats to roost/shelter within the roof.
69. To compensate for the loss of habitat for birds and to provide net gains for biodiversity in line with NPPF (2023), a bird and bat mitigation and enhancement plan to be submitted to the PDNPA for approval. The plan will incorporate recommendations detailed within the Bat survey report by Eco 360 (2024) along with recommendations above to incorporate existing features and show precise location and type of feature (bearing in mind that barn swallows prefer to nest in covered structures).
70. Given the presence of breeding birds, no works to be undertaken during bird breeding season (March-August inclusive) unless preceded by a nesting bird check by an ecologist.

Climate Change Mitigation

71. Policy CC1 requires that new development makes the most efficient and sustainable use of land, building and natural resources and achieves the highest possible standards of carbon reductions and water efficiency.
72. The application contained a bullet pointed list of areas where environment efficiency would be improved. These would be as follows;
- Using energy more efficiently
 - A rated white goods will be specified for the annexe
 - 100% LED lighting
 - Control mains water use by specifying user units as follows
 - Shower 10 l/min
 - Bath 185 litres capacity
 - Basin taps 6 l/min
 - Sink taps 8 l/min
 - Dishwasher 1.25 l/place setting
 - Washing machine 8.17 l/kilogram
 - WC 6/4 litre for dual flush
 - WC 4.5 litre for single flush
 - Surface water
 - Use water butts where possible
73. Given the scale of the development, these are considered sufficient to comply with Policy CC1.

Conclusion

74. The proposed scheme would help retain the historic character and appearance of the building, whilst proposing a viable and beneficial use, which in turn would contribute to the setting of the building in the wider landscape. Moreover, there would be no adverse impact on any nearby residential amenity.
75. Consequently, the application is considered to constitute a sustainable form of development, in accordance with relevant policies. In the absence of any further material considerations the application is recommended for approval

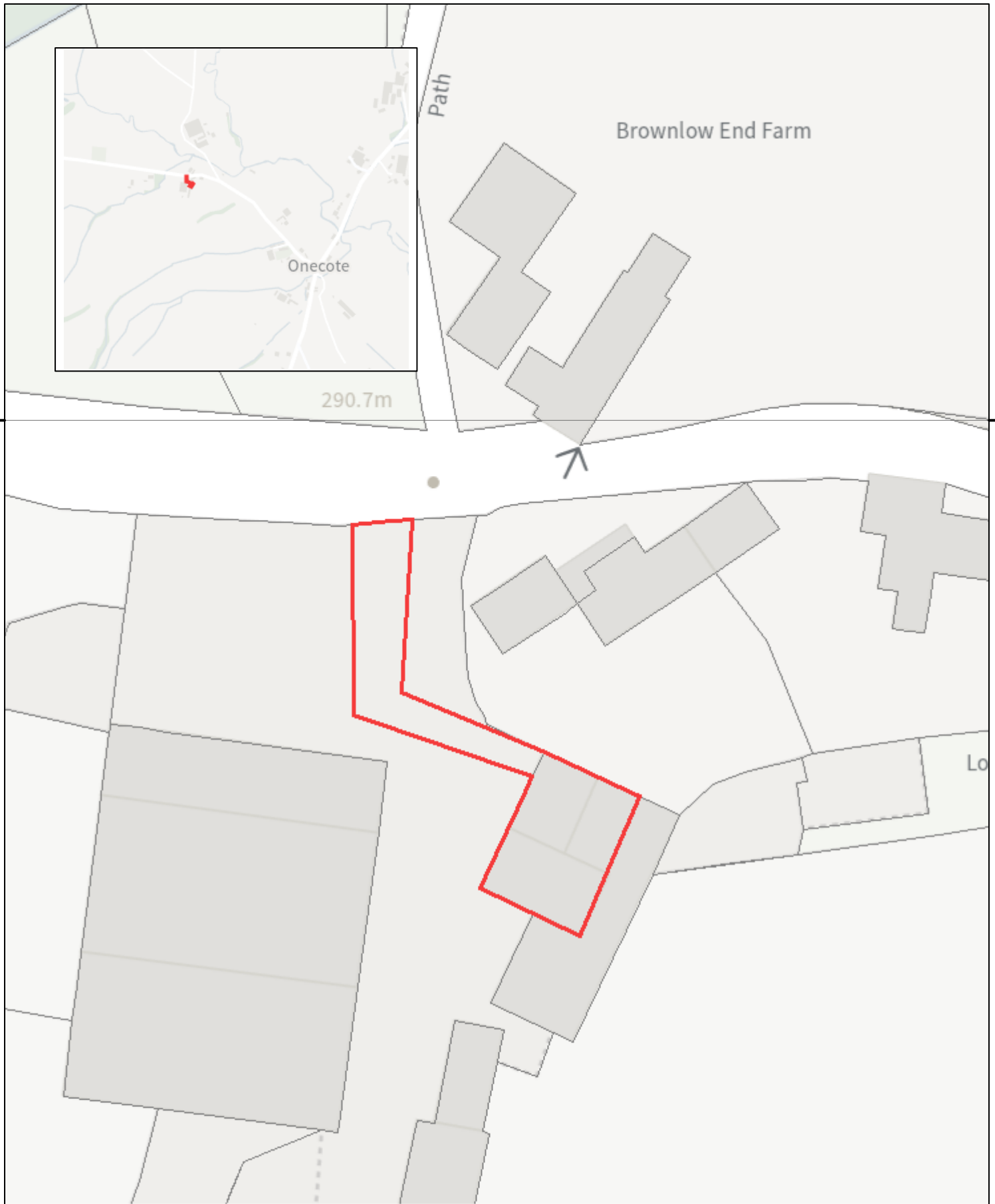
Human Rights

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

List of Background Papers (not previously published)

77. Nil
78. Report Author: Rachael Doyle, South Area Assistant Planner

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Loxley Park Farm, Douse Lane, Onecote

Item no. 8
 Application no. NP/SM/0124/0026
 Committee date: 09/08/2024

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9. FULL APPLICATION – PROPOSED ALTERATIONS AND EXTENSIONS AT 2 CASTLE COTTAGE, UNNAMED ROAD FROM THE SQUARE TO COLDWELL END, MIDDLETON BY YOULGRAVE (NP/DDD/0424/0352)

APPLICANT: MR J. LACK

Summary

1. Proposed is a single storey side extension to the dwelling and a link extension between the rear of the dwelling and the garage.
2. The scale of the extensions are appropriate and the simple design and use of traditional materials would conserve the Middleton by Youlgrave Conservation Area, including the main dwelling house.
3. The application is therefore recommended for approval subject to conditions.

Site and Surroundings

4. 2 Castle Cottage is located on the northern edge of the settlement of Middleton by Youlgrave, directly to the east of the main road through the village. The host building is a semi-detached dwelling adjoined to the neighbouring dwelling on the eastern elevation.
5. The dwelling is not a listed building. However, given its age and architectural style, the dwelling is considered to be a non-designated heritage asset.
6. The dwelling is orientated with its ridge running east to west and with its principal elevation facing north. The dwelling has two-storeys and is constructed in natural limestone under a slate tiled roof, with timber doors and windows. The property benefits from a porch on the north elevation, a detached garage and a single storey 'lean-to' extension on the western gable. A drystone wall encloses the property on the south and west boundaries. The property is screened by mature planting on the western boundary fronting the highway.
7. The site is situated within the Middleton by Youlgrave Conservation Area. The site is adjacent to the public highway and is visible from it and also in views from the south. The host dwelling is set back a distance from the highway.
8. The nearest neighbouring properties are the attached dwelling to the east and Castle Farm, to the north. An agricultural barn within the Castle Farm building group is Grade II Listed.
9. A Group TPO, reference number 010, abuts the site on the northern boundary. The listed building and the TPO are considered not to be affected by the proposal given the intervening distance. To the south of the site lies land in agricultural use.

Proposal

10. The demolition of the existing single storey 'lean-to' extension and the erection of a single storey, pitched roof side extension, projecting off the west gable to provide for an enlarged kitchen. The demolition of the existing porch extension and timber outbuilding and the erection of a link extension connecting the garage and the dwelling, to provide a lobby and bathroom.
11. The side extension would be constructed from natural limestone under a slate tile roof,

to match the existing house. The extension would have timber windows and doors.

12. The link extension would be constructed from natural limestone. A section of the roof is proposed to be dual pitched, with the remainder of the link extension under a mono pitched glazed roof, obscured behind a parapet wall.
13. The footprint of the side extension would measure 20sqm. The link extension would have a footprint of 17.5sqm.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

1. **Statutory 3-year time period for commencement of development.**
2. **In accordance with specified amended plans.**
3. **The walls of the approved development shall be natural limestone and shall match the grain, texture, size, coursing and pointing of the external walls of the host dwelling.**
4. **The natural blue-slate roof on the side extension shall match the rooftiles of the host dwelling.**
5. **The hardrow roof tiles on the pitched roof section of the link extension shall match the rooftiles of the host dwelling.**
6. **The windows of the approved development shall match the windows of the host property in design, recess, and finish.**
7. **The window surrounds shall be natural gritstone and match the detailing of the host property.**
8. **Rooflights to be heritage type fitted flush in full accordance with details to be submitted to the Authority for approval in writing.**
9. **The door on the link extension shall be vertically boarded timber or timber composite and the door frame shall be recessed from the external face of the wall the same depth as existing door frames.**
10. **The door on the link extension shall be either dark stained or dark painted and permanently so maintained.**
11. **The rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.**
12. **The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.**

Key Issues

- The principle of the development.
- Whether the proposal conserves and enhances the character, appearance and amenity of the host building, as a non-designated heritage asset.

- Impact on neighbouring amenity
- Impact upon the Conservation Area
- Sustainability
- Highways and parking
- Impact on Protected Species

Planning History

14. 1977: WED0777257 - Extension to dwelling - Granted Conditionally

Consultations

15. DCC Highway Authority – No Objections

16. Middleton and Smerrill Parish Council – Objection – harm to the host building, harm to the Conservation Area.

17. Derbyshire Dales District Council – no response at the time of writing

Representations

18. A number of representations have been received at the time of writing, objecting to the amended proposal and which raise material planning concerns.

19. These representations are summarised as follows:

- *contrary to PDNPA Policy and Design Guidance*
- *side extension disproportionately large, out of balance, unsympathetic*
- *side extension harmful to character and appearance of the building, its setting and landscape character*
- *materials may not match*
- *harmful to the Conservation Area*
- *increased traffic generation and lack of car parking provision*
- *noise and disturbance resulting from use*
- *impact on protected species*
- *enlargement would result in the property being out of reach of local residents*

20. Officers comments; The concerns are noted and will be considered in the assessment of the proposals as set out below.

Main Policies

21. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, CC1, DS1, L1, L2, L3 and T7.

22. Relevant Local Plan policies: DMC3, DMC5, DMC8, DMC11, DMC12, DMH7, DMH8, DMT3 and DMT8.

National Planning Policy Framework

23. 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 the NPPF with regard to the issues that are raised.
24. Para 137 states design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
25. Para 182 states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads
26. Para 203 in particular states, that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Core Strategy Policy

27. 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.
28. 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.
 - A. *impact on the character and setting of buildings*
 - B. *scale of development appropriate to the character and appearance of the National Park*
 - C. *siting, landscaping and building materials*
 - D. *design in accordance with the National Park Authority Design Guide*
 - E. *form and intensity of proposed use or activity*
29. GSP4 - Planning conditions and legal agreements. This policy sets out contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

30. 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.
31. DS1 - Development strategy. It names settlements following an analysis of their location, size and function, range of services and/or ease of access to services by public transport, and their capacity for new development.
32. L1 - Landscape character and valued characteristics. This identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
33. 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.
34. T7 - Minimizing the adverse impact of vehicles and managing the demand for car and coach parks. T7 (B) refers to the management of residential parking.

Development Management Policy

35. 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.
36. 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.
37. 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.
38. DMH7 - Extensions and alterations. States that extensions and alterations to dwellings will be permitted provided that the proposal does not:
 - I. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
 - II. dominate the original dwelling particularly where it is a designated or non-designated cultural heritage asset; or
 - III. amount to the creation of a separate independent dwelling; or
 - IV. create an adverse effect on, or lead to undesirable changes to, the landscape or any other valued characteristic; or
 - V. in the case of houses permitted under policy DMH1, exceed 10% of the floorspace or take the floorspace of the house above 97m².

39. DMH8 - New outbuildings and alterations and extensions to existing outbuildings in the curtilage of dwelling houses. This policy states that new outbuildings and extensions will be permitted provided changes to the mass, form, and appearance of the existing building conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape.

40. DMT8: Residential off-street parking. Policy DMT8 requires adequate off-street parking.

Supplementary Guidance:

41. The Authority has adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions

Assessment

Principle

42. The principle of extensions are established through Policies DS1 of the Core Strategy (2011), and DMH7 of the Development Management Policy (2019). Policy DMH7 – Extensions and alterations; allows for new extensions to a dwelling provided that the scale, mass, form, and design of the new extension conserves or enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including Listed Building status and setting, Conservation Area character, important open space, valued landscape character, in accordance with the principles of policies DS1 & DMC3 respectively.

Siting, scale, design and materials

43. The Authority's Design guidance states amongst other things, that it may be possible to add a well-designed extension provided it would be in harmony with the original building, subject to being appropriate in scale, design and external appearance, in accordance with good design principles.

44. As a result of Officer's concerns, the application has been amended from the originally submitted proposal. These amendments are design grounded, and include:

- I. Alterations of the roof of the side extension from a flat roof to a dual pitched roof and the removal the lantern roof light, to be more in-keeping with the design of the host property.
- II. Reduction in the width of the extension by stepping in the rear elevation of the extension from the rear elevation of the host dwelling.
- III. Simplification to the fenestration of the side extension, including the removal of French doors and replacement with window openings which better reflect the traditional character and appearance of the host dwelling.
- IV. Replacement of a section of the pitched roof on the link extension with a glazed roof behind a parapet wall.
- V. Alterations to the fenestration on the link extension to remove the window and stone surrounds and the replacement of the door, in order to simply the design.

45. The proposed design of the side extension, as amended, would have a simple rectangular form under a pitched roof. The projection from the side wall of the dwelling would be 4m, the height to the ridge would measure 4.4m and the gable width would measure 5m.

46. In terms of scale, size and massing, in relation to the host dwelling, the single storey side extension would be subordinate to the host dwelling and would not appear unduly

large. The proportions of the side extension, with regard to the height to length ratio, harmonise well with the proportions of the host dwelling.

47. The side extension is considered to be appropriate and would not result in significant harm, or loss of character to the host building, in terms of scale, size and massing.
48. The side extension would be built out of natural stone, with a roof form to match the host dwelling. Timber window frames and doors are proposed to match the dwelling.
49. The design and materials would not cause significant harm to the building's traditional form, appearance or to its heritage significance.
50. The link extension, connecting the garage to the host dwelling, would not be highly visible from public vantages. A minimal section of pitched roof is proposed. The link extension would appear unobtrusive, as a simple garden wall, using materials to match the existing dwelling. The link extension would be appropriate to the setting, without causing harm to the integrity of the host dwelling.
51. It is therefore considered that the proposed extensions would sit in harmony with the host dwelling and be in-keeping with the building's character. The proposed extensions are considered to have a limited impact on the character and appearance of the heritage asset.

Impact on neighbouring amenity

52. The proposed extensions, given their nature, location, scale, design and the intervening distance to closest neighbouring properties, are considered not to be harmful to the amenity of the neighbouring properties, with regard to lack of privacy, overlooking, overbearing, noise or disturbance issues.

Impact upon the Conservation Area

53. The property is located within the village Conservation Area. With regard to the impact upon the Conservation Area, the side extension would be visible from public vantages, both in localised views of the site and from further afield. However, as it is considered not to cause significant harm to the host building itself, it stands that it would have a limited impact on the character of the Conservation Area.
54. Given its appropriate scale, traditional materials and design, it would harmonise with its surroundings. The side extension would not be significantly harmful the existing views and would conserve the setting and significance of the Conservation Area, the wider landscapes and the property itself. The development is therefore in accordance with policy DMC8.

Sustainability

55. Policy CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
56. The Environmental Impact Statement provided as part of the application refers to the design making use of maximum natural daylight and natural ventilation to increase energy efficiency and energy savings.
57. Construction materials and finishes are proposed to have a low environmental impact, with the use of locally sourced reclaimed stone, sustainably sourced timber materials and low carbon cement to be used in the construction. High levels of thermal insulation

are proposed. The use of gas filled double glazed units are proposed to improve thermal performance and low energy light fittings are to be used.

58. These measures are proportionate to the scale of the development proposed and the requirements of CC1 are considered to be met.

Highways and parking

59. The Highway Authority have raised no objections to the application. Ample parking and turning would be available on the drive following the construction of the extensions. As such, there are no concerns regarding parking provision or highway safety in respect of the proposed development.

Impact on Protected Species

60. An objection was received to the proposal alleging that *'bats have been observed on numerous occasions at the front, side and rear of the cottages and could well be roosting in that frame.'* *'Not only are there bats, but also Slow Worms and Hedgehogs'*.
61. The proposal is not a type of development likely to impact upon protected species and therefore is considered to accord with policies L2, DMC11 and DMC12.
62. Without clear and convincing evidence of the presence of protected species on the site and that a protected species is likely to be affected by the proposal, an assessment of the impacts of the development on protected species is not considered to be required. The applicant's attention is however drawn to the potential for protected species to be present on the site and the development should therefore proceed with caution.

Other matters

63. The property is a market dwelling and not an affordable dwelling. Extensions to dwellings as set out above are acceptable in principle and the proposal would have no impact on the provision of affordable housing.

Conclusion

64. The proposed extensions are modest in scale, of an appropriately high standard of design and use of materials, that will conserve the character, appearance and setting of the dwelling. Whilst the side extension will be visible from public vantages, it would not cause significant harm or adverse impact upon the street scene or the Conservation Area.
65. The proposed extensions accord with relevant policies, adopted supplementary planning guidance and the NPPF. In the absence of any further material considerations the application is therefore recommended for approval subject to conditions.

Human Rights

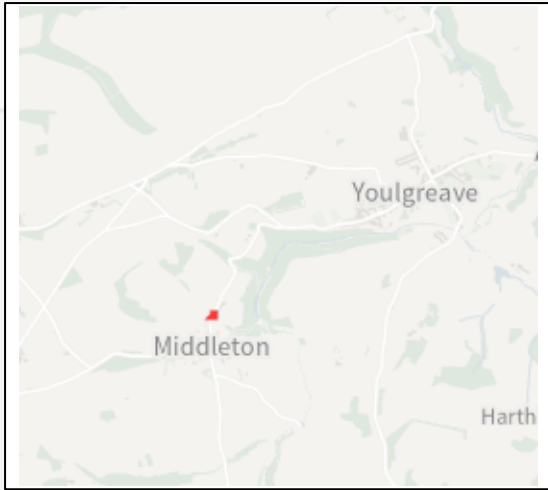
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author: Chris Briggs

419600



Hunters End

363400

363400

Hall

Passing
Shades

1

2

Castle Cottage

419600

0 0.0175 0.035 km



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2 Castle Cottage, Unnamed Road from The Square to Coldwell End, Middleton by Youlgreave

Item no. 9
Application no. NP/DDD/0424/0352
Committee date: 09/08/2024

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Scale: 1:500 at A4 pagesize
Map centre grid ref: 419,590 363,390



**PEAK
DISTRICT**
NATIONAL
PARK

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10. FULL APPLICATION – INSTALLATION OF ADDITIONAL ROOF MOUNTED SOLAR PANELS AT THE PROPERTY AT ADE HOUSE, MAIN STREET, TADDINGTON. (NP/DDD/0624/0590/RD)

APPLICANT: MR DANIEL PRIEST

Summary

1. The application seeks planning permission for the installation of additional roof mounted solar panels at Ade House, Taddington.
2. In this case, it is considered by virtue of the cumulative impact of the solar array, that the proposals 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. Ade House is a traditionally constructed limestone dwelling with a mixed Stone slate & Hardrow slate roof, set in a large garden with a further croft to the north within the same ownership. The site is located within the designated Taddington Conservation Area.
4. There is a double garage of traditional appearance approved in 2020 (NP/DDD/1020/1006) with reclaimed blue slate roof sitting within the plot to the northeast of Ade House. Solar panels were approved on this roof earlier in 2024 (NP/DDD/0224/0201).
5. Ades Croft to the east is a detached, traditionally constructed, rendered dwelling. Adjacent to Ades Croft (Eastern side) there is a newly-built, traditional-constructed dwelling which has a substantial solar panel array on its South-facing roof.

Proposal

6. It is proposed to install solar panels on 2 roofs at the property. Firstly, on the south-facing, western-most roof of the cottage (10 panels) and secondly on the west-facing roof of the boiler house (6 panels). The associated inverter and battery are located internally at the dwelling.

RECOMMENDATION:

That the application be REFUSED for the following reason:

7. **The development would harm the character and appearance of the property and the surrounding area and harm the significance of the Taddington Conservation Area contrary to Core Strategy policies GSP3, L3 and CC2 and Development Management policies DMC3, DMC5, DMC8 and DMH7. The harm identified to the Conservation Area would not be outweighed by public benefits and therefore the proposal is contrary to the National Planning Policy Framework.**

Key Issues

- The design and appearance of the development.
- Whether the development is acceptable in all other respects.

Relevant history

February 2024 – NP/DDD/0224/0201: Installation of roof-mounted solar panels at the property and garage – Granted Conditionally

October 2020 – NP/DDD/1020/1006: Erection of garage and home office to rear of dwelling – Granted conditionally

August 2020 – NP/DDD/0820/0794: Erection of garage and home office to side of dwelling – Withdrawn

July 2003 – DDD0703352: Change of use from dwelling and holiday accommodation to single dwelling – Granted conditionally

Consultations

8. Highway Authority – There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.
9. Parish Council – The Parish Council are supportive given the environmentally friendly nature of the development, through the creation of sustainable energy and reduction of the property's carbon footprint.

Representations

10. One letter of representation has been received from the Ramblers Derbyshire Dales Group, who have no objection to the proposals providing that:
 - i) Taddington Rights of Way Footpaths 40, 44 and 45, which run respectively to the south, east and north of the site, remain unaffected at all times, including the path surface, both during and after any development

National Planning Policy Framework (NPPF)

11. 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.
12. In particular Para: 182 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.
13. 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.
14. 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

15. 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.

16. 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.
17. DS1 - *Development Strategy* - supports the development of renewable energy infrastructure in principle.
18. 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.
19. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance* relates to cultural heritage assets and their settings. It seeks to conserve assets of archaeological, architectural, artistic or historic significance.
20. CC1 - *Climate change mitigation and adaptation*. 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.
21. 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

22. 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.
23. DMC8 - *Conservation Areas* details planning policy with regards to those applications proposed within a conservation area and seeks to preserve and enhance its settings and important views into, out of, and through the area.

Supplementary Planning Document

24. Climate Change and Sustainable Building Supplementary Planning Document paragraph 9.2 outlines guidance for solar technologies, supporting the installation of solar photovoltaics in principle providing that care is taken to minimize their visual impact.

Assessment

Principle of the development

25. Policy DS1 supports the development of renewable energy infrastructure in principle.
26. Policy CC2 sets out that renewable energy proposals will be encouraged providing that they avoid adverse impacts. Solar panels on Ade House represent a proposal for renewable energy and are acceptable in principle, provided they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area. These impacts are assessed in the following section of the report.

Siting, Design and Landscape Impact

27. Ade House is a traditionally constructed limestone dwelling with a mixed Stone slate & Hardrow slate roof, set in a large garden with a further croft to the north within the same ownership.
28. The potential adverse impact from the solar panels would be to the Taddington Conservation Area and the setting of nearby Grade II listed buildings, Sycamore Farmhouse and its associated barn, which are approximately 45m to the south of Ade House.
29. Ade House is referenced in the Taddington Conservation Area appraisal, as is the significance of the retention of the back lanes and connecting pathways. The Conservation Area Appraisal says that *'The buildings are unified by the use throughout of limestone, normally with gritstone dressings. However, this overall unity masks very real differences in detail.'*
30. Ade House is specifically referenced.
31. *Ade House (7) is the exception to the rule as far as the historical village is concerned, being an 18th century house, probably originally a farmhouse, lying to the north of Hades Lane. Otherwise the few properties which front this lane are modern. If the character of Taddington is to be retained, this is a precedent which should not be followed.*
32. Ade House sits at the end of a gravel track projecting off of the Main Road. This location, combined with the topography, surrounding built environment and foliage cover means that Ade House is a largely inconspicuous property from the street scene. However, there are public footpaths circling Ade House in all directions from which the development would be visible.
33. In terms of the wider visual impact of the development, it is acknowledged that there are limited views from the main street scene towards Ade House, however, the 'valued characteristics' of the National Park includes Conservation Areas and both designated and non-designated heritage assets irrespective of public views.
34. The solar panels would be visible from public footpaths through the Taddington Conservation Area, the significance of which are discussed in the conservation area appraisal.
35. The solar array would be sited on two roofs at the property. On the south-facing, western-most roof of the cottage (10 panels) and on the west-facing roof of the boiler house (6 panels).
36. The full array would be made up of 16 panels. These would be in addition to the 17 approved panels split between the eastern end of the south-facing roof of the main dwelling and the west-facing roof of the double garage.
37. There is supplementary guidance in the Authority's SPD on extensions and alterations specific to this type of development at paragraph 2.12. It states that, *"adding photo-voltaic or solar thermal panels to a roof fundamentally alters its character and appearance. The shiny, manufactured appearance of the panels look alien in the context of traditional building materials. It is sometimes preferable to locate panels on the ground. This can be both less obtrusive and avoids problems of drilling through roof coverings for fixings for the frames. If panels need to be sited on a roof, placing them on inner slopes where they can't be seen is the ideal. Otherwise place them to the rear in an unobtrusive location, if orientation allows."*

38. Whilst not highly visible from wider views, the solar panels would represent a modern intervention on the principal elevation and roof of a named 18th century cottage from the Taddington Conservation Area Appraisal, which would be visible from footpaths surrounding the property.
39. In this case, material consideration is given to the incremental development of the site, as well as those at neighbouring properties. It is important that the array is not considered in isolation, but is looked at in the context of impacts arising from development on the site as a whole, which would be furthered by the installation of this array.
40. Previously approved solar panels are now installed on the eastern lower roof of Ade House. These replaced older solar panels to this roof. It is considered that the cumulative impact of a further array on the main roof of the property would represent a harmful intervention to the historic character of the property and Conservation Area, contrary to relevant policies and guidance.
41. Consequently, due to the cumulative impact of the modern solar panels, altering the character and appearance of the 18th century cottage, in combination with the negative impact that the alien panels would have in the context of the Taddington Conservation Area, 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, L3, and CC2 of the Core Strategy and policies DMC3 & DMC8 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 182 of the NPPF.
42. Furthermore, there would be conflict with the National Park's Climate Change and Sustainable Building Supplementary Planning Document (SPD), where it seeks to avoid roof mounted solar arrays on principle elevations, particularly in the case of historic buildings.
43. Overall, whilst the development would reduce reliance on non-renewable energy sources and thereby mitigate the impacts of climate change. The public benefit of doing so on a property already served by more appropriately sited solar photovoltaic panels is considered to be outweighed by the harm that arise from the development, as identified above.

Potential amenity issues

44. With respect to the amenity of neighbouring dwellings. Given the distance of separation from the nearest residential properties, and the nature of the development, the proposal would not be considered to have an adverse impact or significantly harm any residential amenity in the locality, therefore accords with policies GSP3 & DMC3 in these respects.

Local Highway matters.

45. The local Highway Authority do not consider the proposals to bear a material impact on the public highway. The development would have no impact on access to the site, nor would it result in an intensification of use. Regarding this, the proposal would be acceptable in highway terms, according with policies DMT3 in these respects.

Environmental Management and sustainability

46. As the proposals are solely for the provision of renewable energy, they comply with CC1, as far as it is applicable to the development.

Conclusion

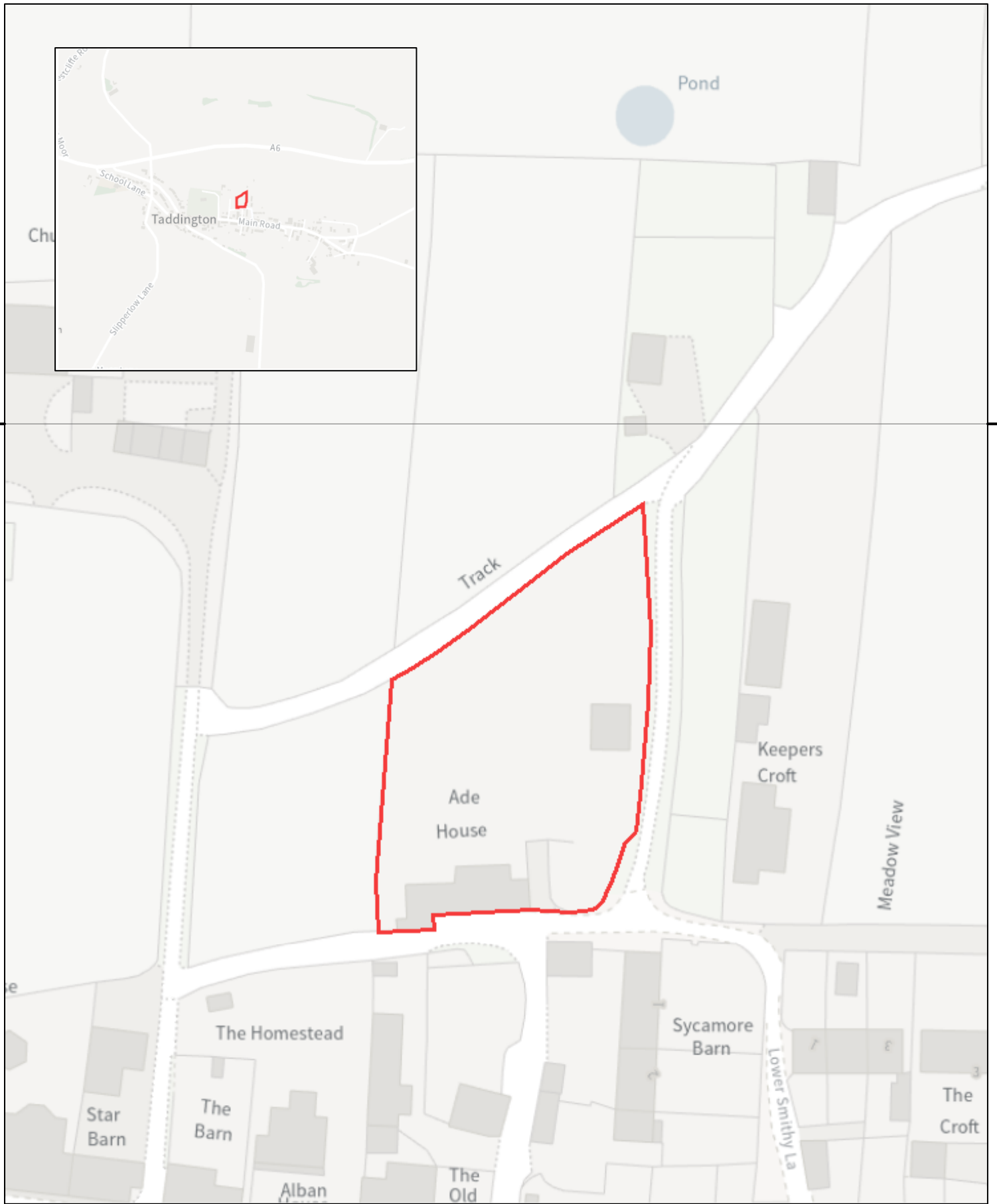
47. It is concluded that on balance, the cumulative impact of further solar panels on the principle elevation of Ade House would result in significant harm to character of the building, and to the Taddington Conservation Area. The benefit that would arise in terms of mitigating the impacts of climate change would not in this case outweigh the impact the development.
48. There are no policy or other materials considerations which indicate that planning permission should be approved. The application is therefore recommended for refusal.

Human Rights

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

Nil

Report Author: Rachael Doyle, Assistant Planner: South Area Planning Team.



Ade House, Main Street, Taddington

Item no. 10
 Application no. NP/DDD/0624/0590
 Committee date: 09/08/2024

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11. FULL APPLICATION - FOR THE ERECTION OF AGRICULTURAL BUILDING AND RETENTION OF ACCESS TRACK AT THE FIRS WOOD MEADOW, FENNY BENTLEY (NP/DDD/1222/1611/GG)

APPLICANT: MISS DEBORAH COCKBAIN

Summary

1. The application seeks planning permission for the erection of an agricultural building and to retain the access track created on site.
2. The original application sought retrospective permission for a static caravan and a storage container; these have been deleted from the proposals as the static caravan and shipping container were advised to be inappropriate.
3. The Applicant was advised that, in principle, the provision of an appropriately sized building to support the agricultural business may be acceptable but needed to be of an appropriate design and materials.
4. Given the above, the Applicant has amended the planning application to seek planning permission for a building, with the static and caravan to be removed in a specified time (up to a year was suggested by the applicant).
5. The proposed justification and impact of the building has been assessed following re-consultation on the amended scheme. It is considered that the application fails to demonstrate that the proposed development is functionally required for agricultural purposes requiring a rural location.
6. In the absence of a justification the proposal would be an unwarranted intrusion and harm the character of the area contrary to relevant policies. The application is therefore recommended for refusal.

Site and surroundings

7. The application site is a 5.5 acre field near to Fenny Bentley. A stone boundary wall runs along the field boundary with the A515 Ashbourne-Buxton Road with intermittent trees set on the land at the back of the wall; the land is bounded by trees on all the other sides. A fence enclosure has been provided within the field.
8. The field is accessed directly off an established access point with cattle grid. From this there is a new hardcore track which is initially aligned by fencing up to a new field gate; the track runs west to east across the field. At the far side of the field, where the access track terminates, there is a static caravan and shipping container.

Proposal

9. The application proposes the erection of an agricultural building on the site to facilitate the establishment of a microgreens business on the land.
10. The applicant has indicated that the caravan and shipping contained would be removed from the land in the event that planning permission are granted. The proposed building would be 12.2m long by 6.1m wide and 3m to the eaves with a 15° pitched roof.
11. The Applicant has submitted a business plan with the application which gives some details of how the business would operate and expand. It is proposed to grow the microgreens alongside other possible income streams from cut flowers, fruit and

vegetables and free range eggs. It is also proposed to keep Kunekune pigs which will eat most of the waste product.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The application does not demonstrate that the proposed development is functionally required for agricultural purposes requiring a rural location contrary to Core Strategy policy DS1 and Development Management Policy DME1. In the absence of an agricultural justification the proposed development would be an unwarranted intrusion into the open countryside and would harm the character and appearance of the area contrary to Core Strategy policies GSP3 and L1 and Development Management policy DMC3.**
- 2. Insufficient information has been submitted with the application to demonstrate that the development would not harm archaeology on the site contrary to Core Strategy policy L3, Development Management policy DMC5 and the National Planning Policy Framework.**

Key Issues

12. The key issues are:

- Whether the proposed development is acceptable in principle
- Impact upon the character and appearance of the site and the wider landscape
- Impact upon the amenities of nearby neighbouring properties
- Impact upon highway safety
- Impact on archaeology.

History

13. None relevant.

Consultations

14. Derbyshire County Council (Highway Authority) –

Initial submission

- application site is located on the A515, which is subject to a 40mph speed limit in the vicinity of the site access, increasing to 50mph beyond the access to the Northwest
- site is served via an existing vehicular/agricultural access which was in place prior to the implementation of the farm track/caravan/shipping container
- existing access is substandard in terms of emerging visibility in the South-easterly direction due to land outside of the applicants control
- understood the last use of the site was for agricultural pasture land, as such it is considered that the Microgreens Farm results in a significant increase in vehicle movements associated with the existing substandard access to the A515, in view of the associated deliveries and employees, etc. recommended the sites access is relocated in the northwest direction in order to provide a safe and suitable access which conforms with current guidance in regards to available emerging visibility
- submitted details also suggest that the site will be open to farm visits from the general public which would further increase traffic generated by the site, and also require the provision of adequate levels of off-street parking to accommodate this -

recommended the applicant provides further details relating to the farm visits i.e. times and days of operation and the maximum number of visitors at any one time

- the concerns should be addressed by the applicant prior to determination of the application
- if recommended for approval, would welcome the opportunity to comment further, which could potentially include a recommendation of refusal to the proposals as submitted.

Further to Amendments

- on the basis that the storage container/track are in support of existing agricultural operations (Microgreens Farm) on the surrounding controlled agricultural land, it is not considered that the proposal would result in an intensification in vehicle movements associated with the site
- in order to maintain levels of emerging visibility, it is recommended that the existing vehicular access to the A515 is provided with maximum achievable visibility sightlines in both directions, extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the nearside carriageway edge
- noted on the updated business plan that no customers will be permitted on site - it assumed that this also includes the omission of the farm visits open to the general public as previously suggested and recommended that an appropriate condition is included in the consent to ensure customers/members of the public are not permitted to visit the site
- should be noted that in the event of any future development proposals associated with the site, which would result in an increase in traffic generated by the site, the Highway Authority would require improvements in terms of vehicular access to as outlined in the initial response.
- accordingly have no objections to the proposal subject to conditions.

15. Parish Council –

- proposed application is not ‘agricultural use’ therefore the application should reflect this change of use
- access from the site is on to the busy A515 and there is limited visibility from the southerly direction and to the north there are accidents on an almost daily basis from HGVs who clash wing mirrors
- a static caravan is not appropriate in this highly visible situation and on the edge of the village conservation area
- concerned about noise issues if this site is developed
- the development is completely inappropriate on this site and the proposals will have a harmful impact upon the character of the area
- question the implications if this business expands
- there is no electricity/water to the site
- business plan lists multiple ventures but lacks detail
- where will staff park?
- what will be the hours of operation?

Further to Amendments

- discussed this matter and numerous comments were received from members of the public
- Council felt that there was insufficient information available to make an informed decision on the application, particularly in respect of the following points:
- no information available about what the site is to be used for
- no justification for an agricultural building
- concerns raised about the previous application had not been answered

- what would the agricultural building be used for?
- no information on the design and appearance of the building and this does not comply with national and local policies
- the proposed building is not in keeping with the area
- there would be an impact on nature conservation and biodiversity, particularly as great crested newts (an endangered species) had been found nearby and were thought to have come from the fishing ponds on the site
- note that the track had been installed by the current owner and had not previously been in place
- in view of the above, the Parish Council felt that they could not support the application.

16. PDNPA Archaeologist –

- a 1989 aerial photograph transcription project identified a number of linear boundaries and a possible circular enclosure of unknown date or function, noting that the enclosure is towards the southern edge of the field
- locating a static caravan and a shipping container in this field, assuming they are sat on the ground surface and required no ground disturbance to install should not present any risk to the archaeological interest of the site
- the groundworks required for the construction of the track (the track bed itself, the cattle grid, any drainage etc.) could have archaeological implications but there is currently insufficient information available to understand the nature, extent and level of significance of these features and whether they should be considered heritage assets - this would usually require the submission of an archaeological desk based assessment in accordance with the requirements of NPPF para.194.
- note that this is a retrospective application - if the works to create the track have already been undertaken then it could have resulted in harm to archaeological features and deposit, the nature and significance of which cannot be assessed at this
- further works and development at the site should not take place without consent and the necessary archaeological assessment to understand the archaeological implications
- should the works to the track not be completed, then the application requires a desk based assessment to be submitted before it can be determined and be carried out by a suitable qualified archaeologists to the standards and guidance of Chartered Institute for Archaeologists
- possible that following the desk based assessment, further archaeological assessment may be required, either prior to determination or as a condition of consent.

Representations

17. During the publicity period, the Authority received four representations objecting to the proposals. The following reasons are given in the relevant representations:

- objection on the grounds of road safety issues, crime fears, design of the development and impact on the landscape
- application states that it does not require change of use but the business plan clearly proposes an artificial urban crop method which is not agricultural because no use of land itself is required
- do not believe that the business plan has any merit and appears to be a veiled attempt to secure residential permissions for the site
- poor site management
- within the wood there is a derelict caravan and 4 wheel drive creating an eyesore.

Further to Amendments

A further representation received objecting to the proposals as follows:

- latest application is again lacking in any detail
- no description of the materials used for the construction of the barn and how this will be in keeping with the peak national park
- none of the previous concerns associated with the original planning application have been addressed with the latest planning application
- what will be the power source for the business?
- where will the water come from for the business? What are the operational hours of the business?
- site of the agricultural barn is close to residential housing - how will the residential amenity be preserved?
- has been no attempt to farm the land on this site since the static caravan and container were originally placed on site - what is the justification for a barn of this size when there is no farming activity?
- what is the justification for a barn of this size given the size of the plot of land?
- dimensions of the proposed barn look to be of similar size to the static caravan that is already on site and have noted that it is 40 feet in length, with a 15 degree roof angle/pitch and most static caravans share similar dimensions - have the Planning Authority considered this?
- what will happen to the touring caravan that is still sited in the woods?
- a number of villagers reported that someone was staying overnight in one of the caravans last year and believe this was also reported to the Planning Authority at the time
- what will happen to all the other vehicles on the site that have been dumped?
- there is one vehicle parked in front of the static caravan, one attached to the touring caravan in the woods and there is another vehicle parked between the static caravan and the woods - none of the vehicles have moved in the last year and would appear that they have been dumped
- the planning application does not include a protected species survey - there has been evidence of badgers spotted in the woods (have trail cam footage if required) and also a great crested newt recorded in the nearby area to the site.

Main Policies

18. Relevant Core Strategy policies: DS1, GSP1, GSP2, GSP3, CC1, CC5, L1, L3 & E2

19. Relevant Local Plan policies: DMC3, DMC4, DMC5 & DME2

Wider Policy Context

20. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
- When national parks carry out these purposes they also have the duty to:
- Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

21. 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 the NPPF.
22. Paragraph 182 of the NPPF states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.*'

Peak District National Park Core Strategy

23. DS1 - *Development Strategy*. This sets out what forms of development are acceptable in principle within the National Park.
24. GSP1 & GSP2 - *Securing National Park Purposes and Sustainable Development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and 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.
25. GSP3 - *Development Management Principles*. This states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
26. CC1 – *Climate change mitigation and adaptation*. CC1 requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
27. L1 - *Landscape character and valued characteristics*. This states that all development must conserve and enhance valued landscape character and valued characteristics.
28. L2 - *Sites of biodiversity or geo-diversity importance*. This states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting and, other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance, or their setting, that have statutory designation or are of international or national importance for their biodiversity.
29. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.
30. E2 – *Businesses in the Countryside*. This advises that proposals for business development in the countryside outside the Natural Zone and the named settlements in Policy DS1, advises that business use in an isolated new building in the open countryside will not be permitted and proposals to accommodate growth and intensification of existing businesses will be considered carefully in terms of their impact on the appearance and character of landscapes.

Local Plan Development Management Policies

31. DMC3 - *Siting, design, layout and landscaping*. This states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
32. DMC4 – *Settlement limits*. DMC4 (B) states that development that is separated from existing settlements will not be permitted as it is likely to result in pressure to infill intervening gaps.
33. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This states that planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate:
 - (i) its significance including how any identified features of value will be conserved and where possible enhanced; and
 - (ii) why the proposed development and related works are desirable or necessary.
34. DME1 – *Agricultural or forestry operated development*. This advises that new agricultural buildings, structures and associated working spaces or other development will be permitted provided it is demonstrated to the Authority’s satisfaction that the building at the scale proposed is functionally required for that purpose. In addition, it advises that such development shall not be in isolated locations, requiring obtrusive access tracks, roads or services and respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area. In this respect, the development should reflect this as far as possible in their own design and avoid adverse effects on the area’s valued characteristics, including important local views and making use of the least obtrusive or otherwise damaging possible location.

Supplementary Planning Guidance

35. The PDNPA *Agricultural Developments in the Peak District National Park* seeks to support the positive contribution farming makes to the special qualities of the Peak District and offer guidance on the most appropriate ways for future development, particularly with regard to new agricultural buildings.

Assessment

Principle

36. Policy DS1 states that in settlements and in the countryside agricultural development requiring a rural location is acceptable in principle. Policy DME1 provides detailed policy and requires applications to demonstrate that development is functionally required for agriculture.
37. If justified agricultural development must be located close to the farmstead and in all cases makes best use of existing buildings, trees walls or other landscape features, not be in isolated locations and respect the design of existing buildings and traditions as far as possible and avoid harm to the landscape.

Agricultural justification

38. The Applicant states that they have a business plan to produce microgreens for local and national suppliers and that various other farming activities will be carried out. Microgreens are vegetable greens harvested just after the cotyledon leaves have developed with one set of true leaves. They are used as a visual, flavour and texture enhancement to foods.
39. The Applicant advises that microgreens require either large amounts of natural sunlight or intensive artificial lighting indoors - this would normally be a greenhouse or polytunnel with separation, heat, humidity, light and water controlled hourly. The Applicant initially claimed to be using the static caravan for this process. The Applicant has also claimed to be using the shipping container to grow microgreens. However, following a site visit neither structure appears to be used for that purpose and there does not appear to be any agricultural activity on the wider site.
40. There does not appear therefore to be an existing agricultural business operated on the site. Based upon the information submitted the growing of microgreens would take place entirely within the proposed building with the use of artificial lighting. Therefore, there does not appear to be a justification for why the proposed development would need to take place in a rural location.
41. The submitted application indicates that the land at the site would allow the business to expand. There are no details of what development this could entail, however, if further development related to growing of microgreens then this may require additional buildings to facilitate this through intensive production. Nevertheless, any application for buildings in the future would be assessed on their own merits.
42. The application refers to other agricultural activities but contains limited information on why a building of the proposed scale is required in this location. On the basis of the information provided it is concluded that the application does not demonstrate an agricultural justification for the development. In the absence of this the development would represent unwarranted encroachment into the countryside contrary to the aims of policies DS1 and DME1.

Character and appearance

43. The contained and caravan on site appear to have been erected and sited respectively without the benefit of planning permission. Vehicles also appear to be stored on the land. The track has also been installed without the benefit of planning permission. Prior to the unauthorised development on the site, the land was essentially a field and likely part of a wider holding.
44. The application proposes to retain the access track which without justification would have an unnecessary visual impact in an otherwise open field. The Applicant advised that they have over sown the track with grass seed but no significant growth was seen during a recent site visit. In addition, if a hard surfaced access is required, there appears to be no reason for it to be as wide as currently provided.
45. The proposed building would be sited to the rear and in the corner of the field. There is very limited information provided on the proposed materials or finishes for the building. However, subject to an appropriate colour finish there would be a limited visual and landscape impact. Nevertheless, without a justification the proposal would be an unwarranted intrusion in the landscape and result in a degree of harm contrary to policies GSP3 and DME1.

Amenity

46. Given the location of the building, and distance to neighbouring properties the development would be unlikely to harm the residential amenity of any neighbouring property or neighbouring land use.

Highway Safety

47. Concern has been raised that the access is not safe for a commercial enterprise. The initial development proposals included visitors, employees, customers, deliveries, volunteers, children and animal transport coming to the site. This was also considered to add a considerable risk to the houses opposite, where the driveway is immediately opposite the field entrance.
48. The Local Highway Authority raised similar concerns but the Applicant has since amended the nature and scale of the operations. To this end, the Local Highway Authority has advised of no objection to agricultural operations subject to conditions relating to the access.

Ecology

49. It has been advised that badgers and great crested newts are in the area. The proposed development would not affect any trees nor be a type of development or sited in a location which would normally require protected species survey. The Authority's Ecologist has been consulted and no objection has been received to date.
50. Therefore, on the basis of the information provided there is no evidence to suggest that the development would harm protected species or their habitat. The development would not harm any designated sited.
51. At the time of the submission of the planning application, there was no statutory requirement for development to achieve a net gain in biodiversity.

Archaeology

52. The Authority's Archaeologist has advised that there should have been the submission of an archaeological desk based assessment in accordance with the requirements of NPPF para.194. However, it is noted that this is a retrospective application and that works to create the track could have resulted in harm to archaeological features, the nature and significance of which cannot be assessed at this stage.
53. It is advised that further works and development at the site should not take place without the necessary archaeological assessment to understand the archaeological implications. The purpose of a desk based assessment is to gain an understanding of the historic environment resource, and the archaeological sensitivity of a site, in order to formulate as required:
- an assessment of the potential for heritage assets to survive within the area of study;
 - an assessment of the significance of the known or predicted heritage assets;
 - strategies for further evaluation (intrusive and non-intrusive) where the nature, extent or significance of the resource is not sufficiently well defined;
 - an assessment of the impact of proposed development or other land use changes on the significance of the heritage assets and their settings;
 - strategies to conserve the significance of heritage assets, and their settings (CIfA 2020).

It is advised that this assessment needs to be carried out prior to determination or as a condition of any planning permission. Given the concerns about the principle of the proposal, archaeological assessments have not been requested at this stage.

Sustainability

54. The applicant has advised of various measures to seek to reduce the carbon footprint attributed to the development. However, as these are not made specifically to the revised development proposal, it is considered reasonable that if permission were granted a condition be attached to require details to be submitted and approved to meet the requirements of Policy CC1 of the Core strategy and guidance contained in the Climate Change and Sustainable Building Supplementary Planning Document.

Comments on matters raised

55. There have been several matters raised with regard to the mobile home, caravan, container and vehicles parked on the site. These do not form part of the planning application and would be separate matters to be assessed and addressed through the planning enforcement process.

Conclusion

56. In the absence of clear proposals for the use of the field there is no agricultural justification for the erection of an agricultural building in this location for the purpose of microgreens production. The proposed building and access track without justification would be unwarranted development that would harm the character and appearance of the area and the landscape.
57. The proposed development is therefore considered to be contrary to relevant policies in the development plan. In the absence of any further material considerations the application is recommended for refusal.

Human Rights

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

List of Background Papers (not previously published)

Nil

Report Author and Job Title

Gareth Griffiths – Planner – South Area

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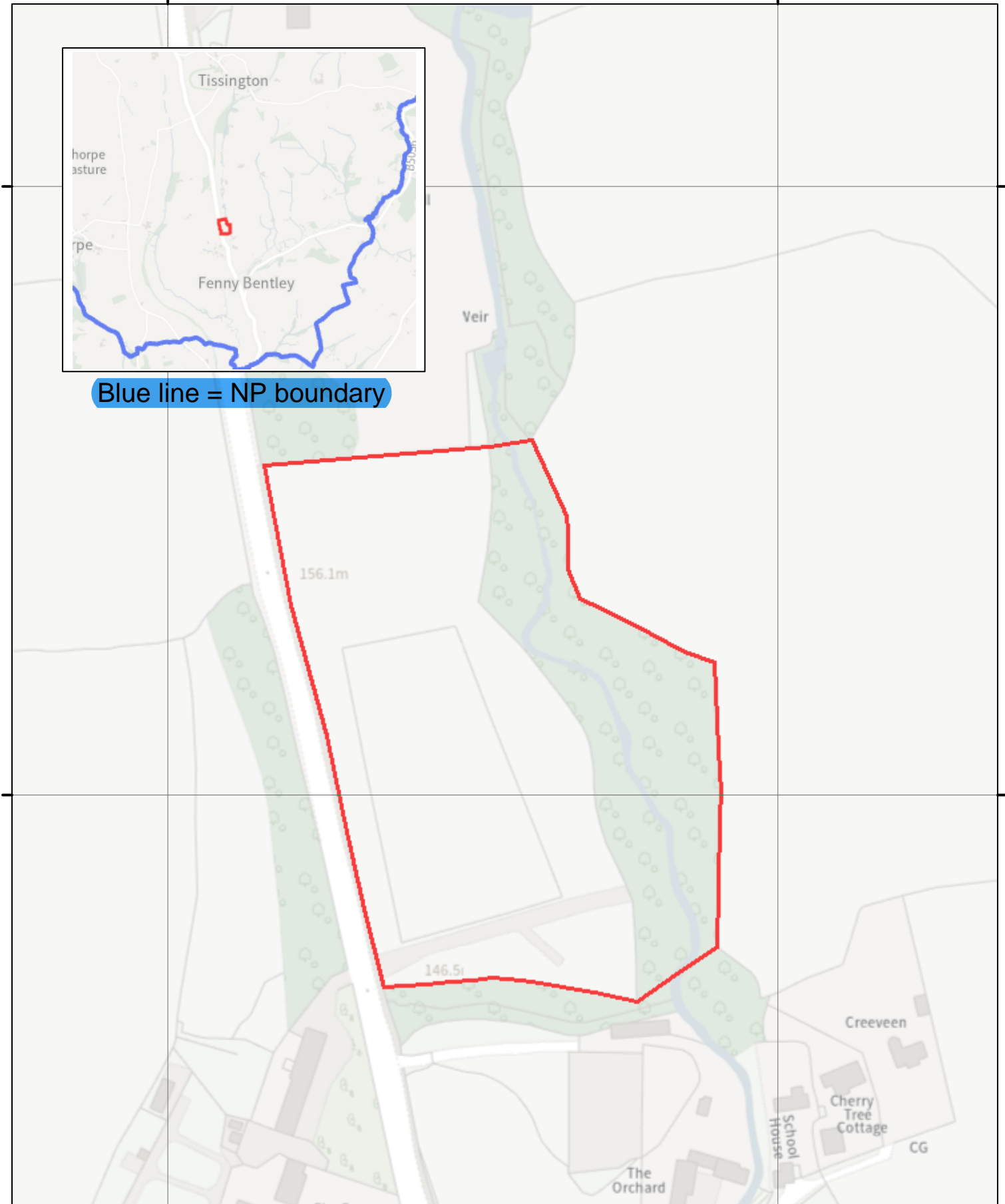
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Blue line = NP boundary

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Firs Wood meadow, Fenny Bentley

Item no. 11
 Application no. NP/DDD/1222/1611
 Committee date: 09/08/2024

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 Scale: 1:1,654 at A4 pagesize
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12. FULL APPLICATION - FOR THE CHANGE OF USE FROM HOLIDAY LET TO DWELLING WITH SINGLE STOREY BEDROOM EXTENSION AT NIELD BANK BUNGALOW, BUXTON ROAD, QUARNFORD (NP/SM/0624/0601 GG)

APPLICANT: MRS. K. KIDD

Summary

1. The application is for the change of use from holiday let to dwelling with single storey bedroom extension.
2. The application is recommended for refusal as there has been no clear proposal for the dwelling to be an affordable dwellinghouse. In addition, the proposed extension would harm the character and appearance of the building and there are concerns with respect to the distance of the extension to conservatory to the neighbouring dwellinghouse and the potential for impact on privacy.

Site and Surroundings

3. The application building which is a holiday let, and the adjacent house also owned by the applicant and rented out privately, are in an isolated location in upland fields to the east of the A53. The nearest settlement to the site is Flash which is approximately 0.5 miles to the north west.
4. Access to the site is via a surfaced track of approximately 460m length from the gateway adjacent to the main road (A53). The access is a winding, single lane track which is steep in places and has a steep drop to the valley below. Close to the A53, the access road passes through an area of bell pits, which were a primitive method of mining minerals.
5. The definitive line of a public footpath (FP Hollinsclough 0.1762) runs between the dwellinghouse and the holiday let and joins with a public footpath immediately to the south (FP Hollinsclough 16).

Proposal

6. The proposal is to change of use of the building from a holiday let to dwelling, to include a single storey extension to provide for a further bedroom.

RECOMMENDATION:

7. **That the application be REFUSED for the following reasons:**
 1. **The proposed market dwelling is not required to achieve the conservation or enhancement of a valued vernacular or listed building and therefore is contrary in principle to Core Strategy policies DS1 and HC1.**
 2. **The proposed extension would harm the character and appearance of the existing building and the local area contrary to Core Strategy policies GSP2, GSP3, L1 and L3, Development Management policies DMC3, DMC5 and DMC10 and the Authority's adopted design guidance and conversions supplementary planning documents.**
 3. **The proposed development would introduce a window facing the existing neighbouring dwelling house. Intervesibility between these windows would result in harm to the residential amenity of the occupants of the neighbouring property**

and the proposed development contrary to Core Strategy policy GSP3 and Development Management policy DMC3.

Proposal

8. The change of use of the building to a market dwelling and a single storey extension to provide an additional bedroom.

Key issues

- Whether the change of use of the holiday accommodation to an open market dwellinghouse is acceptable in principle
- Whether the proposed change of use will impact on the character and appearance of the landscape
- Whether the extension will impact on the character and appearance of the building and the wider landscape setting
- Whether the amenity of occupiers of the neighbouring dwellinghouse will be impacted upon.

History

2003 - SM0903106 Conversion of redundant farm building to holiday cottage – Granted.

1994 - SM0594051 Formation of surfaced access track – Granted

Consultations

9. Staffordshire County Council (Highway Authority): No objection.
10. Staffordshire County Council (Public Rights of Way): No objection.
11. PDNPA Archaeology: No comment.
12. Parish Council:
 - unanimous in the support of the application
 - the applicant is a wise and well-established member of the community and, whilst recognising that this is not a material consideration, the proposals have been seriously considered by the applicant over a long period of time
 - commenced with the holiday accommodation 20 years ago when hidden deprivation in the countryside was being better understood – Flash was singled out as a case study for such in 1991
 - as a holiday let, could be considered a perfect hideaway location but economic success has only been partial
 - holiday let is typically closed to visitors between October and March due to altitude and weather conditions
 - has mainly attracted couples and a lot of effort and energy is expended in preparing the holiday for frequent changes in visitors
 - familiar with the Flash villagers' opinion that there are too many holiday lets
 - reflect on applicant's current circumstances
 - has the potential to become a permanent dwelling and with an additional bedroom it could meet a wider range of needs
 - potential to provide a home for someone in genuine need in the Parish
 - aware of local families striving to enable their young to remain in the local area

- young people across the Moorlands have a strong sense of place and identity and save hard to remain within it - aware that that they live in local towns but would like to return and would not be deterred by the building's isolation
- concepts of self-help and mutual support are tremendously strong in the Moorlands
- extension would be in harmony with the neighbouring property and would not have a negative impact on the landscape
- climate change statement is a thoughtful report
- with reference to page 15 of the Development Management Plan, the planning application would foster the economic, social and emotional wellbeing of the applicant and that of her extended family across the generations within the Moorland community.

Representations

13. During the consultation period, the Authority has received two formal representations from a resident of Flash and a resident of Upper Hulme who support the proposed development. The comments include:

- have witnessed changes in the village over the last thirty years
- applicant has made several properties available to rent over the years
- community severely affected by number of holiday lets and knock on effects
- school has closed and dwindling numbers attending church
- transient nature of holiday lets means vibrancy is lost and community spirit declines
- if there are not a proportion of people living in the National Park, then it becomes a less attractive place to visit
- already have an increasing number of day visitors which impacts on parking and access
- due to lack of residents have difficulty recruiting responders/helpers
- already have four campsites, numerous bunkhouses, holiday lets and AirB&B's in the area
- in 1990's four local houses built in Flash which shows local need for houses
- expansion of town and cities shows need for more houses
- why are residential units that are already available not being used as such rather than destroying areas with holiday lets and second homes
- now time to consider if the practice of attaching caveats to the use of properties as holiday accommodation is wise when people need to live in the village and what better way than to make available an existing property that simply can be given over to residential let.

Main Policies

14. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC1, CC5, L1, L3 and HC1

15. Relevant Local Plan policies: DM1, DMC1, DMC3, DMC5 & DM10

16. National Planning Policy Framework

Wider Policy Context

17. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
- When national parks carry out these purposes they also have the duty to:

- Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

18. The National Planning Policy Framework (NPPF) replaced a significant proportion of central government planning policy with immediate effect. A revised NPPF was published in December 2023. 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.
19. Paragraph 182 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
20. Paragraph 84 clearly states that planning policies and decisions should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - (a) meeting an essential need;
 - (b) ensuring the longevity of a heritage asset by allowing a viable use;
 - (c) the development would re-use redundant buildings and enhance its setting;
 - (d) the development would involve the subdivision of an existing residential building; or
 - (e) the design is of exceptional quality.
21. Paragraph 209 of the NPPF states that where the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Peak District National Park Core Strategy

22. GSP1 & GSP2 - *Securing National Park purposes and sustainable development & enhancing the National Park.* These policies set out the broad strategy for achieving the National Park's objectives, and 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
23. GSP3 - *Development management principles.* This 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.

24. CC1 – *Climate change mitigation and adaptation*. This requires all development to make the most efficient and sustainable use of land, buildings and natural resources to achieve the highest possible standards of carbon reductions.
25. CC5 – *Flood risk and water conservation*. This advises that development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.
26. L1 - *Landscape character and valued characteristics*. This states that all development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
27. L3 - *Cultural heritage assets of archaeological, architectural, artistic or historic significance*. This states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.
28. HC1 - *New housing*. This states that provision will not be made for housing solely to meet an open market demand, and sets out the exceptional circumstances where new housing can be accepted in open countryside.

Local Plan Development Management Policies

29. DM1 - states that when considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development and work proactively with applicants to find solutions that are consistent with National Park purposes.
30. DMC3 - *Siting, design, layout and landscaping*. This states that where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
31. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their settings*. This advises that applications for development affecting a heritage asset, which can include a non-designated heritage asset, must clearly demonstrate its significance and how features of value will be conserved and, where possible, enhanced and why the proposed development and related works are desirable or necessary. It is also advised that development of a non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of the asset and that the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the non-designated heritage asset.
32. DMC10 – *Settlement limits*. DMC4 (B) states that development that is separated from existing settlements will not be permitted as it is likely to result in pressure to infill intervening gaps.

Supplementary Planning Guidance

33. The PDNPA Design Guide refers to the principles of good design and designing in harmony with the local building tradition. However, this must only be applied where a development is otherwise justified by other policy criteria.

34. The Conversion of Historic Buildings SPD is also relevant. It is appreciated that the barn has already been converted to a holiday let, but the parameters by which such buildings are permitted to be converted are nevertheless important in considering any proposals to extend them.

Assessment

Principle

35. The site is located in an isolated location in open countryside where policy HC1 of the Core Strategy states that provision will not be made for housing solely to meet open market demand. The building has been converted and is occupied as holiday accommodation and this use has conserved the building. There is therefore no requirement for the building to be used as a market dwelling.
36. The use of the building as a permanent dwelling therefore could only be acceptable where it is required to address eligible local needs or to provide accommodation for key workers in agriculture, forestry or other rural enterprises. This reflects national policy set out in paragraph 84 of the NPPF.
37. Whilst the applicant has advised that the dwellinghouse would provide for person(s) or a family to live locally to other family members the application is for a market dwelling not a local need affordable dwelling to meet local need. As such, the proposal fails to meet with the aim of Policy HC1(A) of the Core Strategy. In addition, whilst the Applicant advises that there is an over proliferation of holiday accommodation in the National Park, there is no evidence presented as to that being the case nor any evidence that the holiday accommodation is not viable.
38. The principle of the proposal is therefore contrary to the provisions of the development plan and national policy set out in the NPPF.
39. Officers have discussed the policy position with the agent and suggested consideration be given to re-submitting with an application for an affordable dwelling to meet local need, if this can be justified. However, the applicant has requested the application be determined as submitted.

Character and appearance

40. Whilst the site is in a relatively isolated location, it is situated at the junction of two public footpaths, one of which, according to the definitive map, runs between the application building and the adjacent dwellinghouse, albeit this footpath is not apparent on the ground. It also appears from the definitive map that the proposed extension may encroach over, or certainly be close to, this footpath and the development proposals would be highly visible from this public domain within the landscape.
41. The application building could be considered to be a non-designated heritage asset and it contributes to the landscape in association with the farmhouse and its isolated rural setting. Policy L1 of the Core Strategy advises that development must conserve and enhance valued landscape character and valued characteristics of the National Park. Policy L3 deals with cultural heritage assets of historic significance, and states that development must conserve and where appropriate enhance or reveal the significance of architectural or historic assets and their settings.

42. One of the key principles is that a conversion scheme should work with the existing form and character of the building. This is reflected upon in the Authority's Conversion of Historic Buildings SPD. Paragraph 5.7 advises that the existing form, scale and character of the historic building and its site will guide the design in any conversion scheme. Paragraph 5.8 adds that most farm buildings are generally simple and functional in their form, shape and design and use local materials and simple detailing. They typically have long and uninterrupted roofs and a higher ratio of blank walling to openings.
43. Given the above, it is considered that the extension proposed to the building would significantly harm its underlying character and appearance as a former traditional agricultural building. The building is of traditional materials and has a simple linear form and the proposal to create a L-shaped building would significantly harm that traditional character and appearance. Had such a proposal been put forward at the time at which the barn was converted to a holiday let, it is unlikely that this would have been acceptable, as is considered the case with the current proposal.
44. There are also matters of detail, such as the large window set in the gable end of the proposed extension which would serve to domesticate the appearance of the building, where such domestication is considered to be currently understated. It is appreciated that this could be addressed with the insertion of a more modest window, more typical of those in the existing building. However, the use of matching materials would also serve to suppress the original form of the building, to present a falsified/ fabricated appearance to the traditional building.
45. In addition to the above, the use as a dwellinghouse is more likely to have a more managed garden than is the case for the property being used as a holiday let; the garden is currently just managed grass with some areas of hardstanding. There is also the likelihood, if the building were used as a dwellinghouse, that domestic paraphernalia would become more evident; such interventions would serve to domesticate the setting of the building and erode the character and appearance of the natural landscape and it would be difficult to control and monitor such intrusions through conditions on any grant of planning permission.

Amenity Impacts

46. There is a dwellinghouse with conservatory windows facing towards the application building opposite. The dwellinghouse would be some 10m from the nearest window proposed in the extension to the application building. Whilst there is a slight change in levels between the two buildings, it is considered that the proposed interrelationship would lead to a greater impact on the amenity of occupiers of the existing dwellinghouse than currently exists, where the nearest facing window is smaller than that proposed in the extension and some 14m away. In addition, the existing window serves a bathroom rather than a bedroom as proposed.
47. The occupiers of the existing dwellinghouse could be currently impacted upon by users of the holiday let, but this would have likely have been to their knowledge when they chose to rent the property. Whilst permanent residents may not have the same impact as holiday makers, this may not necessarily be the case. In this regard, there are considered to be no significant benefits to having persons living in the building as opposed to visitors coming to the building, which would also be limited in the winter months as advised by the Applicant.

Highway Matters

48. The proposal would utilise an existing access and there is considered to be no highway safety concerns in using the building as a dwellinghouse instead of a holiday let given that each use could generate a similar level of comings and goings from the site by vehicles. Whilst familiarity with the access as a result of living in a dwellinghouse may be beneficial

compared to initial unfamiliarity with the access by users of it as a holiday let, the danger to human health has not been clearly evidenced or quantified and, in any event, this does not override the concerns detailed above.

Public Footpath

49. There would appear to be an impact on the definitive route of a public footpath. Staffordshire County Council (Public Rights of Way) has considered the application and advise that although the proposed extension is quite close, it wouldn't warrant a diversion under Section 257 of TCPA as it is deemed unnecessary for the development to proceed. However, it appears from aerial photography that Public Footpath Nos. 0.1762 and 16 Hollinsclough are both obstructed by boundary treatments, although it doesn't seem they will be further impacted by this development.
50. To this end, it is advised that this will be referred to one of the Rights of Way Officers to visit and it is requested, if planning permission be granted, that notes are attached to the decision notice advising of the definitive rights of way and that they should not be obstructed.

Sustainability

51. Policy CC1 requires development to make the most efficient and sustainable use of land, buildings and natural resources in order to build in resilience to and mitigate the causes of climate change. To this end, the Applicant has submitted a Climate Change Statement to address such matters.
52. The Applicant advises that the proposed alterations would be designed using a 'fabric first' approach, prioritising design and construction to improve thermal performance and reduce the need for energy. The proposed alterations would be designed and constructed to meet and exceed the current Building Regulations Part L requirements as follows:
 - all construction materials and finishes to have low environmental impact where possible.
 - all construction materials and finishes to be locally sourced where possible
 - all timber will be FSC certified
 - materials will be sourced as locally as possibly
 - energy efficient low-E glazing to be used.
 - construction labour to be sourced locally where practical to do so to avoid excessive journeys
 - achieving the highest possible standards of water efficiency in all development - the water supply to the existing bungalow is from a mains supply
 - low use, water-conserving fittings for taps and sanitaryware to be used throughout the development.
 - provide water butts to collect storm water from the roof for use watering plants, etc in the garden during summer months when rainfall is more infrequent.
 - install a water meter to help detect leaks and discourage waste.
53. The proposed extension would be built using a modern cavity wall construction, with concrete blocks to form the inner leaf, which will provide a heat buffer or thermal mass to store heat in the walls during winter. The roof of the proposed extension would be insulated to the standards of the current regulations to minimise heat escaping through the roof as it rises. The existing windows are uPVC units but could be replaced with a like-for-like design, modern gas filled double glazed alternative to match the units proposed to be installed in new window openings, in order to provide better thermal insulation. The proposed development would have a thermal efficiency that exceeds the minimum for building regulations and consideration to the fabric of the building will reduce the need for energy.

54. It is advised that an A rated LPG or oil-fired boiler can be installed to run a very efficient heating system and the whole building will be well air sealed to create an energy efficient dwelling. The property currently has storage type heaters for the lounge and kitchen, and warm air blowers for the kitchen and bathroom. Replacing these with a central heating system would be more economical to run. The property may benefit from the installation of a wood burning stove to provide heating from a renewable source.
55. As the proposed dwelling would be located in quite an isolated site, the Applicant considers that it wouldn't have many passers-by. In this respect, the Applicant believes that, whilst roof mounted PV panels can detract from the overall appearance of a property, in this instance they consider it unlikely to cause any issue. The building is orientated with the ridge running north/south, so it would need panels of both planes of the roof to maintain electricity generation throughout the day.
56. To this end, the Applicant advises that the construction of the extension would offer a south facing roof plane to provide a more consistent electricity supply. The use of air source heat pumps is an alternative to gas or oil in rural locations and are an economical source of heating. The rural location means that the power supply to the site may be limited and the electricity requirement for the heat pump may exceed what is available to the site without an expensive upgrade.
57. There are clear intentions to mitigate against climate change in the manner in which the building is proposed to be extended and adapted, to make it more energy efficient, and the measures suggested could be secured with conditions on any grant of planning permission.

Drainage and Flooding

58. The site is not within a flood risk zone and is on sloping ground which removes all risk of it flooding. Whilst additional roofscape is proposed, the run-off from such can be addressed through an appropriate SuDS system which would need to be Building Regulations compliant.

Conclusion

59. Justification can be made to convert buildings to dwellings where this would mean that their contribution to the landscape would be preserved and, when away from settlements, they can be needed to address local housing need. However, the building has already been successfully converted to use as a holiday let and there is no clear justification as to why this should now become an open market dwellinghouse.
60. Whilst there are clear intentions to address the carbon footprint of development, in the manner in which the building is proposed to be extended and adapted to mitigate against climate change, this does not override the physical harm proposed to a building that retains much of its traditional character and appearance. This harm would be of detriment in the wider landscape and very apparent to passers-by using the public footpath network.
61. The existing dwellinghouse would be some 10m from the nearest window proposed in the extension to the application building. Whilst there is a slight change in levels between the two buildings, it is considered that the proposed interrelationship would lead to a greater impact on the amenity of occupiers of the existing dwellinghouse than currently exists.
62. Given the above, it is considered that the proposals fail to meet with the strategic aims of local and national policies and in the absence of any further material considerations the application is recommended for refusal.

Human Rights

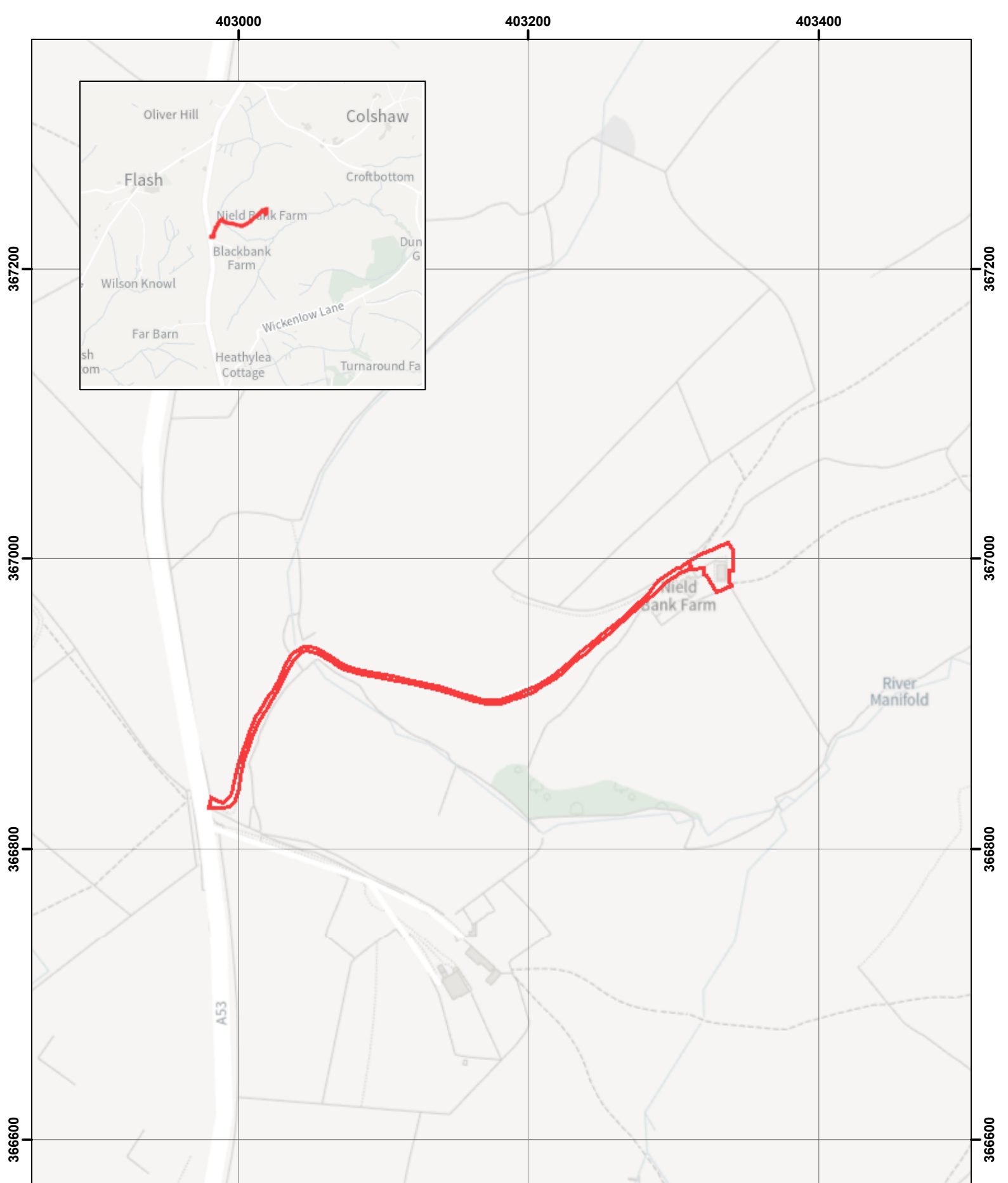
Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

Report Author and Job Title

Gareth Griffiths – Planner – South Area



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Neild Bank Bungalow, Buxton Road, Quarnford

Item no. 12
 Application no. NP/SM/0624/0601
 Committee date: 09/08/2024

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13. FULL APPLICATION – CONVERSION TO A SINGLE DWELLING AT SAFARI QUIP, THE STONES, CASTLETON (NP/HPK/0324/0297, WE)

APPLICANT: MR JULIAN MCINTOSH

Summary

1. This application seeks full planning permission to convert a former outdoor goods store into a 2-bedroomed open-market dwellinghouse.
2. As the property's previous use was an outdoors shop providing walking, leisure, and camping and equipment, it is not classed as a community service or facility. Accordingly, there is no presumption in policy against converting it into an alternative non-community use subject to it being in compliance with other policies within the development plan.
3. The property is believed to be mid 19th century and was historically associated with the adjacent former Peveril Hotel (originally known as the Shipp Inn). While it has been altered over time, it is considered to contribute to the Castleton Conservation Area, and is a formative building in the village's historic core. It is therefore deemed to be a non-designated heritage asset.
4. Policy HC1 and DMC10 permit the conversion of heritage assets into open-market dwellings subject to their conversion being necessary for the conservation and enhancement of the building. The scheme proposes several alterations to the historic fabric, but on balance it is considered that the proposed conversion would conserve the significance of the heritage asset and the setting of the Conservation Area.
5. The applicant is therefore recommended for approval subject to conditions.
6. **NB:** At the time of writing this report, the Authority has not received the amended plans showing the glazed windows to the rear of the property and the boundary wall to the terrace. The planning agent has confirmed that these plans will be received before the planning committee meeting. This report has been written on this basis.

Site and Surroundings

7. Safari Quip is located on The Stones in the south of Castleton, close to the visitor entrance to Peveril Castle. The property is constructed from random coursed limestone with gritstone quoins and surrounds under a blue-slate roof. The structure is linear in form and fronts directly onto The Stones, a narrow street which runs east-west through the village.
8. The property has been altered over time, including the insertion of large window openings on the eastern gable end of the building which faces the Market Place, the painting of the lintels on the front elevation black, the relocation of the rear door and the introduction of shop signage. The ground floor windows on the front elevation have also been replaced with single-paned shop windows.
9. The only outside space associated with the building is a small triangular area of hardstanding adjacent the eastern gable end and a small yard area at the western end which is raised from The Stones and accessed from the first-floor level.
10. The property is in the Castleton Conservation Area and adjacent to several listed buildings including the grade II listed Castle Close Cottage to the south and the grade II

listed Castleton Hall to the north. The surrounding buildings are largely in residential use.

11. As noted, the extant use of the site is a shop, most recently having been used as an outdoor equipment shop which ceased trading in 2018.

Proposal

12. This application seeks full planning permission to convert the shop into a two-bedroom property.
13. Proposed external alterations to the property include the removal of the existing windows and replacement with timber sliding sash windows. It proposes to introduce a stone mullion to bisect the two first floor window openings and introduce new small paned side-hung casement window frames. The ground floor horizontal window frame below would be removed and the opening infilled.
14. The application proposes to alter the openings on the front elevation of the property. It would change the central window to form a doorway, then convert the two existing doorways to create windows to match the adjacent windows.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. Statutory 3-year time period for commencement of development**
- 2. In accordance with specified amended plans.**
- 3. Prior to its construction on site, the precise detailing, including the gate, materials, coursing, pointing and coping, of the southern boundary wall to the terrace shall be submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in strict accordance with the approved details and maintained without alteration throughout the lifetime of the development.**
- 4. Prior to occupation of the approved dwelling, the obscured glazing to the rear windows and new southern boundary wall to the terrace shall be installed and constructed on site and shall be maintained free from alteration for the lifetime of the development.**
- 5. Prior to the infilling of the gable end window and the partial infilling of the opening on the principal elevation, a sample of limestone and mortar shall be submitted to and approved in writing by the National Park Authority. Thereafter, the proposed development shall be carried out in strict accordance with the approved details.**
- 6. Prior to the alterations to the door openings onto The Stones, a plan shall be submitted to and approved by the Authority showing the masonry infill being butt jointed to the existing stonework i.e. not be toothed into the existing masonry and retaining in-situ the former door jambs below the window opening.**
- 7. Prior to their installation, the specification of the roof lights (which shall be true 'heritage conservation' models) shall be submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be**

carried out in strict accordance with the approved details.

- 8. Prior to its installation, the specification of the door on the front elevation of the property shall be submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in strict accordance with the approved details.**
- 9. The new door on the rear elevation shall be vertically boarded timber.**
- 10. The windows shall be finished in off-white unless an alternative colour is first agreed in writing by the National Park Authority.**
- 11. The windows and doors shall be recessed no less than 100mm from the external face of the wall.**
- 12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, (or any order revoking and re-enacting that order) no alterations, extensions, outbuildings or boundary treatments whatsoever (other than those approved by this permission) shall be erected on the site without the National Park Authority's prior written consent.**

Key Issues

- Principle of development;
- Design and impact on heritage assets;
- Residential amenity;
- Other matters.

History

15. 2019 – Application for Change of use from A1 shop to for 2 holiday lets – Withdrawn following unfavourable comments from planning officer.
16. 2020 – Application for Change of use from A1 shop to for 2 holiday lets – Refused on three grounds:
 - Insufficient marketing evidence;
 - Insufficient viability information;
 - Design and amenity grounds.
17. 2021 - GDO Notification - Single self-contained flat to be established across the whole first floor of the two-storey building. Ground floor to be retained in its entirety in Use Class E (presently retail) – Agreed, Prior approval not required.

Consultations

18. PDNPA Policy Team – Advised that policy HC4 and DMS2 do not apply in the determination of this application. Also noted that the proposed dwelling is for a dwelling which could be of more benefit to the community than the proposal in 2021 for two - holiday lets.
19. Derbyshire County Council Highways Authority - There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.
20. Castleton Parish Council – Object on the following grounds:
 1. Insufficient marketing evidence;
 2. No provision for car parking;

3. The proposed terrace to the west could significantly impact on the privacy of neighbours;
4. Impact of the proposed development on the amenity of neighbouring properties, advising that the impact of the shop on neighbours has been limited between working hours. The change of use would result in a greater disturbance to neighbours.
5. Would welcome an affordable, local needs dwelling.

Representations

21. 6 representations were received during the determination of the application.
22. 2 representations objected to the application, citing the following concerns:
 - Loss of residential amenity to the immediate neighbours. The neighbours have become accustomed to the site being used as a shop, and the introduction of permanent neighbours would have a negative impact on their privacy. Suggested a 2m high wall to the southern boundary of the garden terrace with a boarded garden gate to preserve the privacy of the residents to Castle Close Cottage.
 - Further loss of amenity if the property were to be let as a holiday-let. If the property was let out as a short-stay holiday cottage, it would generate more movements across the site by virtue of the comings and goings. Short-stay guests may also generate more noise and disturbance.
 - Concern that the marketing exercise has not been thorough and the property did not appear on marketing agents' websites. In particular, concern over the property being advertised at too high a price.
 - The conversion would contribute to further parking issues on an already constrained section of the village.
23. One representation was a general comment, making the following observations:
 - Support the principle of housing, but concern over the property being rented out as a holiday-let when there are families who wish to live in the village;
 - Insufficient parking across Market Place;
 - Application needs to ensure that the amenity of residents is safeguarded.
24. 2 representations supported the application for the following reasons:
 - Site has been vacant for 6-years, contributing to its deteriorating state of repair. The change of use is acceptable in light of the non-viability commercial property.
 - Conversions are sympathetic with the age and location of the property.

National Planning Policy Framework (NPPF)

25. 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.
26. The National Planning Policy Framework (NPPF) has been revised (2023). 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 182 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.

27. 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.

Relevant 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. DS1 - *Development Strategy*. Sets out that most new development will be directed into named settlements. Taddington is a named settlement.
31. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.
32. L3 – Cultural heritage assets. Seeks to ensure all development conserves and where appropriate enhances the significance of any heritage assets. In this case the Bradwell Conservation area is the relevant heritage asset.
33. Policy CC1 states that development must make the most efficient and sustainable use of land, buildings and natural resources.
34. Policy HC1 – *New housing*. States that provision will not be made for housing solely to meet open market demand. Exceptionally, new housing can be accepted where:
- In accordance with core strategy policies GSP1 and GSP2:
 - i) it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or
 - ii) it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.
- Any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:
- iii) it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
 - iv) it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution¹⁰² will be required towards affordable housing needed elsewhere in the National Park.

35. Policy HC4 – *Provision and retention of community services and facilities*. States that proposals to change the use of buildings or sites which provide community services and facilities including shops and financial and professional services to non-community uses must demonstrate that the service or facility is:
- i) no longer needed; or
 - ii) available elsewhere in the settlement; or
 - iii) can no longer be viable.

Wherever possible, the new use must either meet another community need or offer alternative community benefit such as social housing. Evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.

Development Management Policies

36. Policy DMC1 – Conservation and enhancement of nationally significance landscapes. In countryside beyond the edge of settlements listed in DS1, any development with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan.
37. DMC3 – *Design*. 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.
38. Policy DMC5 – *Development affecting a heritage asset*. Planning applications for development affecting a heritage asset, including its setting must clearly demonstrate: (i) its significance including how any identified features of value will be conserved and where possible enhanced; and (ii) why the proposed development and related works are desirable or necessary. Policy DMC8 states that applications for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through the area, should assess and clearly demonstrate how the character or appearance and significance of the Conservation Area will be preserved or enhanced.
39. Policy DMC8 – *Development in a conservation area*. Policy DMC8 requires development in a Conservation Area to assess and clearly demonstrate how the character or appearance and significance of a Conservation Area will be preserved or enhanced.
40. Policy DMC10 – *Conversion of a heritage asset*. This policy states:
- a) Conversion of a heritage asset will be permitted provided that:
 - i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
 - ii) the building is capable of conversion, the extent of which would not compromise the significance and character of the building; and
 - iii) the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves or enhances the heritage significance of the asset, its setting (in accordance with policy DMC5), any valued landscape character, and any valued built environment; and
 - iv) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.

- b) Proposals under Core Strategy policy HC1CI will only be permitted where:
- i) the building is a designated heritage asset; or
 - ii) based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and
 - iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and, where appropriate, the enhancement of the significance of the heritage asset and the contribution of its setting.
41. Policy DMS2 - *Change of use of shops, community services and facilities*. Where an applicant is seeking change of use from a shop or a community service/facility to a non-community use, evidence of reasonable attempts to sell or let the shop or community service/facility as a going concern must be provided including:
- evidence of a thorough viability assessment and a marketing exercise with a commercial property agent, sustained over at least 12 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing; and
 - evidence of marketing of the property through the Economic Development Team of the appropriate local authority for at least 12 months; and
 - details of contact made with the Town Council, Parish Council or Meeting and other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to an up to date Housing Needs Survey prepared by or in consultation with the district authority as Housing Authority.

Supplementary Guidance

42. The Conversion of Historic Building SPD outlines additional detailed guidance on how to carry out sensitive and conservation-led development on historic buildings.

Assessment

Principle of Development

43. The development site was most recently used as an outdoors shop, catering predominantly to walkers and campers, before it ceased trading in 2018. The shop has been vacant since.
44. Policy HC4 sets out the presumption against the change of use of community services and facilities to non-community uses, but sets out the necessary justification for it. Policy DMS2 expands on this and sets out the circumstances where the change of use of shops, community services and facilities will be permitted, advising that viability and marketing evidence is required to evidence that the site is no longer viable or needed for another community use, and also states that landowners should provide detail of contact with the Town or Parish Council/Meeting to establish the local housing need or the parish or adjoining parish.
45. The supporting text for policy DMS2 sets out the services and facilities which shall be considered a 'community use' for the purpose of the policy. Community services and facilities include those within use *classes D1 and D2, local convenience shops (use class A1), financial and professional services (use class A2) and public houses (use class A4)*. For clarity, the majority of these uses now fall under class E, with some includes in class F and others now in a Sui Generis use.
46. As such, while the extant use of the property is a shop, it was not a local convenience shop or community service/facility for the purposes of policies HC4 and DMS2.

47. The development plan is silent on the change of use of non-community shops and services.
48. Notwithstanding the above, the property is a mid-19th century structure historically associated with the former Peveril Hotel to the north. It has been identified in the heritage statement as a 'formative' building in the evolution of the Market Square and Castleton Conservation Area.
49. As such, Officers recognise the building to be a non-designated heritage asset.
50. Policies HC1.C permits the conversion of 'valued vernacular' (non-designated heritage assets) into open market housing subject to it being necessary to achieve its conservation or enhancement. Policy DMC10 sets out the detailed criteria that conversions of heritage assets should follow.
51. Policy HC1.C(iii) advises that where a site is able to accommodate more than one dwelling unit should address an identified eligible local need and be affordable with occupation restricted to local people, unless it can be demonstrated to not be financially viable or would provide more homes than are needed in the parish and adjacent parish (a financial contribution would be made towards affordable housing elsewhere in this instance).
52. The application has been supported by a viability and financial assessment which has demonstrated that the site would be unable to provide affordable accommodation. While the supporting information is quite brief, it is considered commensurate to the size of the property and its ability to provide affordable units.
53. Accordingly, the principle of development has been established through policy HC1 and DMC10. The following sections of this report will assess whether the proposed conversion is acceptable on heritage grounds, and whether the proposed development would have an acceptable impact on the residential amenity of neighbouring properties.

Design and impact on heritage assets

54. The conversion of heritage assets into open market housing is accepted, subject to the conversion being necessary for the conservation and enhancement of the asset. Policy DMC10 expands on this, and sets out 4 criteria the development should comply with:
 - It can accommodate the new use without changes that adversely affect its character;
 - The building is capable of conversion;
 - The changes brought about by the new use, and any associated infrastructure, conserve or enhances the significance and setting of the asset;
 - The new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics.
55. Policies DMC5, DMC7 and DMC8 state that applications impacting heritage assets should demonstrate the building's significance, and advise how any identified features of value (including setting) will be conserved and where possible enhanced. It also requires justification to why the proposed development and related works are necessary or desirable.
56. The proposed conversion is predominantly internal, with the ground floor of the shop being converted into two large double-bedrooms with built-in storage and two en-suites. The first floor would be converted into a living space and kitchen with separate access through the existing first-floor door.

57. Externally, the application proposes to remove the ground floor window on the gable end and infill with matching masonry. This window is a modern intervention to the building, and is considered to detract from the building's significance through its unusual horizontal form and it weakening the solid-to-void ratio of the property's western gable.
58. This application proposes to install stone mullions in the two-remaining gable-end windows. At present, the windows further contribute to the weakening to the solid-to-void ratio of the property's western gable by virtue of their size and horizontal character. While there would be a preference to remove and infill one of the windows windows, the supporting Heritage Statement shows photographic evidence of vertical sliding windows on the western gable. It is felt that the introduction of a stone mullion helps reintroduce a vertical character to the openings, and is an improvement on the inappropriately wide existing ones.
59. The conversion proposes to remove all existing windows from the property, which are a mix of single-pane shop windows, casement and older sliding sash units, and replace them with timber sliding sash. The supporting heritage statement provides details of the historic windows were 16-pane, white timber sash units. As such, the introduction of such units would be an improvement to the current detailing of the property.
60. This application proposes alterations to the frontage of the property. There are currently 3 windows and 2 doors on the ground floor. This application proposes to change the two doors to form windows, and extend one window to form a central doorway. Officers are mindful that the advice in the Conversion of Historic Building SPD, which advises that 'every effort should be made to use existing openings to the full. Where appropriate, the interior layout of the proposed new use should be adopted to make best use of the existing openings.
61. Notwithstanding this, the guidance does advise that new openings "should harmonise with the existing openings' and outlines that the 'positioning of any new doors or windows should respect the existing distribution of openings, whether symmetrical or irregular'.
62. The alterations to the doors and windows would still conserve the overall arrangement of the openings on the principal elevation. The applicant has also confirmed that the infilled stonework below the windows would be set within the stonework of the wall, so it can be interpreted as an intervention to the property. Whilst this is welcomed the plans show the removal of all the historic stone door jambs in order to replace them with new jambs limited to just the window opening. This would reduce the future legibility of the change and is not necessary as the window frames could be installed with the door jambs left in place with just the raised opening section fitted with new stone and the reused door lintel. It is normal conservation practice to retain the former surrounds and insert new window frames within them; supported upon a new stone sill inserted between the stone jambs of the former door opening. In this case a condition is therefore suggested to agree the precise detail of a scheme to retain the door jambs and detail the new sill and stone infill in order to maximise retention of historic fabric and aid future legibility and any potential reversal.
63. On the whole, it is considered that the proposed amendments to the frontage are acceptable. The structure is non-designated, and has been altered heavily in the past, so the alterations to the frontage are considered acceptable when viewed in the context of the wider scheme.

64. The proposed development would find a viable use for a building which has remained vacant for over 6-years. It proposes several enhancements to the property, such as the much-improved window units and removal of the inappropriate first-floor window. Internally, the structure has been experiencing damp issues by virtue of it being split level so the rear wall of the ground-floor is essentially subterranean. The conversion of the building into residential use enables investment to ensure that the building has an appropriate finishing and internal treatment, further assisting in its ongoing conservation.
65. The building was historically associated with the former Peveril Hotel in an ancillary function, perhaps as a clubroom. The proposed development would re-introduce the single-plan form to the first floor of the building. There is limited evidence for the ground floor's original use; however, it was potentially a stable block. Notwithstanding this, the building has had a long-standing residential appearance. The scheme of conversion would not undermine its overall character, and the building would still be read as a mid-19th century traditional property in the street scene.
66. On this basis, it is considered that the proposed development would conserve the significance and setting of the non-designated heritage asset. It is therefore compliant with policies L3, DMC5, and DMC10.
67. The proposed development would have a very minor impact on the setting of the Castleton Conservation Area and adjacent listed buildings, Castle Close Cottage and Castleton Hall.
68. The removal of the signage, gable and window and introduction of more historically accurate window units would result in a small enhancement the setting of the conservation area; however, the scheme of works when taken as a whole would likely have a neutral impact on the Castleton Conservation Area and adjacent listed buildings as a result of its minor scale. It is therefore in compliance with policies L3, DMC5 and DMC8.

Residential Amenity

69. There are several residential properties in close proximity to the development site. The closest neighbours are Postern House and Castle Close Cottage to the south, and Castleton Hall to the north.
70. As typical with many historic cores in villages, the properties are located very close together. For instance, Postern House and Castle Close Cottage are only 5.5m away and Castleton Hall is only 6m to the north.
71. The proposed change of use would intensify the use of the site. While a shop would have many comings and goings associated with it, its use would largely be restricted between 09:00 – 17:00. As such, the impact of the proposed development on the residential amenity of neighbouring properties is a key consideration, with particular emphasis on their privacy.
72. The western window on the rear elevation of the property is almost directly opposite one of the ground floor windows of Castle Close Cottage. The eastern window is opposite a ground floor window belonging to Postern House. Accordingly, the glazing on the lower half of these windows are proposed to be obscure glazed. This would safeguard the privacy of the properties to the north.
73. Similarly, the proposed terrace to the west of the property would be directly opposite the lounge window of Castle Close Cottage. Without appropriate mitigation, this would

have an unacceptable impact on their privacy. Accordingly, this application proposes a 1.8m high stone wall with solid timber gate to form the southern boundary of the terrace. This would safeguard their privacy and also decrease the perceptible noise from the terrace. It is recommended that the precise details of the walling and gate are reserved by condition.

74. From the proposed terrace, there would be a small degree of overlooking into the garden of Castleton Hall; however, this would be from approximately 15m. As such, it is not considered to constitute an unacceptable impact on their privacy. In such a built-up village, a small degree of overlooking can reasonably be expected.
75. Subject to the wall and obscure glazing being constructed in complete compliance with the approved details and being installed before occupation of the property, the proposed development would not have a detrimental impact on the residential amenity of neighbouring properties. It is therefore compliant with policies DMH7.

Other matters

76. Some representations have raised concern over the lack of off-street carparking for the proposed conversion. Given the site's location in the centre of Castleton, it is acknowledged that many properties in built-up traditional villages do not have off-street carparking. The site is immediately next to Market Place which many guests and visitors use for on-street parking. In addition to this, it is unlikely that a 2-bedroomed property would generate a substantial amount of vehicle movements when compared to a specialist store. Derbyshire County Council, as the Highway Authority, have been consulted on this application and raised objections.
77. The proposed development does not propose any renewable energy supplies; however, it has been submitted with a Sustainability Statement which advises that the proposal will feature low energy fixtures, new double-glazed windows and new internal insulation. This is considered to be appropriate to the scale of development. Compliance with the measures are recommended to be controlled through a condition. It is therefore compliant with policy CC1.

Conclusion

78. The proposed conversion of the building into an open-market dwellinghouse is permitted in principle by of the building being identified as a non-designated heritage asset, and the most previous use of the building not being a community facility, as expressed through the supporting text for policy DMS2.
79. The proposed conversion is broadly in compliance with this Authority's adopted guidance on the conversion of heritage asset. While the retention of the existing openings on the frontage of the building would be preferred, it is acknowledged that the building has been altered over time and the proposed method for creating the altered openings would enable the legibility of the openings to be visible. As a non-designated heritage asset, it is recognised that these alterations are acceptable in the wider planning balance.
80. The proposed change of use and conversion would find a viable use for the historic building which has been vacant for over 6-years. It would also enable the necessary internal renovations necessary to ensure that further deterioration, such as water ingress, does not take place.
81. In addition to this, the proposed development would have a negligible impact on the setting and significance of the Castleton Conservation Area, and the setting of the

nearby grade II listed Castle Close Cottage and Castleton Hall.

82. Therefore, the proposed development is considered to be compliant with policies L3, DMC5, DMC7, DMC8, DMC10 and Chapter 16 of the NPPF.

83. Subject to strict compliance with the privacy measures, it is considered that the proposed conversion can take place without an unacceptable impact on the residential amenity of neighbouring properties.

84. This application is recommended for approval on this basis.

Human Rights

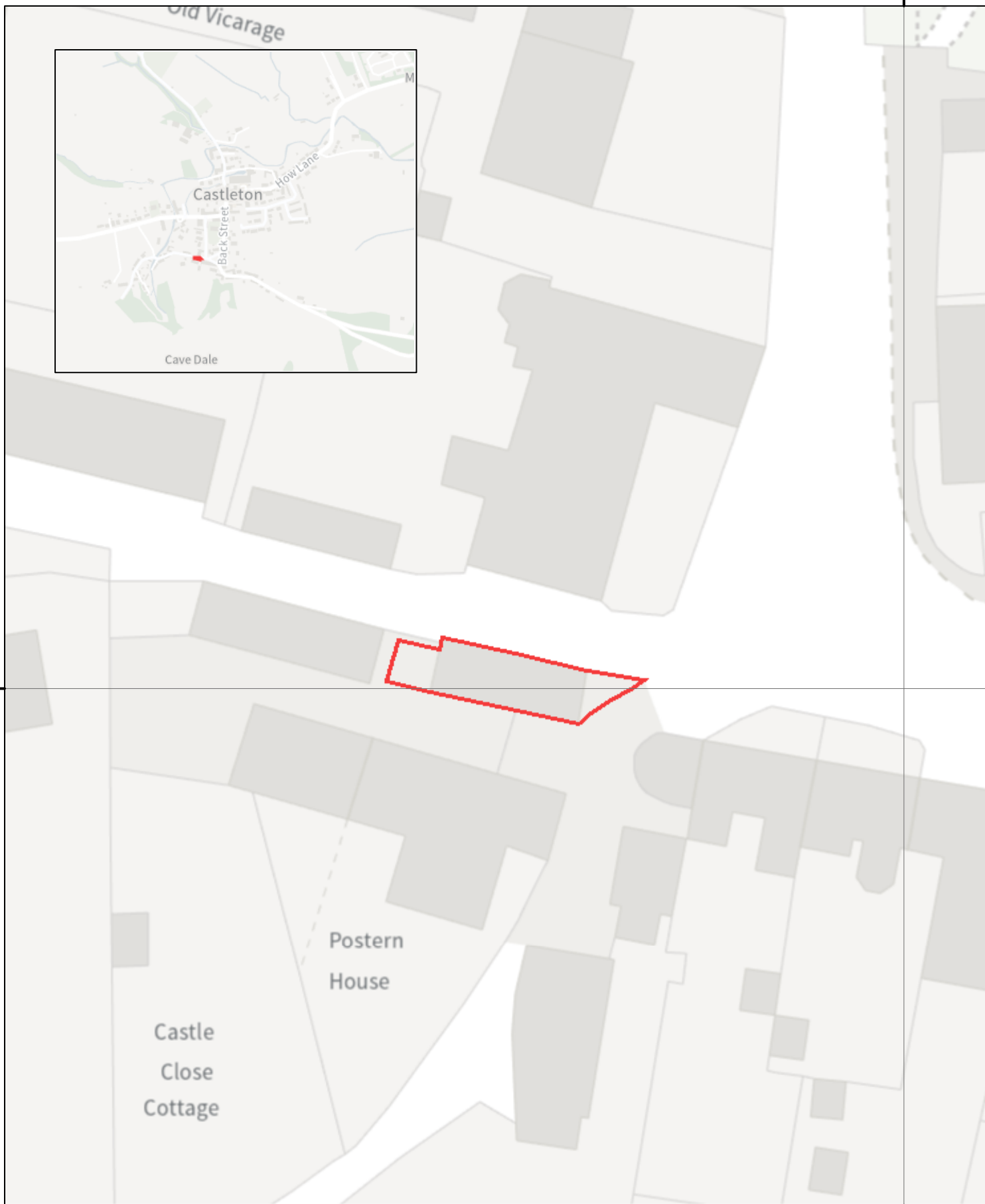
85. Any human rights issues have been considered and addressed in the preparation of this report.

86. List of Background Papers (not previously published)

87. Nil

Report author: Will Eyre, North Area Senior Planner

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Safari Quip, The Stones, Castleton

Item no. 13
 Application no. NP/HPK/0324/0297
 Committee date: 09/08/2024

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14. SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2, 15, 19, 20, 22, 42, 81, 91, 102 & 113 ATTACHED TO NP/HPK/0814/0882, FOR THE PURPOSE OF SECURING A REVISED WORKING AND RESTORATION SCHEME AT TOPLEY PIKE QUARRY AND DEEP DALE AND AN INCREASE IN THE PERMITTED DISPATCH OF STONE

Applicant: MR GEOFF STOREY, FOR AND ON BEHALF OF AGGREGATE INDUSTRIES LTD

Summary

1. The dismantling of the Deep Dale Tip began in 2018, following the approval of the consolidation application in February 2017. It was discovered that there is a body of the tipped material that had been placed higher up the valley side than originally thought. The dismantling works stopped following the discovery.
2. This application for the variation of conditions seeks permission for this over-tipped material to be removed from Deep Dale and for it to be used in the restoration land-forming within the Topley Pike Quarry void. The application also seeks to increase the annual export limit of material from the site from 250,000 tonnes per annum to 400,000 tonnes.
3. The key issues for the Authority to consider here is: Whether the complete restoration of Deep Dale and the Topley Pike Quarry Void is compatible with National Park Purposes; The impact on the environment; the impact on the landscape, and; the impact on highways.

Proposals

4. The proposals are for the variation of Conditions 2, 15, 19, 20, 22, 42, 81, 91, 102 & 113 of NP/HPK/0814/0882.
5. The wording of these Conditions will be changed to facilitate the following:
 - Change the approved plans to show the removal of the over tipped material from Deep Dale and the associated changes to the land-forming in the Quarry void. The tip material will be placed on the un-fissured bedrock, surrounded with a thick granular bund and will be capped with granular material;
 - Some minor alterations to the restoration planting scheme;
 - An increase in the annual volume of stone allowance for export from the site from 250,000 tonnes to 400,000 tonnes.
6. There is a broad agreement between officers and the applicant that there is scope to simplify and streamline the consent through the determination of this application. This report seeks delegated authority for officers to agree a schedule of conditions which will allow the additional works to take place whilst retaining the mitigation strategies and restrictions imposed by the extant consent. A draft schedule of conditions is included in this report for the Committee to consider, should it be minded to approve the application. It may be the case that some minor amendments are needed to ensure the wording of the conditions is sufficiently robust.

Site and Surroundings

7. The application is an area of land that includes the Topley Pike extraction site, the Deep Dale Tip and non-tipped land in the Dale, and the associated areas covered by the extant mineral planning consent.
8. The site is located immediately east of the hamlet of King Sterndale. The quarry is served by a vehicular access with the A6. The quarry void is approximately 2.8km south-east of Buxton at their nearest points.
9. Deep Dale is located immediately south of the quarry, with the northern valley side and southern quarry face separating the two. Deep Dale is served by a vehicular access which is connected to the main quarry access to the north. There is a public footpath which runs through the Dale, which has been temporarily diverted to facilitate the remediation works that took place following the approval of the 2018 consolidation consent.

Quarry and Associated Workings

10. Topley Pike is a large limestone quarry that produces a range of aggregate products. The mineral is won by blasting portions of the working face, before being crushed and processed by mobile plant that is located on the quarry floor. The product is then stockpiled on the quarry floor and is loaded onto HGV's that access the quarry via the ramp at the eastern end of the quarry.
11. The quarry has been worked progressively from west to east, with the working faces moving away from the residential properties in King Sterndale. The large historic faces which encircle the western and the northern boundaries of the quarry pre-date modern regulation which explains why they are much taller than the working faces within the quarry itself. These large faces have been abandoned for some time and have started and will continue to re-vegetate naturally over time.
12. The sites offices, maintenance areas, wheel wash and car park are all located at the eastern end of the quarry at surface level. An Asphalt plant was located next to the office prior to its removal in 2023.

Deep Dale

13. Deep Dale, a narrow steep-sided valley, contains limestone cliffs, scree, rich flora and calcareous grassland; it abuts the eastern and southern quarry boundaries and has a floor elevation of 253mAOD falling north-eastwards to 238mAOD where it meets Wye Dale (at the quarry access). The south valley side rises to 310mAOD. The eastern portion of the northern valley side is currently a man-made slope from former tipping (probably 1960's/70's) of quarry waste, naturally re-vegetated and planted with trees, rises steeply from the base of Deep Dale to the top of the eastern quarry edge.
14. The northern valley side rises to 300mAOD above the tip, which covers 2.5 ha and forms a bunded plateau on the valley floor, rising to 262mAOD in the west, 266mAOD in the east. The tip is bounded to the south by a tree planted screening mound alongside which runs the diverted route of footpath 37. The Deep Dale winterbourne

stream (dry in summer) flows east through the valley; the southern stream section is culverted for 472m under the tip, re-emerging in the south-east corner of the site in a 1m to 2m wide, 30cm deep channel; the stream then flows northwards for 300m to the River Wye.

Designations

Deep Dale is designated as Flood Zone 2, which means there is a moderate risk posed by surface water or fluvial flood.

15. Deep Dale and Topley Pike is a designated SSSI and is located within the Peak District Dales SAC, although neither of the designation cover the Topley Pike Quarry itself. The Wye Valley SSSI is located on the northern side of the A6, in very close proximity to the application site. The listings for each of these designations detail the following:

- Peak District Dales SAC – The primary habitats given as the reason for designation are the semi-natural dry grassland and scrubland facies on calcareous substrate, and, Tilio-Acerion forests of slopes, screes and ravines (which is detailed as a priority feature). White Claw Crayfish are also listed as a primary reason for designation.
- Deep Dale and Topley Pike SSSI – The main habitat is listed as a lowland calcareous grassland with patches of hazel scrub, ash woodland with cliff edges and scree. It was last assessed in 2005, where it was described as being in a favourable condition.
- Wye Valley SSSI – There is a limited amount of information available on the Natural England listing, but it is explained that the site has been designated for the geological features of the valley. The condition of these features is listed as unfavourable – declining.

Recommendation

16. **That the application is APPROVED subject to a Section 106 legal agreement and delegated authority for officers to agree final wording of conditions based broadly upon the following;**

Compliance

- 1) *For the purposes of applying the conditions attached to this permission the term ‘the site’ shall mean all the land within the areas shown outlined in red and all other areas associated with the development hereby approved within the area shown outlined in blue on the submitted Drawing No: AI-020-M.D.009, known as Topley Pike Quarry and Deep Dale.*
- 2) *Unless modified or required by other conditions attached to this permission, the development shall be carried out only in accordance with the details contained in the submitted planning application documents comprising:*

- a) *Supporting Statement dated May 2014; with Appendices (SS1 to SS5 inclusive), and Plans, Reports and Drawings numbered:*
- i 1970/CA/34 (Phasing up to 2021);
 - ii 1970/CA/35 (Phasing up to 2022);
 - iii 1970/CA/36 (Phasing up to 2023);
 - iv 1970/CA/37 (Phasing up to 2025);
 - v 1970/CA/46 (Further detail on Overtipped Slopes);
 - vi AI-020-M.D.002 (Revised Concept Restoration Scheme);
 - vii AI-020-M.D.008 (Revised Concept Restoration Contours – 1m);
 - viii 1970/CA/24(A) (Deepdale Sections 1 & 2);
 - ix 1970/CA/24(B) (Deepdale Sections 3 & 4);
 - x 1970/CA/7 (3D Views 2022 to end 2025);
 - xi 1970/CA/8 (Deep Dale Tip Deconstruction Section Location Plan and Sections);
 - xii M11.160(h).D.005 (Restoration Illustrated with 1 Metre Contours) – Also shown on Sheets 1, 2, 3 and 4 at 1:500 scale, all with the same reference number;
 - xiii M11.160(h).D.006 (Geological Restoration);
 - xiv M11.160(h).D.010 (Lagoon Restoration).
- b) *Documents submitted required for the discharge of condition (discharged and partially discharged by NP/DIS/1217/1251) which are:*
- i *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 102;*
 - ii *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 113;*
 - iii *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 117;*
 - iv *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 124;*
 - v *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 125;*
 - vi *Restoration Quarry Lake Water Level Maintenance Strategy (document ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 106 r1);*
 - vii *Reinstatement of Deep Dale Stream (Document ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 107 r1);*
 - viii *Restoration Drainage, Erosion Control and Long-Term Water Management Strategy (document ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 105 r2)*
 - ix *Draft Biodiversity Management Plan (document ref: 2358.11_BMP_PH_250517);*
 - x *Detailed Design, Remediation, Implementation & Verification (document ref: 0510/R10 issue 2)*

- c) *Environmental Statement dated May 2014, as updated by the Environmental Statement dated November 2020 and by the subsequent Regulation 25 submissions.*
- 3) *From the commencement of the development and until completion of the restoration and aftercare of the site, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available at the Topley Pike Quarry offices for inspection by the site operator and visitors to the site during the prescribed working hours, and the terms and conditions of this permission shall be made known to any person(s) given responsibility for the management and control of the operations.*
- 4) *A public notice shall be positioned at the site entrance to the A6 road either on, or adjacent to the applicant's company identification board, within two months of the date of this permission. The notice shall give the name(s), business address, business daytime and emergency (night time) telephone number(s) of a nominated representative or representatives of the site operating company with who contact should be made if nuisance is perceived or complaints arise in consequence of the approved development. The notice shall be weatherproofed, and placed in such location as may be safely accessible and clearly read by members of the public at all times. Thereafter, the notice shall be maintained in position, and if it becomes deteriorated or removed shall be replaced, throughout the duration of the approved development.*

Timescales

- 5) *The date of commencement of the development hereby approved shall be the date of this decision notice, and this permission and its conditions shall come into effect on the date of issue.*
- 6) *The following timescales shall apply to each operation respectively:*
- i *No limestone shall be extracted after 31 December 2025. On or before that date all operations for the winning and working of mineral and removal and transport of unprocessed mineral from the excavations shall cease;*
 - ii *No disposal or re-grading of overburden, inter-burden, and residual waste derived from tip removal and quarrying operations shall take place after 31 March 2026. On or before that date all tip removal operations and the backfilling and tipping into the excavations of overburden, interburden, and residual waste derived from tip removal and quarrying operations shall be completed;*
 - iii *Processing and asphalt coating of stone and the disposal within the excavations of stone process waste shall not take place after 30 April 2026. On or before that date all remaining stockpiles of unprocessed stone shall be removed, the processing of stone shall cease, and the tipping into the quarry excavations of stone processing extractive wastes shall cease;*

- *All ancillary development including plant, machinery, structures, tanks, other installations, buildings and infrastructure, shall be removed from the site in accordance with the following timescales: ancillary development as specified above in this condition shall be removed from the site at such time(s) as it is no longer required for the purposes for which it was installed; and*
 - *no later than 30 April 2026 all remaining stockpiles of processed stone shall be removed from the site; and*
 - *all remaining ancillary development shall ultimately have been removed from the site on or before 31 December 2026, save for any plant and machinery required on the site for use for aftercare operations and land, woodland, lake and habitat management.*
- iv *The restoration of the site to the approved landform, in accordance with the other conditions to this permission, shall be completed no later than 30 June 2026.*
- v *The final restoration of the site, including the placement and initial treatment of soils and other surfaces appropriate for the approved landscaping and habitat creation schemes and the implementation of drainage arrangements shall be completed no later than 31 December 2026.*

Notification of Key stages of Development

- 7) *The following dates shall be notified in writing to the Mineral Planning Authority no later than seven working days before each intended date:*
- a) *commencement of dismantling of the Deep Dale tip;*
 - b) *completion of each operational phase defined by Drawings Nos: 1970/CA/34; 1970/CA/35; 1970/CA/36; 1970/CA/37;*
 - c) *cessation of winning and working of minerals;*
 - d) *completion of final restoration in the quarry;*
 - e) *completion of the Deep Dale tip removal and stabilization of the eastern valley side;*
 - f) *completion of final restoration in Deep Dale;*
 - g) *decommissioning the use and removal of buildings, plant and other ancillary development.*

Approved Working Times

- 8) *Except in emergencies to maintain safe working practices, which shall be notified to the Mineral Planning Authority as soon as may be practicable after any such event, no mineral extraction, stone processing, removal of stone off-site, quarry waste disposal, restoration or other operations or works associated with the development hereby approved shall take place on the site at any time on Sundays except as exempted below, or public holidays, and none of the following operations shall take place on any other days other than between the following hours:*

- i Quarry Operations: comprising the winning and working of minerals, and tipping (including the construction, use, maintenance and dismantling of access ramps and haul roads, the transport of stone for primary crushing and treatment, quarry waste backfilling, processed mineral waste tipping, the formation of silt containment bunds on Tip 4, the mixing and tipping of granular bund material and lagoon silt material from Deep Dale Tip, and all associated plant, machinery and vehicle movements):
- 06:00 hours to 19:00 hours on Mondays to Fridays;
 - 06:00 hours to 16:00 hours on Saturdays.
- ii Blasting (detonation of explosives):
- 09:00 hours to 17:00 hours on Mondays to Fridays within the eastern (IDO) mineral working area of the quarry (as previously reviewed under application Code No: NP/HPK/1093/127); and
 - 10:00 hours to 17:00 hours on Mondays to Fridays within the western mineral working area of the quarry (as originally approved under application Code No: NP/CHA/866/6).
- iii Primary Mineral Processing (including the operation of the primary crushing plant on the quarry floor):
- 06:00 hours to 19:00 hours on Mondays to Fridays;
 - 06:00 hours to 16:00 hours on Saturdays.
- iv Deep Dale Tip Removal Operations: comprising soil stripping, excavation and phased removal of the Deep Dale Tip and Lagoons (including associated construction, use, maintenance and dismantling of access ramps and haul roads, vegetation clearance, removal of the Deep Dale Tip dam and culvert, and the operation of all associated plant, machinery and vehicles):
- 06:00 hours to 18:00 hours on Mondays to Fridays;
- v Quarry Site Clearance (including plant and structures dismantling and removal and the demolition of buildings):
- 06:00 hours to 19:00 hours on Mondays to Fridays
 - 06:00 hours to 16:00 hours on Saturdays
- vi Restoration and Post-Restoration Reinstatement (including land shaping and regrading, embankment stabilization, placement and treatment of soils, drainage, landscaping, habitat creation works, and the operation of all associated plant, machinery and vehicles):
Within the Quarry and Quarry Access:
- 06:00 hours to 19:00 hours on Mondays to Fridays;

- 06:00 hours to 16:00 hours on Saturdays.

Within Deep Dale involving the operation of plant and machinery:

- 06:00 hours to 18:00 hours on Mondays to Fridays.

Within Deep Dale not involving the operation of plant and machinery:

- 06:00 hours to 19:00 hours on Mondays to Fridays;
- 06:00 hours to 13:00 hours on Saturdays.

Working Scheme

- 9) *The marker posts, buntings and/or temporary fencing delineating the boundary of the extended extraction area shall remain in place until the extraction operation has ceased. At all times during quarrying within this area the approved extraction boundary shall remain clearly identified and delineated on the ground sufficient to ensure that quarrying is contained within the approved boundary.*
- 10) *There shall be no mineral extraction or quarrying excavations deeper than 225 metres AOD.*
- 11) *The quantity of limestone extraction from the quarry workings shall not exceed a maximum of 400,000 tonnes per annum or such higher level of output as may be temporarily approved by the MPA.*
- 12) *No quarried or processed mineral wastes existing within the quarry or generated by the continued quarrying activities or by the dismantling of the Deep Dale tip, shall be removed from the site unless contaminated and unsuitable for use for site restoration.*
- 13) *All overburden, inter-burden, stone and mineral waste within the quarry shall be immediately backfilled into the approved tipping areas within the quarry unless required for the purposes of approved temporary access ramp construction. With the exception of the approved Deep Dale works, no new temporary or permanent tipping of quarry waste, or any other waste derived from the site, shall take place above original ground levels (undisturbed ground levels and ground levels as existed prior to disturbance for quarrying) other than as may be necessary to facilitate the approved restoration landform. For clarity there shall be no further tipping of any waste materials in or on Deep Dale.*
- 14) *The Deep Dale tip shall be progressively dismantled and removed in strict accordance with the approved methodology (TerraConsult document reference 0510/R10 Issue 2, approved through NP/DIS/1217/1251, and the Envireu Water Technical Note Topley Pike Scheme of Monitoring 2022 document reference 3490150).*

Ancillary Development

- 15) *Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amending or replacement Order, no fixed plant, installations or machinery, buildings or structures, or buildings or structures in the nature of plant or machinery, shall be placed or erected on the site, outside of the designated Plant Site area occupied by the existing asphalt plant and other ancillary development and infrastructure shown in the area shaded grey (excluding the site access road) on the submitted Drawing No: TP/CSV2/11 [Plant Site Detail], except as authorised or required by this permission, or unless separate planning permission is granted by the Mineral Planning Authority for such development pursuant to Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.*
- 16) *All buildings, structures and fixed plant on the site shall be maintained in a good state of repair throughout the duration of the development.*
- 17) *No mobile plant or vehicles shall be parked on high ground above the quarry excavations outside the plant site area shown on the submitted phasing plans or within Deep Dale, except when carrying out approved operations within those areas. In the event that the quarry closes temporarily for a period of 3 months or more, all mobile plant, machinery and vehicles not contained within the plant site area shall be moved to a screened location on the quarry floor.*
- 18) *Stock-proof fencing or other secure boundary treatment shall be provided and maintained on the limits of the extraction areas at all times throughout the approved period of working and restoration.*

Stone Storage and Stockpiles

- 19) *All primary processed limestone (i.e. processed through the primary crushing plant on the quarry floor) shall be retained and stockpiled on the quarry floor pending further processing or removal from the site.*
- 20) *The importation of any aggregate for use in the manufacture of asphalt shall permanently cease following the removal of the asphalt plant.*

Transport, Highway & Access

- 21) *All plant, machinery and vehicles associated with the development hereby approved, including all mineral, asphalt and service road traffic shall only enter and leave the site via the existing access to the A6 road, shown on the submitted phasing plans.*
- 22) *The approved site / highway access road, from the point of access off the A6 carriageway edge to the visitors car park shown on the submitted phasing plans shall be maintained in a state of good repair, in a hard bound surface in asphalt or other solid bound material, throughout the approved use of the access road.*

- 23) Measures shall be implemented to ensure that the public highway is kept free of mud, stone, and contaminants from the site at all times. The measures shall include the following:
- a) The provision and use of vehicle wheel, carriage-side, cab-side and underside washing facilities, and the use of hoses or sprinkler systems to wash the internal access road. The site operator shall ensure the use of those facilities when it is necessary to do so to keep the public highway clean;
 - b) Facilities to prevent the spillage of materials, incorporating wagon overload control and sheeting, shall be provided and used at all times;
 - c) Instructions shall be issued to site personnel to monitor daily the condition of the public highway at the site access;
 - d) In the event of mud being transported onto the highway, the operator shall employ the use of a mobile road brush and/or mobile road vacuum sweeper which are to be kept available on the site at all times.
- 24) The site operator shall ensure the continued daily monitoring of HGV arrival and departure movements to and from the site and shall keep a log which shall provide weekly and annual records of this traffic generation. Copies of the records shall be submitted to the Mineral Planning Authority upon request during the period of the approved development.

Recourse Monitoring and Control

- 25) The site operator shall, at all times throughout the duration of the approved development, monitor and record on a monthly basis the quantities of limestone worked from within the quarry and waste stone and materials deposited within the site.
- 26) The site operator shall, no later than 31 January of each year, submit to the Mineral Planning Authority annual returns specifying monthly records of the quantities of stone quarried and quarry residual / waste materials generated and backfilled / disposed of within the quarry during the preceding year.
- 27) The site operator shall, no later than 31 January of each year, submit to the Mineral Planning Authority, on a confidential basis, annual returns specifying monthly sales records of the following quantities of stone exported from the site during the preceding year:
- a) Dry Aggregate Stone.
 - b) Asphalt coated stone.

Environmental Management and Mitigation

Noise

- 28) During all operations (including extraction, processing, restoration, land-forming and maintenance of plant and machinery) all practicable steps will be taken to

minimise noise generation and mitigate noise pollution escaping the site. All operations shall take place in accordance with the mitigation strategy set out in the “Assessment of Environmental Impact of Noise” (Ref: R14.7015/6/N/RS).

- 29) *Between 06:00 hours and 19:00 hours Mondays to Fridays and 06:00 hours to 16:00 hours on Saturdays the free-field Equivalent Continuous Noise Level $L_{Aeq,1h}$ received at any inhabited noise sensitive property due to normal daytime operations within the site, as recorded at points 3.5 metres from the façades of any inhabited property or if not accessible adjacent to the curtilage of the property, shall not exceed the measured background noise levels, by more than 10 dB(A), or a maximum noise level of 55 dB(A) $L_{Aeq(1hr)}$ whichever is the lowest, or shall not exceed 55 dB(A) $L_{Aeq(1hr)}$ in the event that a limit of +10 dB(A) is not practicable to achieve, except as otherwise specified below for the daytime noise limits at those representative dwellings below:*

<i>Representative Dwellings</i>	<i>Measured background Noise Levels dB(A)LA90,1hr</i>	<i>Predicted Worst Case dB $L_{Aeq,1h}$</i>	<i>Maximum Permitted Noise Limit (Daytime) dB(A) $L_{Aeq(1hr)}$ (free field)</i>
<i>Woolow Farm</i>	<i>37</i>	<i>42</i>	<i>47</i>
<i>Upper Farm, Cowlow</i>	<i>33</i>	<i>40</i>	<i>43</i>
<i>Sterndale Green Farm</i>	<i>36</i>	<i>42</i>	<i>46</i>
<i>Topley Head Farm</i>	<i>38</i>	<i>41</i>	<i>48</i>

Measurements for daytime noise levels shall be taken in accordance with BS4142:2014 ‘Methods for rating and assessing industrial and commercial sound’. Measurements for daytime noise levels shall be taken in accordance with BS4142:2014 ‘Methods for rating and assessing industrial and commercial sound’.

For the purposes of this condition the term ‘normal daytime operations’ means those operations specified in Condition 8 other than those specified in condition 30 to this permission.

- 30) *Between 08:00 hours and 17:00 hours Mondays to Fridays and 08:00 hours to 16:00 hours on Saturdays the free-field Equivalent Continuous Noise Level $L_{Aeq(1hr)}$ received at any inhabited noise sensitive property due to temporary operations within the site, as recorded at points 3.5 metres from the façades of any inhabited property, shall not exceed 70 dB(A) $L_{Aeq(1hr)}$ for periods of up to eight weeks in a year at specified noise-sensitive properties. Measurements for noise from temporary operations shall be taken in accordance with BS4142:2014 ‘Methods for rating and assessing industrial and commercial sound’.*

For the purposes of this condition the term ‘temporary operations’ shall be defined as surface soils stripping, the construction and dismantling of baffle and soil storage mounds, the construction, maintenance and dismantling of haul roads and ramps, embankment formation and stabilization, land shaping, regrading, the placement and treatment of soils, and all associated plant and vehicle

movements. The Mineral Planning Authority shall be notified of the commencement date of each period of temporary operations so defined.

- 31) The free-field Equivalent Continuous Noise Level $L_{Aeq(1hr)}$ from site activity between 19:00 hours and 06:00 hours shall not exceed 42 dB(A) $L_{Aeq(1hr)}$ free field as recorded at points 3.5 metres from the façades of any inhabited noise sensitive dwellings. Measurements for night-time noise levels shall be taken in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'.

For the avoidance of doubt night-time activity on the site is limited by condition 14 to this permission to quarry dewatering, mineral (other than primary) processing, use of weighbridges, and the use of the access road and plant area by road traffic to and from the A6 highway.

- 32) In the event of complaint that the Mineral Planning Authority considers justifies monitoring noise from the site, the site operator shall undertake the monitoring of site noise levels at or if not accessible adjacent to the curtilage of the appropriate noise sensitive property at the request of, and submit the results to, the Mineral Planning Authority. The monitoring shall be undertaken for a minimum of 15 minutes per monitoring event during those working hours specified in condition 14 for the operation or operations responsible for the complaint. Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, nor during periods of plant breakdown, nor when the wind is blowing towards the site from a monitoring point or during wind speeds in excess of 5 metres per second (average over the monitoring period), nor during periods of heavy rain. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for such effects.

The results of the noise monitoring which shall include LA90(T) free-field and $L_{Aeq}(T)$ free-field noise levels, and details of the noise monitoring equipment used, prevailing weather conditions, comments on noise sources controlling the noise climate, and procedures and further mitigation measures to be adopted if the noise limits exceed the approved levels, shall be made available to the Mineral Planning Authority upon request.

Dust

- 33) A Dust Action Plan comprising specific measures and employing best practicable means to prevent or minimise the generation of dust, to prevent dust arising and being carried beyond the boundaries of the site, and for the monitoring of dust from the site, shall be implemented and maintained at all times during the carrying out of the approved development. The Dust Action Plan shall include and accord with the suitable dust prevention and control measures specified in Section 4 'Dust Control Methods' of the submitted Assessment of Environmental Impact of Dust Report dated 22 July 2014, and the following:
- a) an assessment of the potential for dust emissions, and the need or otherwise for dust suppression within the site, shall be undertaken by the site operator at the start of each working day, and during each working day when conditions are dry or windy, throughout the duration of the approved development;

- b) *the use of suitable dust arrestment and extraction equipment and filters compliant with manufacturer's recommendations;*
 - c) *maintenance of an adequate water supply for all wet dust suppression systems and the provision and use within open areas of the site of facilities for the suppression and collection of fugitive dust, including a sufficient number of water bowsers and as appropriate sprinkler systems, sprayers, road sweepers or similar equipment;*
 - d) *regular cleaning of all hard surfaced areas of the site to remove dust deposits likely to be windswept or raised by the passage of plant and vehicles;*
 - e) *measures to ensure that all exhausts and silencers fitted to all plant and vehicles used on the site are upward facing (discharge away from the ground) and that radiator fan deflector plates are fitted on heavy plant to keep dust displacement to a minimum.*
- 34) *The site operator shall take all practicable steps necessary to prevent or minimise dust arising from any operation associated with the extraction or restoration processes. The operation shall be carried out in strict accordance with the requirements set out in the Dust Impact Assessment (R14.7016/7/D/DW, dated 22nd July 2014) and the variation to Permit P11D-3 (6th July 2009) issued by High Peak Borough Council.*
- 35) *Visual monitoring for dust shall be undertaken during drilling, blasting, quarrying, soils and materials handling and storage, tipping, haul road and ramp construction, use and dismantling, the excavation of Deep Dale tip, restoration works, stone processing, operation of the asphalt plant, and all associated operations including the use and operation of all plant, machinery and vehicles, on-site trafficking, and the loading and movement of road lorries. The monitoring shall include checks to ensure the efficient functioning of dust arrestment equipment and the site operator shall ensure corrective action and maintenance works when necessary to achieve this. Having regard to any specific dust climate circumstances, the methodology of dust monitoring, the location of key monitoring stations, the frequency of data collection and analysis and the presentation of results shall be reviewed and alternate dust monitoring arrangements shall be implemented in accordance with such details as may be agreed or required in writing by the Mineral Planning Authority.*
- 36) *Within the context of condition 35 to this permission the site operator shall ensure visual monitoring of the dust emission potential from operations within Deep Dale at the start of each working day. Thereafter, throughout each working day monitoring shall be undertaken of any dust arising within Deep Dale from the following:*
- a. *the movement of excavation plant, dump trucks and vehicles on the access haul ramps into and out of Deep Dale;*
 - b. *during soil stripping, handling and storage;*

- c. *the excavating, lifting and dropping into dump trucks of any dried lagoon silts and the finer fractions of the granular bund material from the Deep Dale tip, during windy weather;*
- d. *the transfer of any dried tip materials into the quarry or to the eastern valley side;*
- e. *the tipping and treatment of materials, slope stabilization and regrading on the eastern valley side;*
- f. *soils placements and treatments within Deep Dale; and*
- g. *all other restoration work within Deep Dale.*

37) *A log book shall be kept on site throughout the period of the approved development and any dust complaints shall be recorded in it, together with details of the location and cause of the alleged dust problem, and any action taken to control the dust. The log book shall be made available for inspection at any reasonable time at the request of the Mineral Planning Authority.*

38) *In the event of visible emissions of airborne dust from the site being emitted and migrating beyond the site boundary, or adversely affecting any public right of way footpath in the vicinity of the Deep Dale tip (unless the subject of a diversion / temporary closure order), or becoming a nuisance to local residents, such as to give rise, in the view of the Mineral Planning Authority, to justifiable complaint:*

- a) *the operation or operations causing the excessive dust shall cease immediately;*
- b) *the operation(s) responsible for the dust shall remain suspended, or shall be undertaken elsewhere provided a further dust problem is not generated, until such time as prevailing meteorological conditions improve, or the operation(s) can be effectively controlled and mitigated by remedial action;*
- c) *at the request of the Mineral Planning Authority, the deposits of dust arising from the site shall be monitored and recorded using Frisbee or other suitable dust deposit gauge(s) at such accessible receptor location(s) as may be agreed between the Mineral Planning Authority and the site operator;*
- d) *in the event that dust deposits measured by the gauge(s) exceed a 'nuisance threshold' of 200mg/m²/day, the site operator shall agree with the Mineral Planning Authority a programme of dust management employing specific measures sufficient to reduce the dust emissions to a non-nuisance level.*

Blasting and Vibration

39) *No blasting shall be carried out except in accordance with the recommendations in the Vibrock "Blast Vibration Assessment" to the submitted Environmental Statement, except as may be otherwise required by this or other conditions to this permission. At all times during the carrying out of blasting operations on the site the operator shall take measures to reduce the environmental impacts of airborne vibration and ground vibration on the local community, including the following:*

- a) *implement measures to minimise ground vibration, flyrock and air overpressure employing "Best Available Techniques" including control of air overpressure at source and magnitude at distance;*
 - b) *prohibit secondary blasting, except in emergencies where life, limb, property or geotechnical stability is judged by the site operator to be at risk, the circumstances of which the Mineral Planning Authority shall be notified as soon as possible following the occurrence of such emergency.*
- 40) *Ground vibration as a result of blasting operations measured at or within the curtilage to any occupied residential or other vibration sensitive building shall not exceed a peak particle velocity of 6 mm/s⁻¹ in resultant vector at a 95% confidence level, that is for 95% of all blasting events measured over any six months period, and no individual blast event shall generate a peak particle velocity in excess of 10 mm/s⁻¹. All blasts shall be carefully designed to ensure, within practicable limits, compliance with these vibration criteria. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.*

For the purposes of this condition the terms 'vibration sensitive property' shall be taken to mean any occupied residential building and curtilage, occupied place of work, church or other community building.

- 41) *During the operational life of the quarry:*
- a) *The site operator shall notify the Mineral Planning Authority and High Peak Borough Council Environmental Health Officer (EHO pollution control) of the date and time of, as soon as is practicable within the preceding 7 days and no later than 24 hours prior to the scheduled initiation of, each blast or series of blasts at the site.*
 - b) *The site operator shall give at least 24 hours advance notification of each blasting event to those residents of King Sterndale who request notification.*
 - c) *Signage shall be provided and maintained at appropriate locations along the routes of definitive public rights of way footpaths 15, 19, 29 and 37 (as diverted) to warn users of the times of blasting operations.*
- 42) *The site operator shall at all times implement a programme for the monitoring of all blasts and shall:*
- a) *ensure the regular correct calibration and functioning of the monitoring equipment;*
 - b) *ensure the continued monitoring of blast vibration at Sterndale Green Farm, except as specified at (c) below;*
 - c) *ensure the continued monitoring of blast vibration at or adjacent to Green Farm, and/or adjacent to the Cottages at King Sterndale whilst blasting*

operations take place within 150 metres of the fault plane that strikes across the south-western corner of the quarry on an east-south-east to west-north-west orientation through the Phase B Extraction Area shown outlined and hatched in blue on the submitted Drawing No: TP/CSV2/08b;

- d) at the request of the High Peak Borough Council Environmental Health Officer (EHO pollution control), undertake the combined monitoring of blasts with the EHO at or adjacent to such vibration sensitive properties as may be specified by the EHO, and cross-check the calibration of the respective vibrographs;
 - e) at the request of the EHO, undertake separate but simultaneous monitoring with the EHO to provide a wider geographical range of recordings at separate monitoring stations.
- 43) In the event of complaint which the Mineral Planning Authority considers justifies the monitoring of ground vibration or air overpressure at the complainant's property, the site operator shall undertake the monitoring of ground vibration or air overpressure at or adjacent to the curtilage of the appropriate vibration sensitive property or air blast sensitive property at the request of, and shall submit the results to, the Mineral Planning Authority. For the purposes of this condition the terms 'vibration sensitive property' and 'air blast sensitive property' shall be taken to mean any occupied residential or other building and curtilage.

Storage of Rubbish and Scrap

- 44) All rubbish, debris, disused machinery, scrap and other waste materials generated on the site (other than mineral and Deep Dale Tip content waste) shall be regularly collected and stored in a tidy manner in a contained and inconspicuous location, as may be agreed by a representative of the Mineral Planning Authority. At the request of the Mineral Planning Authority the contained location shall be screened by the provision and maintenance of a low level earth bund to such design and specifications as may be agreed by the Authority's representative.

Lighting

- 45) Site lighting other than lighting inside buildings shall only be switched on and used within the site when it is necessary for site security, the safety of site personnel, the movement of machines and vehicles in hazardous areas, and the operation of the quarry, processing.
- 46) The operator shall take measures to ensure that, at all times, the external floodlighting on the site is maintained in a manner to minimise the spillage of light beyond the site boundary. The measures shall include the correct positioning and orientation (direction and angle) of external floodlighting heads, optimum beam directivity to target areas, replacing lighting heads with more efficient (minimal light spillage) units, modifying or providing new shielding above the lamps, reducing illumination power, and restricting lighting times and the duration and periods of lighting. Any such measures as may be implemented in accordance with this condition shall be notified to the Mineral Planning Authority in writing.

47) *No additional floodlighting or floodlighting towers for the external illumination of the development hereby approved shall be used unless an application for additional floodlighting installations has been submitted to and approved by the Mineral Planning Authority.*

Hydrological Environment

48) *No dewatering shall be undertaken beneath a level of 225m AOD.*

49) *The development hereby approved shall be carried out in accordance with the approved scheme of water environment monitoring, assessment and mitigation proposals outlined in the submitted Envireau Water Hydrogeological Impact Assessment Report dated December 2013 with Annex 3 Appendices A to G inclusive and Monitoring Locations plan dated 21 October 2011.*

The monitoring of surface and groundwater shall continue throughout the duration of the approved development and, for the avoidance of doubt, shall include the following:

- a) rainfall measurement at the quarry;*
- b) flow meter monitoring of all dewatering water;*
- c) monitoring of flows between the Deep Dale tip and lagoon 2;*
- d) retention and maintenance of the existing groundwater monitoring boreholes; save for*
- e) replacement monitoring boreholes and other arrangements necessary to maintain the monitoring if existing monitoring points are compromised; and*
- f) water quality monitoring;*
- g) arrangements for continuous recording, and periodic reporting to the Mineral Planning Authority, the Environment Agency and Natural England the recorded surface and groundwater monitoring data, and brief analysis thereof, at intervals no longer than once every year, except as otherwise required by condition 72 to this permission.*

50) *In the event that the surface water and groundwater monitoring required by Condition 49 to this permission indicates any incident of impact on the quality and / or flow of groundwater or surface water, such as to be harmful to the water environment, or the Peak District Dales Special Area of Conservation (SAC), or the Wye Valley Site of Special Scientific Interest (SSSI), or Topley Pike and Deep Dale SSSI, or Lathkill Dale SSSI, or Monks Dale SSSI, or any ecology or features dependent on groundwater, spring water and river flows and quality, the operators shall immediately cease pumping and dewatering and shall notify the Mineral Planning Authority, the Environment Agency and Natural England of the circumstances. Thereafter pumping shall only resume in accordance with such*

remedial or mitigation measures as may be agreed by the Authority and Agency and, if appropriate, with Natural England.

51) All surface water drainage to, within and from the site shall be contained and managed in accordance with the surface water management strategy specified in Section 7 (Existing Quarry Water Management) and Section 11 (Future Water Management) and shown on Figure 11 (Existing Water Management) in the submitted Hydrogeological Impact Assessment dated December 2013, and in accordance with the following:

- a) There shall be no interruption to the surface water drainage system surrounding the site, save for any necessary diversion or rearrangement of the system if and where affected by the approved operations.*
- b) No surface water drainage from the site shall be allowed to flow on to A6 public highway.*
- c) No surface water drainage from the site shall be discharged beyond the boundaries of the site other than via the existing lagoon and outfall / culvert system to the River Wye as consented under the terms of the Environment Agency Discharge Permit, or any modifications or replacement thereof.*
- d) The lagoons in Deep Dale shall be regularly monitored and from time to time desilted as necessary to maintain the water retention capacity of the lagoons.*
- e) Oil absorbent booms shall be maintained at all times in the lagoons in Deep Dale to hold and treat the water prior to discharge from lagoon 2 into the culvert to the River Wye.*
- f) The culvert that takes the water outflow from lagoon 2 shall be regularly inspected for obstructions or blockages and shall be cleaned-out as necessary to prevent obstruction to the outflow and over-topping of the lagoon.*
- g) Flood risk management shall be implemented within Deep Dale during the removal of the Deep Dale tip and restoration works within the dale in accordance with the details and undertakings in Section 5.5 (Flood Risk Assessment) of the Hydrogeological Impact Assessment.*

52) At all times during the operation and restoration of the site:

- a) There shall be no discharge of foul (including foul sewage) or contaminated drainage from the site into the ground, ground water or any surface waters, whether direct or via soakaways. Measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system, underground strata or aquifer. Contaminated drainage shall be passed through oil interceptor(s) which shall be provided and used as necessary to comply with this condition. The contents of the oil interceptor(s) shall be periodically removed from the site.*

- b) *Any vehicle wash water including steam cleaning effluent shall be contained in a sealed vessel and re-circulated unless disposed of off-site. A dedicated area, graded to ensure wash water is directed to the discharge point, shall be provided.*
 - c) *All vehicles, mobile plant and machinery and any static machinery used on the site outside of containment bunds shall be regularly checked for leaks of fuel or lubricants and if found leaking shall be repaired prior to further use to prevent spillage and seepage into the ground. The repair, maintenance and fuelling of vehicles, mobile plant and machinery shall only be carried out on an impermeable base within an impermeable bunded designated area.*
- 53) *Any oil, fuel, lubricant or chemicals or other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any ground water system or underground strata, watercourse or aquifer. All facilities for the storage of these potential pollutants shall be provided with adequate and safe secondary containment that is impermeable to oil, fuel or chemical and water, by siting the facilities on impervious bases surrounded by impervious bund walls, or other suitable means. The minimum volume of each secondary containment facility shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there are multiple tankages within a secondary containment, the capacity of the containment shall be at least equivalent to the capacity of the largest tank or vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%, or 25% of the total tank capacity, whichever is greatest. Double skinned tanks may only be used as an alternative to bunds if they provide the same retention capacity. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. Associated above ground pipework shall be protected from accidental damage. All filling points and tank/vessels overflow / vent pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The secondary containment shall be sealed with no opening or discharge to drain the system to any watercourse, land or underground strata.*
- 54) *All foul sewage, waste oils, lubricants or chemicals generated on the site shall be regularly removed from the site in suitable containers.*
- 55) *The Deep Dale tip shall be progressively dismantled, monitored and remediated in strict accordance with the approved methodology (Detailed Design, Remediation, Implementation & Verification Plan: document ref 0510/R10 Issue 2, approved through NP/DIS/1217/1251) as updated by the approved Phasing Plans.*
- 56) *A Deep Dale tip surface water drainage control plan shall be adopted and implemented throughout the period of carrying out operations for the excavation and removal of the tip. The plan shall be consistent with a remediation strategy, implementation and verification plan approved under the provisions of condition 81 to this permission, and shall include the following:*
- a) *monitoring tip surface water and the presence of perched water within exposed areas of the tip;*

- b) *measures to prevent drainage from the tip or adjacent areas mobilising silt or contaminants;*
- c) *all surface water run-off from the tip to drain into a sump of sufficient capacity to accommodate the water pending ground percolation;*
- d) *other measures as may be necessary to contain all tip drainage away from the Deep Dale stream and to prevent discharge into the stream.*

Speleological, Geological and Archaeological Interests

57) The Mineral Planning Authority shall be notified of any natural cave systems or other karst features of special speleological interest encountered during the operations. Reasonable access shall be afforded to the Mineral Planning Authority or their representatives to survey and record those features, as may be agreed by the site operator having regard to health and safety.

For the avoidance of doubt the term ‘reasonable access’ in this condition shall not apply to circumstances in which the site operator considers that access into caves, or within safe distance standoff zones determined by the site operator in the proximity of cave entrances, karst features (including swallets, dolines and sink holes), quarry faces, or elsewhere upon the quarry floor or benches, or other locations within the site, would not be safe or would contravene mines and quarries legislation or guidance issued by HM Health and Safety Executive.

58) Any features of geological interest exposed by the quarrying operations below 240 metres AOD shall be photographed and recorded by a qualified geologist prior to the final cessation of dewatering of the quarry void. The records shall be made available to the Mineral Planning Authority and British Geological Survey.

59) In the event that any finds, features or artefacts of potential archaeological including industrial archaeological significance are encountered during the carrying out of the approved development, the Mineral Planning Authority’s nominated Archaeologist shall be notified as soon as is reasonably practicable and shall be permitted to inspect the site and shall be given sufficient time to record and / or recover any finds or features of archaeological interest brought up or uncovered by those operations.

Land stability

60) Throughout the duration of the aftercare period, the operator shall ensure accurate assessments are conducted of any made slope comprising tip material are conducted by an appropriately qualified person. These stability investigations shall entail:

- *A quarterly photographic assessment which shall include a fence and signage inspection;*

- *Annual topographical surveys of the made slopes with an accuracy of at least +/- 100mm on exposed areas and/or stations;*
- *Annual visit and review of the geotechnical specialist which shall include a written report with conclusions highlighting any area of concern and to make recommendations as to any additional engineering or inspection works that might be necessary to be submitted to MPA, any recommendations shall be implemented in accordance with a scheme to be agreed by the MPA, within time frame to be agreed;*
- *A final 5-year aftercare period point by an independent geotechnical specialist, to include a site visit and all of the above requirements. This report will confirm if there are any extant or developing issues relating to the stability of the slope. This report will make an informed decision on whether the slope is stable and, in the balance of probabilities, is like to remain as such in the long term.*

The operator shall notify the Authority in writing 7 working days prior to any such assessment taking place, and will subsequently make the finding and reports available to the Authority within 1 month of the assessments being carried out for written agreement. In the event that any of these reports identify issues with the stability of the slope, the Authority will require the submission of a remediation plan, to be agreed in writing and duly implemented, prior to the sign off of the site out of the aftercare period.

Ecology

61) An Extended Phase 1 Habitat Resurvey shall be carried out no earlier than 28 days from the programmed commencement of the operations within each of the following areas:

- a) the Deep Dale tip and adjacent ground;*
- b) the Deep Dale eastern valley side and adjacent ground;*
- c) the corridor of the proposed haul route between the Deep Dale tip and eastern valley side;*
- d) any other areas proposed to be newly disturbed.*

A report of each resurvey shall be submitted to the Mineral Planning Authority.

In the event that protected species are encountered within any of these areas, measures for the protection or if necessary translocation of species or their habitats shall be implemented prior to any disturbance of these areas in accordance with such details as may be agreed in writing by the Mineral Planning Authority, in liaison with Natural England.

62) No site work shall be undertaken during the bird nesting season (March to August inclusive) which involves the removal, destruction or disturbance of trees, shrubs, scrub or grassland from within the site, unless that work is considered justifiably unavoidable as may be agreed by a representative of the Mineral Planning Authority.

In the event that such work is necessary during the bird nesting season the site operator shall commission a suitably qualified ecologist to survey each proposed working area for active bird nests prior to any disturbance to trees, other vegetation, or ground within that area. Any active birds nests found by the survey and trees or other vegetation that contain nesting birds or their active nests shall be left undisturbed until vacated.

- 63) *Throughout the period of continued quarrying, tipping and restoration, all necessary measures shall be employed to protect wildlife interests associated with the quarry cliff faces. The measures shall include minimising within practicable limits noise, dust and other disturbance in the vicinity of inactive and abandoned quarry faces, and the permanent retention of quarry faces or sections thereof in accordance with the quarry restoration scheme as approved by the Mineral Planning Authority.*

Trees and Vegetation

- 64) *No trees or mature shrubs within the site shall be felled, damaged or disturbed without the prior written approval of the Mineral Planning Authority, except for those trees proposed to be removed to facilitate the approved development in accordance with the submitted Assessment of Impact on Trees and Woodland dated November 2013. Prior to the disturbance or felling of any trees or removal of any mature shrubs, the trees to be felled shall be clearly individually marked or otherwise demarcated in groups by buntings, and the trees as identified together with any mature shrubs within the area to be disturbed shall have been checked and agreed as consented to fell or remove by a representative of the Mineral Planning Authority.*

At all times during the carrying out of the approved development there shall be careful site supervision to ensure that no damage occurs to any other trees or mature shrubs within the site.

- 65) *All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying, stone processing operations, the removal of Dep Dale Tip, and until the completion of restoration of the whole of site (including the quarry and Deep Dale), except as may be allowed by this permission. For the purposes of this condition the retained trees, shrubs, hedges and boundary features shall be protected by the provision of adequate standoffs for that protection, with machinery and storage exclusion areas that extend to the edge of all site boundaries where the protected vegetation and features are present.*

Soil Stripping, handling and Storage

- 66) *The stripping, excavation, movement, storage, lifting and placement of topsoil, any subsoil and mixed soils that may be encountered, and soil forming materials shall only take place in accordance with the good practise techniques specified in the MAFF (2000), Good Practice Guide for Handling Soils (version 04/00). No soil stripping or disturbed soil recovery or excavation or soil placement and spreading*

shall take place except during periods of dry weather when the full depth of soil to be stripped, recovered or excavated is in a suitably dry and friable soil moisture condition (i.e. non-plastic state) such that damage to its structure is avoided, and the topsoil can be separated from any subsoil and / or the underlying soil forming materials without difficulty.

The Mineral Planning Authority shall be notified at least seven days prior to any soil stripping, recovery, excavation or placement event, and opportunity shall be given to a representative of the Mineral Planning Authority for inspection of the condition of the soil to be handled prior to handling.

- 67) *Following the stripping of topsoil, any subsoil, mixed soil, and all available soil forming materials that may be encountered shall be stripped from the areas to be excavated, or tipped upon, or regraded, or traversed by heavy vehicles or machinery (except for the purpose of stripping or stacking topsoil or subsoil or soil forming materials on that area), or for the construction of haul roads, using low ground pressure wide tracked bulldozers or back-acting excavators.*
- 68) *Any soil forming materials encountered during the Deep Dale tip removal operations shall be separately recovered.*
- 69) *All soils and soil forming materials stripped or excavated from within the site shall be tested for nutrient and pH status and to ensure that the materials are free from contamination sufficient for their use in the site restoration.*
- 70) *All topsoil, any subsoil and soil forming materials shall be retained on the site for selective use in the restoration and / or restoration landscaping of the site, except for any soils or soil-making materials that may be contaminated such as to render them unsuitable for restoration purposes. In the event that any temporary storage of retained soils or soil forming materials becomes necessary, the storage shall conform with the following criteria, the details of which shall be agreed on site with a representative of the Mineral Planning Authority:*
- a) *the location and extent of the soil and soil forming materials storage mounds which shall be in areas safe from standing water, trafficking by heavy vehicles, plant or machinery (except as necessary for the purposes of construction and dismantling of each mound), erosion and contamination;*
 - b) *topsoil shall be separately stored from any subsoil and soil forming materials (the latter two may be mixed together);*
 - c) *the height which shall not exceed 3 metres, width, form, angles of repose and treatment of all temporary soil and soil forming materials storage mounds, including measures to minimise compaction and water infiltration, and to ensure stability;*
 - d) *grading and seeding to grass of the outer (southern) faces of any soil storage mounds placed on the southern perimeter of the Deep Dale tip;*
 - e) *measures for soil mound sward management, maintenance, weed and erosion control.*

71) *Following the construction of any temporary interim soil storage mound(s) the quantity of soil in each mound shall be measured, and a detailed soils audit shall be maintained of those soils together with an assessment of any soils believed to be concentrated or dispersed within previously tipped material. Between July and August of each year of the development a plan shall be submitted to the Mineral Planning Authority identifying the location, soil type and volumes of all (if any) temporary storage mounds then present on the site and the location and extent of any assumed soils resource in former tipped areas.*

72) *Where practicable stripped or recovered soils and on site soil forming materials shall be placed directly in the area intended for their future use. The use of soils and on site soil forming materials in the restoration of the site shall be undertaken in accordance with a soils distribution strategy which has regard to the requirements of conditions 110 and 111 to this permission and which has received the prior approval in writing of the Mineral Planning Authority. The strategy shall include a plan to an appropriate scale to clearly show the extent of the areas where the soils and on site soil forming materials are to be placed on the site, together with details of the type, volume, depth, and treatment of soils material to be used in each soils placement area.*

73) *Any available soil-forming materials and subsoil shall be spread, either sequentially (the least organic content material forming the lowermost layer) or mixed and spread together, over restoration areas proposed for woodland planting, final infill surface areas proposed for natural colonisation, on final quarry face benches and scree, and in any other suitable receptor locations, as may be approved in the restoration scheme, or as may be agreed on the site and subsequently in writing by a representative of the Mineral Planning Authority.*

The Mineral Planning Authority shall be notified in writing no later than 7 days prior to the commencement of any period of spreading of soil-forming materials or subsoil or mixed soils on any restoration area.

After the conclusion of each phase of this spreading, the site operator shall meet on site representative(s) of the Mineral Planning Authority to determine the grading and treatments to the spread surface, which shall be carried out as so determined prior to the spreading of topsoil.

74) *Any available topsoil shall be spread over restoration areas proposed for woodland planting, over areas proposed for natural colonisation, on final quarry face benches and scree, and in any other suitable receptor locations as may be approved in the restoration scheme, or as may be agreed on the site and subsequently in writing by a representative of the Mineral Planning Authority. No topsoil shall be:*

- spread or used in areas proposed for calcareous grassland creation;*
- spread or used in areas to be left as bare ground;*
- disposed of within the quarry excavations other than as specified in condition 123;*

- *removed from the site, unless contaminated.*

Available topsoil shall be spread to appropriate depths for the intended after-use sequentially after the placement of soil forming materials and subsoil within those areas. The Mineral Planning Authority shall be notified in writing no later than 7 days prior to the commencement of any period of spreading of topsoil on any restoration area.

After the conclusion of each phase of replacement of topsoil, the site operator shall meet onsite the representative(s) of the Mineral Planning Authority to determine the grading and treatments to the final surface of the topsoil which shall be carried out as so determined.

- 75) *There shall be no importation of soil-forming materials to the site. There shall be no importation of soils or soil ameliorants to the site without the prior written approval of the Mineral Planning Authority. Any submission for approval shall include details of the source, type and quantity of soils to be imported, and the proposed use of the soils and receptor locations.*

Site Restoration

- 76) *The deposition of material into and infilling of the quarry shall take place using only extractive and processed mineral waste material derived from within the quarry, and material from the Deep Dale tip, spatially distributed in such quantities as may be necessary to achieve the approved restoration contours and site levels.*

- 77) *The site operator shall meet on site the representatives of the Mineral Planning Authority at the conclusion of each of the following stages in the approved restoration works:*

- (i) *each phase of infilling the quarry excavations to final fill restoration levels or otherwise establishing the final quarry floor and bench levels;*
- (ii) *removal of the Deep Dale tip down to base restoration level and removal of the culvert within the Deep Dale Tip Restoration Area as defined on Drawing No: TP/CSV2/06 (Consolidating Scheme: Key Plan); or*
- (iii) *the tipping of materials, stabilisation and re-profiling within the Deep Dale eastern valley side as defined on Drawing No: TP/CSV2/06;*

The purposes of each site meeting required by this condition shall be:

- a) *to ensure that the ground conforms generally with the levels as set out in the approved restoration contour plan;*
- b) *to ensure that the contours, after allowing for settlement and where applicable the placement of soils or soil-forming materials, shall be*

appropriate to facilitate the approved landscape and biodiversity proposals;

- c) to ensure efficient drainage and no impediment to surface water runoff or lake outflow;*
- d) to determine and agree any appropriate treatments to the final surfaces of the excavations, tipped, backfilled and infilled surfaces, or other ground, which may include regrading, and the provision of localised landform variations, hollows, rocky exposures, flat areas, hummocks, banks and rough uneven ground with occasional boulders.*

The treatments determined and agreed during each meeting shall be carried out prior to any placement of soils or soil forming material, or planting or seeding works.

78) The Restoration Drainage, Erosion Control and Long-Term Water Management Strategy (Document Ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 105 r2), as discharged by NP/DDD/1217/1251, will be adhered to throughout the course of the dismantling and restoration of Deep Dale Tip.

79) The measures and protocols for the passive control of water levels of the restored quarry lake set out in Restored Quarry Lake Water Level Maintenance Strategy (Document Ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 106 r1), as discharged by NP/DDD/1217/1251.

80) The reinstatement of the Deep Dale Stream will take place in accordance Revised Concept Restoration Scheme (Ref: AI-020-M.D.002), and will reflect the methodology set out in Restoration of Deep Dale Stream (P:\AI Topley PC (2107)\40 - Reporting\Condition 107), as discharged by NP/DDD/1217/1251.

81) Works to the settlement lagoons will take place in accordance with Retention, Redesign and Landscaping of the Settlement Lagoons in Deep Dale (Document Ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 108 r1), as discharged by NP/DDD/1217/1251.

Landscaping

82) A comprehensive scheme for the post-restoration landscaping of restored areas shall be submitted for the approval of the Mineral Planning Authority no later than 31 December 2025. Thereafter, the scheme of landscaping shall be implemented in accordance with the details as approved in writing by the Mineral Planning Authority. The landscaping scheme shall be based on the submitted Revised Restoration Scheme Figure 7 (Drawing No: AI-020-M.D.002) to the extent that it shows the generality of distribution of proposed woodland and scrub planting, shall have regard to the Peak District National Park Landscape Strategy and Action Plan 2009 – 2019 (July 2009) including the Landscape Character Assessment (2008) or any replacements thereto, and shall include details of the following:

- a) *selective planting proposals, including the use only of healthy locally sourced native species stock grown from seed sources of local provenance, and the locations, numbers, groupings, species mix, planted heights and details of planting of native trees and shrubs, in the form of schedules of planting for each scheme or parts thereof, and general location/distribution details on plan(s) to a scale of not less than 1:1250;*
- b) *an extended area of proposed woodland and scrub planting in the north-east corner of the quarry to extend to the proposed lake margin;*
- c) *no planting of aquatic and marginal zones;*
- d) *the planting mix to include willow only in association with the lake, sycamore as a low percentage of the planting mix in the proposed woodland area referenced at (b) above, and ash should disease resistant strain(s) become available by the time of submission of the landscaping scheme;*
- e) *the landscape treatment and appearance of the final extraction void, quarry cliff edges faces, benches and slopes;*
- f) *the seeding of appropriate areas to calcareous grass or other suitable species rich grassland, including the use only of healthy native species seed sources of local provenance (if possible, grasses seed to be locally harvested and collected under licence from within the Deep Dale SSSI), including a specification of seed mixes, which shall include wild flower seeds and diverse seed mixes where appropriate, sowing rates, and the sowing of seeds within tree areas to establish ground flora;*
- g) *notwithstanding (f) above, hydro-seeding control, the exclusion of seeding in natural succession areas and an emphasis, where suitable, on natural regeneration of both trees and grasses with minimum or no seeding as the preferred method of grassland establishment;*
- h) *initial fertiliser applications' if appropriate, based on soil analysis in areas proposed for tree seeding;*
- i) *measures for the protection of all plantings, including temporary rabbit proofing and fencing as necessary;*
- j) *arrangements for the drainage of all planted areas;*
- k) *the retention, replacement or repair of fences and the provision of new fencing, gates, stiles and stone walls and establishment of field boundaries where appropriate.*

Habitat Creation

- 83) *A detailed Biodiversity Management Plan for the site, comprising a comprehensive scheme or schemes for the creation, establishment and management of wildlife habitats within the site (as defined in condition 1 to this*

permission to include the quarry, plant site and Deep Dale), shall be submitted for the approval of the Mineral Planning Authority no later than 31 December 2021. Thereafter, the habitat scheme(s) shall be implemented in accordance with the details as approved in writing by the Mineral Planning Authority. The scheme(s) shall be based on the details contained in section 7.5 in the submitted Supporting Statement, Table 6 [Summary of Proposed Compensation Areas] in the submitted Ecological Impact Assessment, and Appendix ES2 with Drawing No:M11.160(f).D.027 [Restoration Strategy] to the submitted Environmental Statement, and as shown on the submitted Drawing No: TP/CSV2/09 [Concept Restoration] to the extent that as it shows the generality of distribution of habitat types, shall have regard to the Peak District Biodiversity Action Plan 2011-2020 or any subsequent replacements thereto, shall comply with any reasonable appropriate habitat creation, establishment and management guidelines provided by a qualified ecologist representing the Mineral Planning Authority, and shall include details of the following:

- a) *Phased habitat creation proposals: restoration biodiversity distribution / mosaic plans providing for a pattern of habitat mosaic with sinuous boundaries designed to sensitively and naturalistically reflect the restoration topography, optimum landscape design and surrounding landscape character, and potential visual impact; site (including substrate) ground preparation; species rich seeding in accordance with the principles specified in condition 113; and interventional techniques for the creation of a mosaic of calcareous grassland, native broadleaved mixed woodland, scrub, bare ground, areas for natural colonisation, rocky outcrops, scree slopes, lake shallows, ephemeral stream habitat and marshy grassland.*
- b) *Phased adaptive habitat establishment and adaptive management proposals which shall include monitoring, control of invasive species, weed control, controlled grazing management, cutting regime, prohibition of use of organic mulches, maintenance of bare ground habitat, and shrub and aquatic vegetation establishment.*
- c) *A programmes or programmes of implementation*

84) *Wildlife habitats established on the site shall be managed in accordance with the approved habitat management proposals, as appropriate for a period of six years following their creation and establishment, or such other period or periods during the approved working life of the site and / or within a period ending five years following completion of the final restoration and landscaping of the site as may be determined by the approved habitat management scheme.*

85) *Annual records of habitat establishment and management shall be kept by the site operator throughout the management period and shall be made available for inspection by the Mineral Planning Authority on request.*

Aftercare

86) *The five-year woodland, nature conservation and amenity aftercare period for the restored site shall commence on the date of written certification by the Mineral*

Planning Authority that all the land has been satisfactorily restored in accordance with the requirements of Conditions 75 to 80 of this permission.

- 87) *Records of the woodland, nature conservation and amenity aftercare operations shall be kept by the site operator throughout the period of aftercare of the site. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority in the form of an Aftercare Report between 31 March and 31 May each year.*
- 88) *Provision shall be made by the site operator for annual meetings with the Mineral Planning Authority between May and August each year, to review and determine the detailed annual programmes of woodland, nature conservation and amenity aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation.*
- 89) *All trees and shrubs planted or seeded in accordance with the approved landscaping scheme shall be maintained in accordance with the principles of good forestry and husbandry, and replaced as necessary for a period of 6 years following the planting or seeding of each landscaped area, or throughout the approved working life of the site, whichever is the later date. The maintenance shall include as necessary woodland thinning and sensitive arboricultural management by agreement with a qualified landscape representative of the Mineral Planning Authority. For the purposes of this condition, replacement planting or seeding with the same species, or such alternative species as may be approved by the Mineral Planning Authority, shall be undertaken in the event of trees or shrubs dying, or becoming seriously damaged or diseased.*
- 90) *Records of landscaping management shall be kept by the site operator throughout the period of maintenance and made available for inspection by the Mineral Planning Authority on request.*

Public Engagement and Information

- 91) *The public site information boards shall remain in position as agreed by the Authority through the discharge application NP/DIS/1217/1251.*
- 92) *The permissive footpath to the viewing platform will be constructed in accordance with the approved plans M11.160(h).D.011 and Footpath Sectional Drawing approved through NP/DIS/1217/1251.*

17. This report seeks the delegated authority for officers to agree a schedule of conditions.

Key Issues

18. Do the proposals accord with statutory National Park purposes?
19. Are the environmental and landscape impacts of removing the over-tipped material from Deep Dale for placement in the quarry void acceptable?
20. What are the implications of not approving the proposals?

Background

21. The extraction operation at Topley Pike is required to cease no later than the 31st December 2025. The restoration of the site and Deep Dale is required to be completed no later than 31st December 2026. The Authority receives Annual Monitoring Figures relating to output from the quarry and remaining reserves, and is confident that the extraction process will be completed by the 2025 deadline.
22. The consent the quarry is currently operating under (NP/HPK/0814/0882) required the phased restoration of Deep Dale, while the extraction operations worked through the remaining consented reserves.
23. The approved restoration scheme allowed the tipped material from Deep Dale to be placed on the western side of the Quarry void to be used in the approved land-forming. Following the completion of the extraction process and restoration land-forming inside Topley Pike Quarry, the active dewatering process will stop meaning a lake feature will naturally occur once the pumps are removed from site.
24. The lake will be kept at a height of 240AOD and will be controlled passively by an out-flow system that will discharge any excess water from the quarry into the River Wye. The tip material was subject to the appropriate testing for contaminants and pollutants due to the potential risk of chemical leakage into the protected hydrological environment that surrounds the site.
25. Laboratory leachate testing was conducted on the tip material and it was concluded that the vast majority of the tip was inert quarry waste (predominantly sludge produced by the old dust suppression systems). This inert material was agreed by both the Environment Agency and Natural England to not pose an unacceptable threat to the hydrological environment. A watching brief will take place during this dismantling process to ensure that any pollutants, bituminous, asphaltic or otherwise contaminated materials are removed and disposed of offsite. The watching brief will be carried out by an independent and suitably qualified specialist. This process will ensure that only the safe, inert materials are used in the land-forming in the quarry.
26. A hydrological mitigation and monitoring scheme has been agreed with the Environment Agency (application ref: NP/DIS/1217/1251) which required the operator to continuously check for pollutants leaking from the site at a number of key points surrounding the site. Surface water monitoring points have been set up along the River Wye, both up-stream and down-stream of the Deep Dale stream outlet. By having monitoring points at both sides of the Deep Dale outlet it will be possible to ascertain if

any pollution leakage has originated from the quarry and/or the tip. There are also groundwater monitoring and other surface water monitoring sites spread across the quarry and in Deep Dale.

27. The Authority's understanding of the material to be placed in quarry void was critical because once the quarry is flooded, the risk of pollutants leaking into the hydrological system could cause significant harm to the surrounding water sources and it would be impractical to carry out any remediation work retrospectively. The Environment Agency agreed that the testing of the material, coupled with the mitigation and monitoring scheme would be sufficient to protect the hydrological environment.
28. As the dismantling process for the Deep Dale tip began, it became clear that the tip material had been placed higher up the valley sides than had been previously thought. The applicant is therefore seeking consent for the removal of all the Deep Dale tip material, with an amended land-forming scheme within the quarry void.
29. During the transportation of the silt initially excavated from Deep Dale, it became apparent that the material was prone to liquefaction. This made it unsuitable for use in the land forming process until it had been placed in a holding cell to dry. This application proposes an alteration to the existing land forming plan, where by the tip material will be placed in a large cell in the south-west corner of the quarry and allowed to dry. Once dry, the material will be capped and bunded by granular material which will allow it to site below the water table without risk of future mobilisation. In the current approved plan, all the tip material would be situated above the water level.
30. This application is also for the increase in the permitted annual tonnage of stone to be exported from the site, from 250,000 tonnes per annum to 400,000 tonnes per annum.

Planning History

31. Quarrying on the site dates back to 1879. Since the 1940's the quarry operated under the following extant mineral planning permissions, which cumulatively cover an area of 32 hectares:
 - Ministerial Interim Development Order 1946 permission (reference: IDO 1986/621/5) dated 25 November 1947 for the eastern part of the site "to develop for quarrying purposes lands in and adjacent to Topley Pike Quarries"; later registered on 6 May 1992 (NP/HPK/0392/026 1992) and reviewed in 1993/4 (NP/HPK/1093/127) under the Planning and Compensation Act 1991 with new conditions determined on 11 January 1994; as modified by a Certificate of Lawful Use of Development (CLUD) for the extraction of stone until 22 February 2042 (NP/HPK/0103/007) dated 19 September 2003. This permission expires on 21 February 2042.
 - Planning permission (Code No: NP/CHA/866/6) dated 21 December 1966 for the western part of the site for "Extension to quarrying area" for Derbyshire Stone Quarries Limited; this also granted permission to tip quarry spoil in Deep Dale (now referred to as the 'Deep Dale tip'); this permission is currently subject to a stalled

review under the Environment Act 1995. This permission also expires on 21 February 2042.

- The critical planning history for understanding this application is the 2018 consolidation application (NP/HPK/0814/0882). This application brought all the historic and various mineral permissions under one single consent, with modern conditions that reflect up-to-date best practice and environmental protections, and is the consent the quarry operates under today. This application set out the strategy through which the Deep Dale Tip would be dismantled and how that material would be used in the phased restoration of the site.
- The operator submitted an application in February 2018 to discharge the relevant conditions of the consolidation consent (NP/HPK/1217/1251). A Design, Remediation, Implementation and Verification Plan was submitted and subsequently approved. A testing regime was undertaken on the tip material, and it was established the material was inert lagoon silt and a granular bund from the historic working of the quarry, although there were examples of some bituminous materials. The Environment Agency offered no objection and agreed the submitted plan was sufficiently robust to protect the hydrological environment.
- This plan set out the methodology that would be used during the dismantling of the Deep Dale Tip. It included a watching brief to be undertaken by an independent and appropriately qualified person. The watching brief will make sure that any previously unidentified or contaminated materials are not used in the land-forming within the quarry void. Any such material will be removed from site and disposed of at an appropriate waste management facility.

Consultation

32. The application has been subject to three separate Regulation 25 (Environmental Impact Assessment Regulations 2017) requests, through which the Authority has required the submission of further assessment or information in order to determine the application. The consultation responses listed below have been made in light of the most recent submission of further assessments, provided to the Authority in December 2023.

- Environment Agency – Following the submission of the most recent sampling and testing analysis, the EA were satisfied that the over-tipped material is of the same source and same composition as the material previously consented for relocation to the quarry void. It is concluded, therefore, that there is no additional threat of harm to the surrounding water environment through the placement of the material in the Topley Pike quarry void. The response highlights the requirement for an on-going watching brief for the purpose of identifying any additional or unidentified contaminated material in the course of the dismantling.
- High Peak Borough Council Environmental Health – No objection.

- Natural England – No objection and concur with the Environment Agency’s comments. Recommend the watching brief is implemented to ensure no unidentified material enters the water course.
- Historic England – Offered no comment.
- Lead Local Flood Authority (Derbyshire County Council) – conditions do not relate to surface water Drainage Containment and Management Strategy and therefore the LLFA have no comments to make.
- Chelmorton Parish Council – Support the application but would like to see some improvements and enhanced maintenance of the highway in the event of increased traffic from the site. Specifically, a warning sign to prevent HGV’s traveling along Pippenwell Lane.
- Derbyshire County Council Highways Authority – Does not consider it likely that the proposals for increasing the export limit of material from the site to have a significant adverse impact on the capacity or safety of the local road network. Also reviewed concerns laid out in the Chelmorton Parish Council response, and explained a rationalisation of signage in the area had previously been undertaken. The matter is further discussed in the ‘Impact on the Highway’ section of this report. (Paragraph 100). Offers no objection.
- PDNPA Archaeologist – No comment.
- PDNPA Tree Officer – Highlighted the importance of woodland in the landscape and that the lose of woodland block 5 (as identified in Landscape and Visual Impact Assessment) would cause a minor harmful impact, but, that this harmful impact should not prevent the removal of these trees for the purpose of slope stabilisation. The officer supported the inclusion of natural regeneration through the restoration scheme as it will help secure full visual integration with the surrounding landscape in the medium/long term.
- PDNPA Rangers – No objection.
- PDNPA Ecology – No formal response received at time of writing. Verbal update to be provided at committee meeting.

Representations

33. The Authority has received no representations from members of the public on this application.

Planning Context

34. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for National Parks in England and Wales:

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

35. When National Parks carry out these purposes they also have the duty to:

- Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

36. The National Planning Policy Framework (NPPF) has been revised (2023). This replaces the previous document (2021) 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. The following Paragraphs are considered most pertinent to the determination of this application:

37. Paragraph 182 - Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

38. Paragraph 183 - When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

39. Paragraph 186 - 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

40. Paragraph 189 – Planning Policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

41. Paragraph 216(h) - Planning policy should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

Peak District National Park Authority Development Plan

Core Strategy (2011)

- 42. The Core Strategy sets out the visions, objectives and spatial strategy for the National Park and contains the core policies to guide development. The pertinent policies for the determination of this application are considered to be:
- 43. Policy GSP1 relates back to the Park's statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous

consideration of the criteria in national policy. Where a proposal for major development can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

44. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to natural beauty, wildlife and cultural heritage of the area. This is expanded in policy L1 which relates directly to the conservation and enhancement of landscape character and other valued characteristics.
45. Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities.
46. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.
47. Collectively, GSP1, GSP2, GSP3, GSP4 and L1 provide overarching principles for spatial planning in the National Park and the delivery of National Park purposes when considering development proposals, including mineral proposals, to ensure that the valued characteristics and landscape character of the area are protected.
48. Core Strategy policy L2 seeks to conserve and enhance any sites, features or species of biodiversity and where appropriate their setting. It also seeks to adopt the same approach to features or site of geodiversity importance. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on sites of biodiversity or geodiversity importance.
49. Policy DS1 seeks to direct development to the most sustainable locations based on a range of criteria. In all settlements and in the countryside outside the Natural Zone the policy specifies a range of developments that are acceptable in principle, which includes mineral working. This is subject to the need to ensure that the principles contained within policy DS1 be considered in relation to other relevant and specific core policies of the plan.
50. Specific to minerals, Core Strategy policy MIN1 states that proposals for new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals and local small-scale building and roofing stone which are covered by MIN2 and MIN3 respectively) will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy Framework. Part B of policy MIN1 in the Core Strategy states that restoration schemes will be required for each new mineral proposal or where existing sites are subject to mineral review procedures. Where practicable, restoration will be expected to contribute to the spatial outcomes of the Plan (either generally or for the constituent landscape character areas of the National Park). These outcomes will focus mainly, but not exclusively, on amenity (nature conservation) after-uses rather than agriculture or forestry, and should include a combination of wildlife and landscape enhancement, recreation, and recognition of cultural heritage and industrial archaeological features.

51. Core Strategy policy T1 seeks to conserve and enhance the National Park's valued characteristics in a number of ways, including minimising impacts of traffic within environmentally sensitive locations. Policy T4 specifically relates to freight traffic, stating that where developments require access by large goods vehicles they must be located on and/or be readily accessible to the Strategic or Secondary Road Network.

Development Management Policies

52. The Development Management Policies are the second part of the Authority's Development Plan and contain policies specifically tailored to inform how development takes place in accordance with the Core Strategy. The pertinent policies are considered to be:
53. Policy DM1 explains that the Authority will adopt a presumption in favour of sustainable development, will work proactively with applicants to find solutions that are consistent with National Park purposes and that applications that accord with the policies contained within the Development Plan will be approved without delay, unless material considerations indicate otherwise.
54. Policy DMC1 sets out how development that may have a wide scale landscape impact should be determined. Such applications are required to be accompanied by landscape assessment which should be proportionate to the proposed development. The assessment should demonstrate how the valued characteristics of the National Park's landscape will be conserved and, where appropriate, enhanced.
55. Design, landscaping and layout of developments are dealt with by Policy DMC3 which states that where development is acceptable in principle, permission should only be granted where the detailed treatments are of a high standard that respect, protect and where possible enhance the natural beauty and quality of the landscape.
56. Policy DMC14 relates to management of pollution and disturbance generated by development. It states that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits. Impacts to be assessed include: the amenity of neighbours; the amenity, tranquillity, biodiversity or other valued characteristic of the area; existing recreation activities; extensive land uses such as agriculture or forestry; ecosystem services including groundwater supply and the water environment; potential future uses of the land; any nuisance or harm to the rural character of the area.
57. Policy DMMW1 sets out the test for the justification of minerals and waste development. There must be clear justification that relation to the viability and need for the development. In order to demonstrate whether minerals and waste development is in the public interest, consideration should include an assessment of:
- I. The need for the development, and the impact of permitting it, or refusing it, on the local economy;
 - II. The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- III. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which these can be moderated.
58. Policy DMMW2 deals with the impact of mineral and waste development on amenity. Such development will only be granted permission where the adverse impacts on amenity can be reduced to an acceptable level or eliminated altogether, particularly in relation to: Nuisance and general disturbance; noise; vibration; dust; fumes and odour; water run-off and flooding; visual impact; potential impacts of land instability; effects on human health; and, impacts on recreation and public rights of way.
59. Policy DMMW3 relates to the impact of minerals development on the environment. It states that minerals development should only be permitted where the impacts of the development on the environment of the National Park are reduced to an acceptable level, or eliminated, particularly to: the risk and impact on environmental receptors; the need to minimise landscape and visual impact; the need to minimise impacts on cultural heritage assets; the need to minimise residual waste arising from the development along with the proposals for the disposal of residual waste; any potential effects on groundwater, rivers or other aspects of the water environment; the need to prevent unauthorised stock ingress; the functional need of any buildings, plant and structures.
60. The restoration and aftercare of minerals sites is dealt with by Policy DMMW5. Minerals development will only be permitted where the restoration and aftercare contributes to the enhancement of the National Park. All proposals must demonstrate that: restoration can be achieved in the timescales proposed; sufficient material is available to achieve the levels proposed; no future land stability issues will arise; all buildings, plant and machinery including bases, foundations and utilities will be removed, restoration will contribute to the enhancement of biodiversity, geodiversity and amenity, as appropriate, and be acceptable within the National Park; a comprehensive scheme for the aftercare of the restored site for a period of 5-years.
61. Policy DMMW6 relates to the cumulative impact of minerals development. The policy requires that minerals development only be permitted where the cumulative impact of the development is considered to be acceptable, taking into a consideration: existing operations on the site and in the locality; other impacts from existing or planned development; the setting of the development; and, the off-site impact of any utility or infrastructure improvements necessary to serve the development.

Assessment

Principle of Development

62. The overarching principle of removing tip material from Deep Dale, for use in the restoration of the Topley Pike Quarry void, has already been found to be acceptable through the determination of the consolidation application in 2018. The reason this application is necessary is due to the discovery that the tip material is considerably higher up the valley side than was originally thought, consequently a greater quantity of material is proposed to be relocated.
63. It has also been discovered through the dismantling operations that have taken place so far that the silts which comprise the majority of the tip material liquify during their transportation into the quarry. It is now proposed for all the tip material to be placed in a cell in the south-west corner of the quarry, which will be bunded and capped with

granular material derived from quarry waste. The cell will sit below the waterline, which is a substantive change from the extant restoration plan, in which the tip material would be placed above the waterline.

64. The over-tipped material is located on the northern slope of the Deep Dale valley. At its thickest part the over-tipped material is approximately 12m deep. In total there is approximately 35,000m³ of tip material that was previously unaccounted for.
65. Approving this application will allow for removal of all the material, which in turn, will facilitate Deep Dale being returned to its natural state, with the valley sides being completely exposed. Deep Dale is designated as a SSSI and a SAC, and is an area of exceptional natural beauty within the protected landscape of the National Park, so the removal of quarry waste from this highly protected environment is considered to satisfy the exceptional circumstance test set out in Policy GSP1, GSP2 and MIN1.
66. The placement of the additional material in the restoration land-forming in the Topley Pike Quarry void will raise the land levels at the western side of the quarry slightly from those currently approved. The raised levels will have a very modest impact on the overall restoration process when considered in the context of the quarry, which is inherently very well screened from view.
67. The proposals for the removal of the over-tipped material for use in the restoration of the quarry void and the alterations to the restoration land forming are therefore considered to accord with the requirements of the Development Plan and are acceptable in principle, subject to the satisfaction of the policies relating to the landscape and the environmental impacts of the proposals.
68. The proposals to increase the export limit for the site is under-pinned by Policy DMMW1, DMMW2 and DMMW3. As the proposals are for the increased export of already permitted reserves, it is considered by Officers that a lesser level of justification than would required for proposals to win and work new mineral reserves. The volume of extra HVG movements that would be permitted in any year is considered would not cause an unacceptable impact on amenity or the environment, by virtue of the sites remote location and the safe, well maintained access with major road network. The Authority considers that by allowing the export of a larger volume of mineral per annum, whilst maintain the controls and restrictions set out in the extant consent over matters such as blasting and operating times, there will be two main benefits: It will allow for the operator to respond to peaks in demand more readily, which in turn will be a benefit to the availability of critical mineral building materials in keeping with the objectives of Paragraph 215 of the NPPF; and, allows the reserves to be worked faster in order to ensure they are exhausted by the current permitted extraction end date. For these reasons the proposed increase in the export limit is considered to accord with the requirements of Policy DMMW1, DMMW2 and DMMW3.
69. Minerals development constitutes Major Development, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, and as such, the exception circumstance test set out in MIN1 and GSP1 applies. The two factors presented as justification in the above paragraph are considered to satisfy the exceptional circumstance test for the proposed increase in export limits, pending the satisfaction of the Policies T1, T2 and T7, which are considered in the “Highways Impact” section of this report. Therefore, the increase in export limit is considered to be acceptable in principle.

Environmental Impacts

70. Part of the site and its immediate surroundings are covered by a number of SSSI's and a SAC designation. This means the baseline sensitivity for environmental pollution is extremely high. An assessment of what the over-tipped material contains has been a critical piece of information for the Authority to consider.
71. It is important to note that the partial dismantling of the Deep Dale Tip and the placement of those materials in the Topley Pike quarry void land forming is already permitted through the extant planning consent, which is accompanied by a requirement to monitoring the surrounding hydrological environment. The determination of this application needs to focus on any additional impact that would be associated by the removal and placement of the over-tipped materials.
72. At the request of the Environment Agency and planning officers, the applicant carried out a programme of additional sampling and testing of the over-tipped material. This testing was carried out by pits being dug and samples removed from the tip. These samples were then subject to a rigorous testing regime in a laboratory, which looked for contaminants and pollutants that might cause harm to the hydrological environment surrounding the site.
73. The reason why contaminants pose a potentially significant threat to the quality of the protected hydrological environment is due to the lake, which will be created in the quarry void following the cessation of the active dewatering process, having an outlet that will feed directly into the River Wye. The Environment Agency assessed the further sample testing submitted by the applicant and agreed that the over-tipped material was of the same source and composition as the rest of the tip, previously approved for relocation. This means that the hydrological risk assessment that was conducted as part of the 2018 consolidation application is still applicable, and, there is no additional threat posed to the water environment as a result of the placement of the over-tipped material in the quarry void.
74. Given the nature of the historic quarry tipping, there is a risk that previously unidentified, contaminated materials are present in Deep Dale. This risk was identified during the determination of the 2018 consolidation application. A Remediation, Mitigation and Verification Strategy was submitted to the Authority to satisfy the requirements of Condition 81 of the consolidation consent. This strategy detailed how the watching brief will be conducted during the dismantling of the Deep Dale tip. The watching brief will ensure that the dismantling process will be over-seen by an appropriately qualified and independent specialist. Where previously uncharacterised materials are identified, they will be removed from site for disposal at an appropriately licensed waste facility. This measure will ensure that the hydrological environment is protected from any unidentified contaminants.
75. The water monitoring strategy that was established through the consolidation consent requires the continuous monitoring of ground and surface waters at defined locations in the vicinity of the site during the extraction and subsequent restoration process. Surface water chemistry testing is required to take place monthly during the works to excavate and place the tip material in the quarry void, and will take place quarterly during periods of inactivity.
76. Surface water chemistry testing took place during the works to the tip, prior to its cessation in 2020 upon the discovery of the over tipped material. The chemical testing across the site for 2019 showed one instance of a pollutant chemical, Extractable

Petroleum Hydrocarbons (EPH), breaching the tolerance limit, which was recorded at the quarry sump. A single EPH event is extremely unlikely to have been caused by the placement of the tip material in the quarry. If the EPH had originated from within the tip material then it is highly likely that there would be a number of EPH spikes recorded, or even a continuous reading, as the chemical leaked out of the material. The EPH spike is considered to have mostly likely originated from either a fuel/lubricant spill in the quarry (although no spills were officially recorded in 2019), or as a result of either a sampling or laboratory testing error. Importantly, the EPH spike was not detected in any of the monitoring points downstream of the quarry, again supporting the position that this was an at best anomalous, or at worst, an isolated reading.

77. A Habitat Regulations Assessment (HRA) has been undertaken by the MPA as the competent authority on the matter, as per the Conservation of Habitats and Species Regulations 2017. The conclusion of the HRA was that there are no Likely Significant Impacts of the development on the protected habitats. The Authority's HRA is appended to this report as Appendix 1.
78. It is therefore concluded that there will be no additional risk to the surrounding hydrological environment as a result of permitting the placement of the over-tipped material in the quarry void.
79. The other potential environmental impacts of the proposed development are noise and dust that might be created in the course of dismantling the tip. There are conditions attached to the extant consent which set out noise limits and approved working times specifically for the dismantling of the tip. These conditions will be appended to any further approved the Authority may be minded to grant.
80. In relation to noise generated through the general operation of the site, the extant consent detailed 4 specific properties that were considered to be sensitive receptors. Sensitive receptor is the appropriate terminology, as set out by the EIA Regulations, and describes any environ that might be impacted by the proposed development. In this instance the sensitive receptors for noise generated from the operation of the quarry (including the restoration process and works in Deep Dale) are listed as: Woolow Farm; Upper Farm; Sterndale Green Farm; Topley Head Farm. These properties are geographically the closest to the site and are considered representative of other residential properties in the area. Each of the named properties has a dB limit assigned to it (ranging between 43 and 48) and any unnamed property has a limit of 50dB.
81. The proposals are for the removal and placement of the over-tipped material in the restoration of both Deep Dale and the Topley Pike Quarry void. Aside from the volume of material to be moved, the proposed variation of condition will not result in or allow any new activity that does not already have permission. It is therefore considered unlikely there will be an increased level of noise generated from the site.
82. There will be no relaxation of dB limits, or the Authority's control of the monitoring and mitigation of sound generated on site, through this variation of condition proposal. The same standards of protection will be in place to ensure that all sensitive receptors are adequately protected. The proposals are the therefore acceptable with regard to noise emissions.
83. Similar restrictions and mitigations in relation to dust emissions are imposed through the current consent. The site operates under a licence from High Peak Borough Council, which contains a detailed Dust Impact Assessment. Similar to the generation of noise, this application will not permit any new activity that is likely to generate

considerably higher volumes of dust from the site. The proposals are therefore considered to be acceptable with regard to the impact of dust.

84. In light of the environmental impacts and mitigations detailed above, it is concluded that approving the removal of the over-tipped material for its placement in the quarry void is considered to comply with the requirements of Policy DMMW2 and DMMW3.
85. Officers consider there to be no harmful environmental impact in respect of the increase in export limits. The total volume of mineral which is permitted for extraction will not increase as a result of this application and so therefore the number of HGV movements across the life-span of the quarry will not increase. This application will not result in a net increase in the volume of Carbon Dioxide being emitted by HGV movements generated on site.

Landscape Impacts

86. The application has been submitted with a Landscape and Visual Impact Assessment (LVIA), which considers the potential impact of the works and the alterations to the restoration scheme. The LVIA identifies the Landscape Character Types (LCT's) in the locality that may be impacted by the development, as set out in the Authority's Landscape Strategy and Action Plan, which are: Limestone Village Pastures; Limestone Dale; and, Limestone Plateau Pastures.
87. The National Park is a protected landscape and is afforded strong protection through the NPPF and also the Authority's own Development Plan. Policy L1 of the Core Strategy is clear that development must conserve or enhance the valued characteristics of the landscape in order to be considered acceptable. As such, the baseline of sensitivity is very high and the Authority should refuse any application that has a harmful impact on the landscape without thorough justification and/or mitigation.
88. The complete removal of the tip material will offer a substantial landscape gain and will be a significant enhancement for the enjoyment and amenity of the public using the footpath running through Deep Dale, that will be reinstated following the completion of the works. The conditions attached to the extant consent will ensure the dismantling process takes place in such a manner as to minimise the impact of dust, noise and general disturbance to the surrounding area. The removal of the material will also allow the culverted water course at the base of the valley to be uncovered and reinstated to its natural form of a stream. Limestone Dales are described in the Landscape Strategy as being steeply sloping valleys with limestone outcrops and extensive tracts of woodland and scrub intermixed with limestone grassland. Following the removal of the tip material, the northern valley side will naturally regenerate to provide a calcareous grassland which will be interspersed with limestone scree and outcrops. This enhancement will be an important gain for the understanding and enjoyment of the protected landscape and provide further opportunities for indigenous biodiversity and is in keeping with the wider Landscape Strategy.
89. The partial dismantling of the tip already has planning permission and so the determination of this application should primarily consider whether there will be any additional impact associated with the removal of the additional tip material.
90. There will be some additional short-term harm to the landscape throughout the dismantling process, which will be a result of the dismantling process taking longer

because of the increased volume of material to be excavated. Plant and machinery will be used in the dismantling/excavation of the tip and in its transportation into the quarry void, which will be harmful, as well as the extraction process itself having a negative impact. This harm will be most acutely felt for receptors using the nearby public footpaths. The Authority broadly agrees with the conclusions made in the submitted LVIA that during the works there will be a high/very high adverse on the adjacent Rights of Way, but that these are balance out by high/very high beneficial effects on those same receptors that will be retained in perpetuity once reclamation works are complete.

91. Temporary impact is considered to be significantly outweighed by the visual and ecological benefit of reinstating Deep Dale to its natural form. Furthermore, the works will take place mostly from the valley floor, which in turn will mean there will be very limited impact on the wider landscape, with most of the harmful effect being contained visually to within the valley and the areas immediately adjacent to it.
92. There are two small parcels of semi-mature trees that will be felled in the course of the restoration works to the valley sides. Block 5 and Block 9, as detailed in the Landscape and Visual Impact Assessment, which have established along the upper portions of the northern valley side and will have to be felled to allow the removal of the tip material. The PDNPA Landscape Officer concluded that the loss of the trees was unfortunate but would have a mild impact and that new vegetation would re-establish itself following the restoration process. This mild and short-term harm to the landscape is considered to unavoidable and is completely out-weighted by the benefit of restoring Deep Dale to its original valley form.
93. There are some modest changes to the land-forming and restoration planting scheme within the quarry void and on the surrounding surface level areas, but the changes are of a size and scale that will ultimately mean there is no meaningful change or harmful impact to the wider landscape. When viewed from the public vantage points at the eastern end of the site, the restored quarry will still appear as a lake surrounded by woodland planting and dominated by historic quarry faces above.
94. The proposals are therefore considered to not have any additional short-term harmful effect on the protected landscape above and beyond what has already been granted planning permission, but do offer a substantial additional benefit enhancing the Limestone Dale characteristics as set out in the Landscape Strategy. The restoration of Deep Dale and the placement of the tip material within the quarry void is assessed as meeting the criteria of Policy L1 and are acceptable in landscape terms.

Impact on Ecology

95. The proposed development will have an impact on a local population of badgers. Officers are satisfied the proposed mitigation strategy will adequately protect the badgers and will ensure there is no long-term harm to their habitats. The operator will have to apply for a Badger Development Licence from Natural England before the works can commence.
96. It is not appropriate for a more detailed explanation of the local population or the impacts of the development due to the protected nature of the species, but officers have assessed the surveys and mitigation strategy thoroughly and conclude that the development is taking place in accordance with Policy DMC12.
97. A plan has been submitted by the operator showing the location of the over-tipped material in relation to the SAC designation. The removal of the over-tipped material will

result in the loss of the vegetation that now covers the tip, but the operator has been able to demonstrate with sufficient clarity that the calcareous grassland within the SAC designation will be unaffected.

98. The soils that cover the tip material will be carefully removed and placed in the western end of the quarry following the completion of the land forming process. The handling and placement of soils will be directed by the existing conditions, albeit with slightly amended wording, which will ensure this valuable ecological resource is protected through the course of the development.
99. There are no significant changes proposed to the overall planting restoration scheme, and so it is still the case that through the course of the restoration of the quarry and of Deep Dale that there will be a significant biodiversity enhancement that will continue to develop over the coming years and decades. It is therefore concluded that the proposals are acceptable with regard to their impact on ecology and biodiversity.

Impact on the Highway

100. The Transport Assessment (TA) which supports this application sets out that the proposed increase in the export limit is likely to result in between 2 and 3 additional HGV movements per hour. The existing number of traffic movements is the baseline for assessing the impact of the proposed increase in export tonnage. The TA was prepared in 2020, and was based on the previous 3-years of operator data (2017, 2018, 2019). On average, there were approximately 12,500 loads of product leaving the site each year, which equates to 25,000 HGV movements.
101. The TA made a technical assessment of the surrounding highway network, the junction/access connecting the site and the A6, traffic flows and recorded crash data. The assessment found that the junction was suitable and safe to accommodate an increased volume of HGV's entering and leaving the site, and that the surrounding road network itself had sufficient capacity to absorb the increase without an unacceptable impact.
102. Chelmorton Parish Council have raised concerns about HGV drivers following satnav's, which on occasion has resulted in large vehicles attempting to drive along Common Lane, through the village and then onto Pippinwell Road which is a single width track. The Parish Council states that in some instances, vehicles have become stranded. The Highway Authority have reviewed these comments and replied explaining that there had already been some work undertaken to rationalise the signage in the area and to remove some clutter making the remaining regulatory signing clearer. Contributory funding is welcome but not considered necessary for minor signage, and consideration should be focused on whether signage available under the Traffic Signs Regulations would actually provide a noticeable benefit, in addition to the its appearance in the National Park context.
103. The Highway Authority also commented that in their assessment of the proposals, the development would not result in a significantly adverse impact on capacity or safety in the area. It is noted that there are several operational quarries in the area, and it is not possible to easily identify from which of these quarries a HGV using these roads originated. As such, it is not considered reasonable to insist upon a contribution to highway maintenance from this individual operator. Officers are aware that appropriate signage is in place along the highways surrounding the village explaining the unsuitable

nature of the roads for use by HGVs in the village and the surrounding lanes as. Of particular relevance to the Parish Council's comments is the weight restriction sign at the junction of Common Lane and the 'Unsuitable for HGVs' sign at the junction of Phippenwell Road. The signage is clear and visible. It is considered that additional signage is unlikely to provide further benefit and given this context would constitute an unnecessary visual impact within the protected landscape. As such, it is not considered necessary or reasonable to require further signage or contributions from the operator in relation to highway maintenance. It is also worthy to note that extraction from Topley Pike is conditioned to cease at the end of 2025 which will reduce the risk of HGVs using the lanes in the vicinity of the village.

104. Policy T1 of the Core Strategy sets out the Authority's strategic approach to transport development in the National Park. Broadly, the policy seeks to encourage more sustainable transport outcomes that conserve and enhance the valued characteristics of the National Park. The proposals will allow a greater number of HGV's to enter and leave the site in a given year, which would normally be contrary to the protection of the valued characteristics of the National Park. In this instance, given there will be no increase in the overall volume of material to be exported from the site, it is considered that the proposals will not have an unacceptable impact on the tranquillity of the National Park. The increase in the permitted export annual limits may serve to bring the end date of quarrying at the site forward, which would be a material benefit to the National Park. The proposals are therefore not considered to conflict with the requirements of Policy T1.
105. Policy T4 sets out the criteria against which development of freight transport must be considered. The policy requires that development is related to the needs of a National Park based business, which Topley Pike Quarry is. The policy requires that the development be located in such a way as to avoid harm to the valued characteristics of the National Park. There is no realistic opportunity through this application to address the location of the development given minerals can only be worked where they are found and a pre-existing consent for extraction exists. The policy requires such development to be readily accessible to the strategic or secondary road network, which the application is given its immediate access to the A6. For these reasons the proposals are considered to broadly accord with the requirements for Policy T4.
106. The Highway Authority agree with the findings of the TA and have offered no objection to the proposals. The proposals to increase the annual export limit to 400,000 tonnes is therefore considered acceptable.

Cumulative Impacts

107. The Regulations make it clear that the EIA process needs to consider the cumulative impact of the proposed development with existing and potential surrounding developments and land uses. Policy DMMW6 of the Development Management Policies sets out the criteria against which the Authority must assess the cumulative impact of minerals development. The Authority must consider the existing operations on the site and in the locality, other impacts from existing or planned development, the setting of the site, and the off-site impact of any utility or infrastructure improvements necessary to serve the development.
108. The cumulative impacts of the continued operation of Topley Pike Quarry, has to be considered in the context of several significant quarries within a 5km radius. The Old Moor/Tunstead site to the north is a nationally significant limestone quarry and cement

plant, in addition to Hindlow Quarry and Dowlow Quarry which are both large aggregate sites, located to the south.

109. Given the number of large quarries within a 5km radius of the site, it is important for the Authority to assess whether there are any cumulative impacts that might be worsened by the proposed development.
110. The ES submitted with the application contains a detailed assessment of the successive, simultaneous and combined effects of the proposed development, which is the broadly agreed methodology for analysing combined impacts. Given the modest scale of the changes to the Deep Dale restoration programme and the slight increase in the number of HGV's entering/leaving the site, it is considered that the proposed variation of condition will not serve to cumulatively enhance any harmful impact relating to this quarry and the quarries nearby.
111. Officers have assessed planning records from the locality covering the period of time since the application has been submitted and agrees with the assertion made in the ES that there will be no unacceptable cumulative impact as a result of the proposals, thus satisfying the requirements of Policy DMMW6.

Consideration of Alternative Solutions

112. The EIA Regulations require the consideration of alternative development solutions. The core objective of this application is to agree the removal of the over-tipped material from Deep Dale, allowing its complete restoration. Officers consider there to be two possible alternative solutions, which are: leaving the over-tipped material in Deep Dale; or, removal of the over-tipped material from site for disposal at an appropriate waste facility.
113. Leaving the material in place would not allow the complete restoration of Deep Dale, which is considered to be harmful to the protected landscape and would be detrimental to the enjoyment and understanding of this natural valley feature for users of the footpath. Deep Dale is a SSSI and has a high degree of natural and scenic beauty. The complete restoration of the valley is considered by the Authority to be a priority outcome. Leaving the material in place would therefore be contrary to Policies GSP1, GSP2 and L1.
114. Removing the over-tipped material from site has a range of harmful impacts. The primary impact would be the additional HGV movements that would be generated to transport the 35,000m³, the carbon emissions and the disruption to the tranquillity of the National Park that would represent. The proposals to increase the permitted export limit would not impact the total volume of HGV's using the site, however, the removal of the tip material from the site would generate a number of new HGV movements that are considered unnecessary given there is an appropriate on-site means of disposal available.
115. The complete removal of the over-tipped material from site would generate a significant volume of additional HGV movements, above and beyond what has been permitted through the existing consent and from the proposed increase in annual export. This would result in emission of a substantial amount of addition carbon dioxide. The re-use of the over-tipped material in the land forming in the quarry void is considered to be a more sustainable outcome, subject to the Authority's satisfaction that the material does not pose an undue risk to the environment.

116. Policy CC3(e) of the Core strategy sets out the Authority's preference for construction and demolition waste to be re-used on site where ever possible. Whilst the quarry waste that has been tipped in Deep Dale is not construction and demolition waste, the principle of re-using available materials on site is still applicable to this application, and is considered to be a sustainable outcome that accords with the Authority's strategic and environmental objectives. As the potential threat to the hydrological environment has been thoroughly assessed, it is considered that using the material in the quarry void restoration process is a preferential outcome than removing all the tip material from site.
117. As such, it is concluded the placement of the material in the quarry void is the most sustainable and preferential outcome.

S.106 Heads of Terms

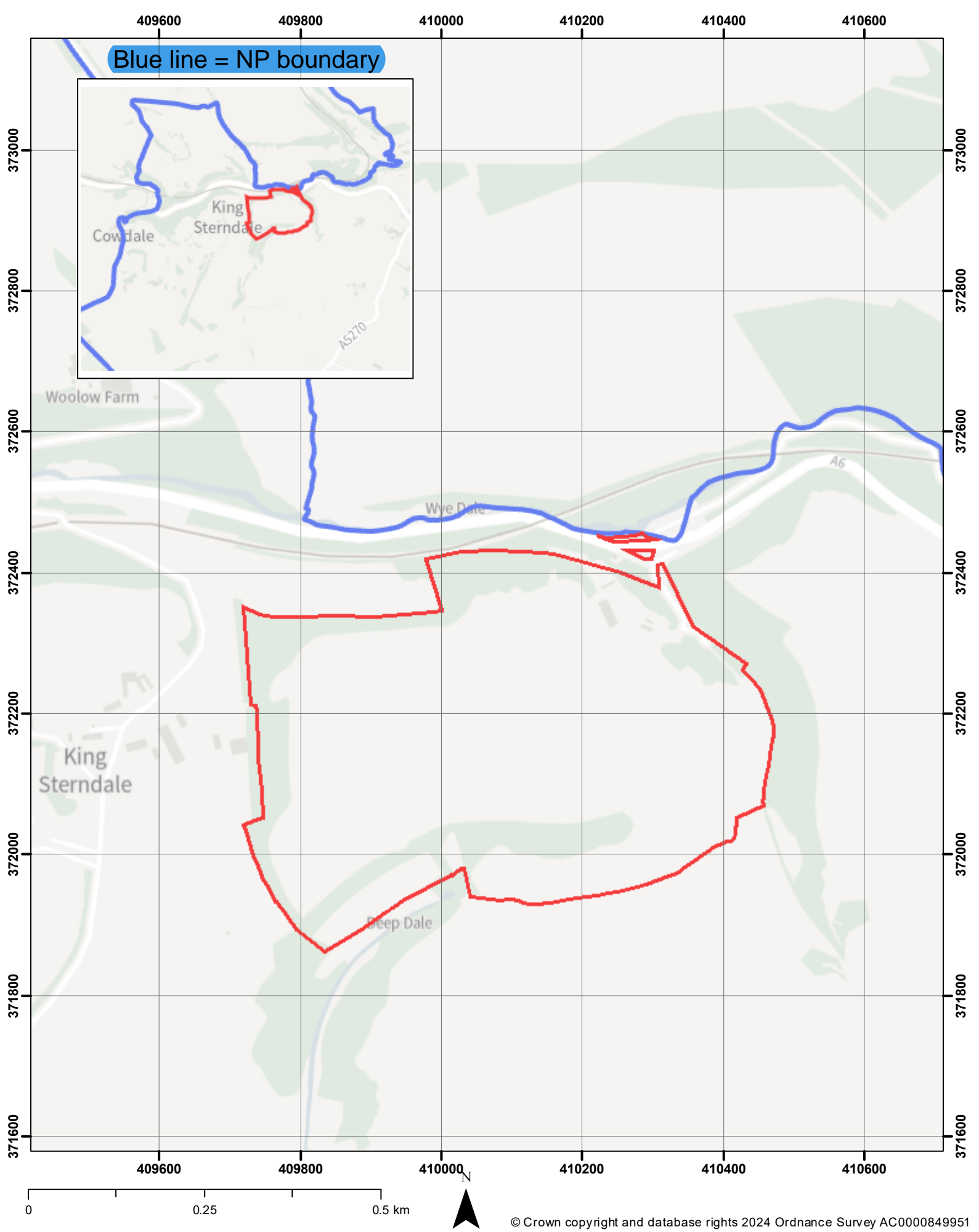
118. Should the Committee be minded to approve the application, a Deed of Variation to the existing S.106 will need to be signed by all the interested parties. The schedule of obligations will cover the following matters:
- Continued quarrying and associated operations and development;
 - Revocation of Existing Planning Permissions;
 - Maintenance of liaison committee;
 - Monitoring of water flows and quality in the River Wye.
119. The Deed of Variation is required to update the reference numbers for the plans, monitoring and mitigation strategies. The changes to the S.106 are considered to be minor and the agreement will mirror very closely the agreement that is currently in place.

Conclusion

120. The proposals for the use of the over-tipped material in the restoration process are acceptable in principle and represent a sustainable on-site use for a quarry waste material.
121. The testing regime that has been carried out on the over-tipped material has been agreed by the Environment Agency to be thorough and robust enough to conclude that the materials do not contain contaminants and pollutants that would represent an unnecessary risk the surrounding hydrological environment.
122. The proposals will allow Deep Dale to be returned its natural state, which will be a significant benefit and accords with the strategic objectives of the National Park.
123. The proposals to increase the annual export limit of the site from 250,000 to 400,000 tonnes are considered acceptable insofar as it will not represent an overall increase in the volume of mineral to be worked. The Highways Authority have raised no objection the additional HGV movements that will be generated as a result of the increase export limit.

124. The proposals are considered to accord with the policies of the Development Plan and the objectives of the NPPF. It is therefore recommended that the Committee approve this application subject to a Section 106 legal agreement and the final wording of the conditions outlined in this report.

Report Author – Rory Bradford, Minerals Planner



Blue line = NP boundary

Topley Pike Quarry and Deep Dale

Item no. 14
 Application no. NP/HPK/1220/1138
 Committee date: 09/08/2024

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 Scale: 1:6,614 at A4 pagesize
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15. FULL APPLICATION – CHANGE OF USE FROM ANCILLARY ACCOMMODATION FOR DISABLED RELATIVE TO HOLIDAY ACCOMMODATION AT WATERGROVE, UNNAMED SECTION OF A623 FROM HOUSLEY ROAD TO LONG LANE FOLOW (NP/DDD/0524/0549) HF

APPLICANT: MR MATTHEW EVERATT

Summary

1. The application seeks the change of use of an existing outbuilding from ancillary residential accommodation for a disabled relative to holiday accommodation. The exact date of the outbuilding is unknown, although it is established to be a relatively modern building, likely to be 1980s or 1990s.
2. The permission under which the existing ancillary accommodation operates (NP/DDD/1020/0963) includes a condition requiring that the accommodation shall not be occupied other than by members of the family or employees of the occupier of that dwelling and together with the main house be maintained as a single planning unit. Planning permission for the proposed use is therefore required.
3. Policy RT2 of the Core Strategy states that the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would have an unacceptable landscape impact in open countryside. Paragraph 3.30 of the Development Management Policies document confirms that a 'traditional' building is defined as a property built prior to 1919 with solid walls constructed of moisture-permeable walls.
4. As a late 20th Century building constructed from 'Davie Block' walls under a concrete tiled roof, the outbuilding is neither historic or of vernacular merit and does not meet the definition of 'traditional'. Whilst it is recognised the development would not make alterations to the existing outbuilding, and would not have an unacceptable landscape impact in open countryside, the outbuilding is a late 20th Century structure and therefore does not meet the definition of 'traditional' contained in the development plan and the proposal is contrary to RT2.
5. The development is therefore not acceptable in principle, and harm arises as a result of the policy conflict with the development plan.
6. The application is therefore recommended for refusal.

Site and Surroundings

7. Watergrove is a two-storey detached dwelling on the north side of the A623, approximately 850m east of Wardlow Mires and 410m south-west of Housley. The property is listed Grade II and lies in open countryside.
8. The property is screened from the road by a high conifer hedge behind which (and forward of the principal elevation of the dwelling) there is former stable building constructed from limestone Davy blocks under a Hardrow tile roof. The building has been converted into ancillary accommodation for a disabled relative.
9. Previous applications on the site have confirmed that the outbuilding is not a historic structure and whilst it is within the curtilage of a listed building, it is not curtilage listed.

Proposal

10. The application seeks to change the use of the outbuilding from ancillary accommodation for a disabled relative, to a short-term holiday let.
11. No external alterations are proposed to the outbuilding. The holiday let would utilise a number of the existing car parking spaces at the property.

RECOMMENDATION:

12. That the application be REFUSED for the following reason:

- 1. The development would introduce holiday accommodation into a modern outbuilding that is not a traditional building of historic or vernacular merit. The development is therefore unacceptable in principle and would be contrary to Core Strategy Policy RT2.**

Key Issues

- Principle of the change of use;
- Impact of the development on the character and appearance of the building, the site and the Grade II Listed Watergrove;
- The impact of the development on residential amenity;
- Highways considerations.

History

13. NP/DDD/1020/0964: Conversion of stables to ancillary accommodation for a relative – Withdrawn.
14. NP/DDD/1020/0963: Conversion of stables to ancillary accommodation for a relative – Approved 10th May 2021.
15. NP/DDD/1021/1112: Addition of a disabled wheelchair access and patio area for the existing 1980s converted stable block – Approved 4th January 2022.

Consultations

16. Derbyshire County Council (Highways): No highway safety objections.
17. Derbyshire Dales District Council (Planning): No response received to date.
18. Foolow Parish Meeting: No response received to date.

Representations

19. A total of 5 letters of support have been received to date in respect of the application. They raise the following matters:
 - Location ideally suited to holiday let due to its private, peaceful rural location away from neighbours and therefore not negatively impacting other properties;
 - The property is on an accessible main road and ample parking already exists. The proposal will not create congestion or parking issues such as those experienced elsewhere in the National Park;
 - The development will improve inclusivity in the area, catering to visitors with mobility issues. The building has wheelchair access and is set up for disabled

living, meeting a need for this kind of tourism accommodation as this is something other holiday properties in the area lack;

- Use of the building for holiday let will not deplete local housing stock due to the current use of the building;
- The building is currently unused due to the personal circumstances of the applicant's relative and the development will repurpose the building effectively, putting the building back into valuable use and improving tourism stock;
- Economic benefits as the holiday let will increase tourism and provide more employment opportunities such as local laundry, cleaning and service businesses. There would be other economic spin off benefits to local businesses in neighbouring villages who benefit from tourism.

Main Policies

20. Relevant Core Strategy policies: GSP1, GSP3, DS1, L3, RT2

21. Relevant Development Management policies: DMC3, DMC5, DMC7, DMR3, DMH8

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.

National Planning Policy Framework

23. The National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date.

24. The development plan for the National Park comprises the Core Strategy (2011) and Development Management Policies (2019). Policies in the development plan provide a clear starting point consistent with the National Park's statutory purposes for determining this application. In this case there is not considered to be a significant conflict between prevailing policies in the development plan and the NPPF.

25. Paragraph 88 of the NPPF states that planning decision should enable (c) sustainable rural tourism and leisure developments which respect the character of the countryside.

26. Paragraph 182 states 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 matters. The conservation and enhancement of wildlife and heritage are also important considerations and should be given great weight.

Peak District National Park Core Strategy

27. GSP1, GSP2 – Set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its wildlife and heritage.

28. GSP3 – All development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to impact on the character and setting of buildings, scale of the development and accordance with the Authority's Design Guide.

29. DS1 – Forms of development in all settlements and in the countryside which are acceptable in principle include conversion or change of use for visitor accommodation, preferably by re-use of traditional building.
30. L3 – Development must conserve and where appropriate enhance or reveal the significance of historic assets and their settings.
31. RT2 – Proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:
 - A. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside.

Peak District Development Management Policies

32. DM1 – Sets out a presumption in favour of sustainable development in the context of National Park Purposes.
33. DMC3 – Where developments are acceptable in principle, design is required to be of a high standard which where possible enhances the landscape. Design and materials should all be appropriate to the context. Accessibility should also be a key consideration.
34. DMC5 – Planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate its significance and why the proposed works are desirable or necessary.
35. DMC7 – Applications in the setting of a Listed Building should be determined in accordance with DMC5 and clearly demonstrate how their significance will be preserved, and why the proposals are desirable or necessary.
36. DMR3 – Outside settlements, where self-catering accommodation is acceptable, its use will be restricted to no more than 28 days per calendar year by any more than one person.
37. DMH8 – Alterations to existing outbuilding will be permitted provided the changes conserve or enhance the immediate dwelling and curtilage, and any valued characteristics of the adjacent building environment including Listed Buildings.

Assessment

Principle

38. The existing outbuilding was granted permission for use as ancillary living accommodation under NP/DDD/1020/0963. The permission includes a condition requiring that the accommodation shall not be occupied other than by members of the family or employees of the occupier of the main dwelling and together with the main house be maintained as a single planning unit. Planning permission for the proposed use is therefore required.
39. The outbuilding is a modern structure, understood to have been constructed during the 1980s or 1990s and is not of historic interest. This was confirmed through a Heritage Statement under the previous applications on the site, which has been provided again as part of this submission. This is further established under the submitted Design & Access Statement, which confirms the outbuilding is a late C20 former stable block of no historic interest. The building therefore cannot be considered to be a heritage asset.

40. Core Strategy Policy DS1.C confirms the forms of development that are acceptable in principle include conversion or change of use for visitor accommodation, preferably by re-use of traditional buildings.
41. Policy RT2 expands on this, requiring that hotel, bed and breakfast and self-catering accommodation must conform to a set of principles which include that the change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside.
42. 'Traditional' is defined by paragraph 3.30 of the Development Management Policies document as a property built prior to 1919 with solid walls constructed of moisture-permeable walls. A traditional building of 'historic or vernacular merit' therefore means a heritage asset within the terminology of the NPPF and local DMP.
43. The outbuilding does not meet the definition of 'traditional' and is therefore contrary to RT2 as it does not comply with the principles that hotels, bed and breakfast and self-catering accommodation must conform to under the policy.
44. The development is therefore unacceptable in principle and harm arises due to the conflict with policy, as such approvals would undermine the aim of Policy RT2 which seeks to direct investment into the stock of traditional buildings in order to conserve the valued characteristics of the National Park's built heritage.
45. The applicant has drawn attention to a number of other policies including Policy E2 of the Core Strategy, however that policy relates to employment proposals rather than holiday-lets, which are dealt with under RT2.
46. Officers attention has also been drawn to paragraph 88(a) of the NPPF. Paragraph 88(a) is not considered to be relevant, as it relates to businesses in rural areas. Criterion (c) is considered to be the relevant part of paragraph 88, which states that planning decisions should enable sustainable rural tourism which respects the character of the countryside.
47. Whilst there would be no physical works as part of the development in terms of impact on character, the site is not considered to represent a sustainable location. It lies approximately 1km outside of Foolow. The nearest bus stop is over 800m from the site and would need to be accessed along narrow grass verges either side of the busy A623.

Design & Heritage Considerations

48. The outbuilding lies within the curtilage of the Grade II Listed Watergrove Cottages listed in 1967. However, the outbuilding itself is a modern late C20 building that as previously established under a number of earlier applications, is of no historic interest and is not curtilage listed.
49. There are no physical external changes to the building. The holiday-let would utilise two of the existing car parking spaces on site.
50. As there are no external alterations to the existing building or parking arrangements, there are no objections from a design or heritage perspective and the proposals would not alter, and would therefore conserve, the setting of the Grade II Listed building.
51. The proposals would therefore not conflict with Policies GSP3, L3, DMC3, DMC5 or DMC7 of the development plan. DMH8 would not be applicable, as the application proposes no physical alterations to the existing outbuilding.

52. Having regard to RT2.A, the application proposes no external alterations and would not be considered to result in unacceptable landscape impacts in the open countryside.

Highways

53. The drawings allocate part of the existing parking area to the property for use by the proposed holiday accommodation. Sufficient parking opportunities would remain elsewhere on site. The Highways Authority have confirmed there are no highway safety objections relating to the application. It is also recognised, as raised by a number of representations, that the site has good access by car from the A623 and sufficient parking on site.

Residential Amenity

54. The application is for holiday accommodation. The outbuilding has a close relationship to the main house in terms of shared spaces, access, car parking and manoeuvring space. The close physical relationship between the main house and outbuilding is such that a planning condition is considered to be necessary to ensure the holiday accommodation remains ancillary and within the same planning unit as the main house, in order to ensure the occupants retain control over the holiday-let and to ensure that the use respects the amenity of the existing dwelling. As raised by a number of representations, due to the distance of the property to other neighbouring properties, there would be no wider impacts on neighbouring amenity.

Other

55. The application site is not located in an area at risk of flooding and therefore raises no concerns in this respect.
56. The applicant and representations have outlined a number of benefits to the scheme, including the benefit of re-using an underutilised existing building and putting it to a new use, ease of access, economic benefits including spin-off benefits to surrounding businesses through increased visitation, potential local employment opportunities associated with cleaning of the property, and that the proposal would help to meet demand for tourist accommodation without removing any existing housing stock.
57. A further benefit has been outlined due to the accessibility of the outbuilding for those with disabilities, thereby offering inclusive holiday accommodation, which is something representations note to be lacking in the wider area.
58. Whilst those benefits are recognised, the proposals conflict with the development plan and are not acceptable in principle. Harm therefore arises through the identified policy conflict as approvals of holiday accommodation in modern buildings would undermine the aim of RT2 to direct investment into the Authority's traditional building stock to conserve the National Park's built heritage. The introduction of a holiday-let in a modern building, and in an unsustainable location is therefore considered to weigh against the proposals.

Conclusion

59. Whilst it is recognised the development would not make alterations to the existing outbuilding, and would not have an unacceptable landscape impact in open countryside, the outbuilding is a late 20th Century building and does not meet the definition of 'traditional' contained in the development plan. The proposal is therefore contrary to RT2.
60. The development would introduce holiday accommodation to a non-traditional building, in an unsustainable location.

61. The development is therefore not acceptable in principle, and harm arises as a result of the policy conflict with the development plan.

62. The application is therefore recommended for refusal.

Human Rights

63. 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

Hannah Freer – Planner – North Area

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Watergrove, Unnamed section of A623 from Housley Road to Long Lane, Foolow

Item no. 15
Application no. NP/DDD/0524/0549
Committee date: 09/08/2024

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Scale: 1:827 at A4 pagesize
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16. MINERALS - MONITORING REPORT (TE)

1. Purpose

To update members on the latest mineral policy Monitoring Report (2016/17-2022/23) due to omission of the topic area in wider policy Monitoring Report put before Members on the 12th July 2024.

Key Issues

- To bring mineral policy monitoring up to date and provide an overview of the work completed by the Strategic Planning & Minerals team over the same time period.

2. Recommendations

- 1. That the report be noted.**

How does this contribute to our policies and legal obligations?

- 3.** The Localism Act 2011 removed the statutory requirement for an annual monitoring report but the overall duty to monitor planning policies remains. Authorities can choose which targets and indicators to include in the report as long as they are in line with the National Planning Policy Framework and relevant legislation.

4. Background Information

1. Policy monitoring has changed since 2011:
 - From 2005-2017 Annual Monitoring Reports were produced. These were comprehensive in scope and from 2011 onwards included data on specific indicators.
 - From 1st April 2017 to 31st March 2019 monitoring has been aligned to the National Park Management Plan, reporting only on housing and contrary to policy cases.
2. The Authority is now undergoing a review of its Local Plan and it is good practice to have an up-to-date monitoring report. This report therefore focuses on the period 2016/17-2022/23. In this way a comprehensive suite of monitoring reports is provided to cover the whole Core Strategy monitoring period to date.

5. Proposals

To note the report, including the key findings that:

- No consents granted for aggregate minerals under Policy MIN1 during the monitoring period.
- No consents granted for open cast fluorspar extraction during the monitoring period.

- 1 consent granted for small scale building stone extraction under Policy MIN3 during the monitoring period.
- Identified difficulties in acquiring suitable building and roofing stone for heritage projects within the National Park.
- MIN3 provision for limestone for building purposes appears successful, but gritstone provision less so.
- 8 sites currently undergoing restoration and aftercare for nature conservation purposes.

Are there any corporate implications members should be concerned about?

6. Financial:

None

7. Risk Management:

This updated Monitoring Report reduces risks around compliance with planning legislation.

8. Sustainability:

No implications

9. Equality, Diversity and Inclusion:

No implications

10. Climate Change:

No implications

11. Background papers (not previously published)

None.

12. Appendices

MINERALS MONITORING REPORT 2016-2023 – STATEMENT OF PROGRESS

Report Author, Job Title and Publication Date

Tom Evans - Strategic Planning Manager, 1st August 2024
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MINERALS MONITORING REPORT 2016-2023 – STATEMENT OF PROGRESS

This report has been prepared by the Strategic Planning & Minerals Team and is provided as an addendum to the Monitoring Report 2016/17-2022/23 after the omission of the Minerals Policies in the substantive document. The report reviews policy performance and gives a general overview of the matters dealt with by the team over the monitoring period but is not exhaustive.

Policy Objectives

Minerals development is strongly controlled so that: only in exceptional cases major development may be permitted (MIN1)

The extraction of proven deposits of fluorspar is supported by Policy MIN2, but only by means of underground working.

Policy MIN3 allows for the development of small-scale building stone quarries that provide for building and roofing material to be used within the National Park.

MIN4 also provides a basis for the safeguarding of the mineral resource, including the mineralised vein structures (fluorspar), very high purity limestone and other limestone. The gritstone building resource is also safeguarded under Policy DMMW7 of the Development Management Policies document.

Policy MIN1	Minerals Development
Indicators	New consents & aftercare of mineral sites
Target	N/A

Policy:

The control of mineral development is a key element in the protection and preservation of the National Park and particular its landscapes given the potential impact of large scale opencast mineral extraction sites. As such, it is important that large scale extraction is only permitted in exceptional circumstances.

Indicator:

No consents granted under MIN1 for aggregate extraction during the AMR period.

A consolidating application was granted in May 2015 at Birchover Quarry that provides building stone for sale on the open market. The consent consolidated a number of permissions covering discreet areas of the quarry and was submitted as an alternative to a ROMP of the individual permissions.

An application to vary a number of conditions to agree a revised working strategy and the provision of screening and restoration at Dale View Quarry was approved in 2018. Dale view is an existing building stone quarry supplying stone to the open market.

An application for the extension of time to extract the remaining previously consented reserves at New Pilhough was brought before the planning committee in November 2023. The committee resolved to grant the application which provided an enhanced restoration scheme with improved biodiversity net gain. The consent is subject to an S.106 legal agreement requiring a 10 year aftercare period and the decision was issued in July 2024.

The restoration of mineral workings is a significant opportunity to achieve National Park Authority outcomes for achieving amenity (nature conservation) after-use for the sites, enhancing landscape and biodiversity and providing recreational opportunities, as well as the objectives of landowners, mineral companies and local people. The National Park Management Plan observes that restored sites may provide opportunities for increased biodiversity, geodiversity and cultural interest.

Indicator: See statement of progress section

Policy MIN2	Fluorspar Proposals
Indicators	No permissions granted to opencast mining of fluorspar ore
Target	N/A

Policy:

Opencast mining of fluorspar ore will in future be resisted unless the exceptional circumstances tests set out in paragraph 183 of the NPPF (2023) can be demonstrated (see footnote to policy MIN1 for the detail of the exceptional circumstances criteria*). Based upon the understanding of where surface resources are located it is considered to be unlikely that proposals in those locations will be able to comply with all the exceptional circumstances, due firstly to the availability of the option of underground mining which could be expected to have less environmental impact, and secondly to the considerable foreseeable difficulty of working likely sites in an environmentally acceptable manner.

Indicator:

No planning permissions were granted for the opencast mining of fluorspar ore during the AMR period.

Milldam Mine, granted its latest consent in February 2015 under Policy MIN2 ceased production in July 2023 despite consented reverses remaining in situ. As such, there are currently no sites actively operating under a MIN2 consent.

Policy MIN3	Local small-scale building and roofing stone
Indicators	New consents & use of stone in local developments
Target	N/A

Policy:

The policy was devised in an attempt to ensure a continuity of supply of traditional building materials to service the needs of the National Park, whilst limiting the scale and nature of mineral extraction within the protected landscape. The policy sought to provide for the upkeep and restoration of heritage assets and to provide building materials for new developments in keeping with the local vernacular.

Indicator: One new permission was granted at Chinley Moor Quarry in 2018 under Policy MIN3 during the AMR period. The site is small scale in nature and produces stone for use within the National Park only. There is a condition pursuant to the consent requiring the operator to supply the Authority with sale destination data, but in practice this has been difficult to obtain.

Once-a-week quarry produces limestone for use as dimension stone under Policy MIN3 and has supplied developments including Colonel Wright Close in Bakewell and Gregory's Croft in Taddington. The use of local stone has resulted in high quality developments and demonstrates that the MIN3 policy can be effective in delivering for a local need.

This outcome has not been reflected in regards the MIN3 gritstone sites however, and it is unclear why this is the case. It is possible that there has been less emphasis on delivery of affordable housing by the District/Borough Authorities in the gritstone areas, a preference for different materials, availability of suitable gritstone or the quarries are not proving to be economically viable when sales are restricted to National Park end use destinations.

Operators of the non MIN3 building stone sites (all producing gritstone) were contacted in 2023 with a request to provide the details as to the destination of the products in an attempt to gauge use of products within and outside the National Park. However, none of the operators were able to provide any end destination data, with their products sold to the open market or processed outside of the National Park before onward transfer.

Policy MIN4	Mineral safeguarding
Indicators	Development within safeguarding areas and application for prior extraction
Target	N/A

Policy:

This policy has been formulated with the objective of preventing the sterilisation of mineral by built development. Where development is granted within the mineral safeguarding area, prior extraction should be considered and form part of the proposal where viable. This ensures that any useable mineral contributes to the national need rather than being sterilised by the proposed development.

Indicator: No applications for significant development within safeguarding areas and no proposal for prior extraction received within AMR period.

Statement of Progress 2016 - 2023

Review of Mineral Permissions (ROMPs)

Old Moor: A modern scheme of planning conditions were agreed under the periodic review process allowing for the phased working and restoration of Old Moor Quarry (contiguous with Tunstead Quarry in DCC MPA area) in February 2017. The quarry is one of the largest remaining in the National Park and produces limestone for aggregate and industrial uses. The consent is due to expire on the 31st January 2040, unless an application to extend the life of the site is received and approved.

Beelow: A modern scheme of planning conditions were agreed under the periodic review process allowing for the phased working and restoration of Beelow Quarry, tantamount to an extension of the existing Doveholes Quarry within DCC MPA area. The scheme of conditions were agreed in November 2023 and include provision for significant biodiversity net gain on a progressive basis throughout the life of the development. The agreement of conditions will release approximately 33 million tonnes of limestone likely to be used for aggregate purposes. The consent expires on the 21st February 2042 in accordance with the provisions of the Environment Act 1995, unless an application for extension is forthcoming and is approved.

Birchover: Review submission was withdrawn in June 2020 following the approval of a consolidating application for the site.

Planning Applications

Longstone Edge West: A planning application seeking to amend the duration, extent, working strategy and restoration scheme at Bow Rake / High Rake and the continuation of underground extraction at Watersaw mine was received in September 2015. The planning committee resolved to approve the application in 2020, however the consent is yet to be issued after the company failed to sign up to a restoration bond as stipulated in the draft S.106 agreement. The company Fluorsid-British Fluorspar Ltd (now Greenland PD Ltd) has since ceased to operate the site and the associated processing facility at Cavendish Mill in July 2023. The company is facing a winding up order and as such is not expected to recommence operations. The minerals team is in the process of taking formal enforcement action to ensure the restoration of Bow Rake / High Rake and Watersaw mine compound in accordance with the extant 2004 consent. Bow Rake / High Rake is subject to a restoration bond that the MPA may choose to draw upon if it is necessary to take direct action to ensure appropriate restoration of the site.

The associated 'Deep Rake' is now out of its formal aftercare period and the PDNPA Ecologist is pleased with the final restoration and species present on site.

The Arthurton West extension remains in its statutory aftercare period until 2025. The S.106 legal agreement requires implementation of the Scrub Control Scheme of Longstone Moor SSSI until 2029). Monitoring visits conducted in 2023 have concluded positive progress has been made.

Ballidon: Ballidon Quarry produces a mixture of aggregates and industrial grade limestone, with a minimum 40% of annual production required to be used for industrial purposes. Two planning permissions were granted in August 2016 for revisions to the quarry development scheme and an enhanced restoration scheme. A third application was granted for the installation of an LPG tank compound housing 12 tanks.

An application for the installation of a 3km pipeline for the discharge of ground water was submitted in June 2016 but withdrawn in September of the same year.

Burntwood: Section 73 application for the variation of conditions to extend the end date for mineral extraction by 30 years and revised reclamation scheme. Approved January 2020.

Birchover: Following the issue of the consolidated permission for Birchover Quarry, an application was received for an amendment to the design of one of the new work sheds. The application was approved in February 2016. A further application was granted in 2017 for the siting of a storage container.

Chinley Moor: Permission was granted in November 2018 for an extension of time to complete the extraction of gritstone for local use with ancillary on site processing and restoration of the site for nature conservation purposes.

Shire Hill: Permission was granted in October 2017 for the installation of wire saw and associated infrastructure including water management system, concrete pad and water abstraction borehole.

Topley Pike: An application for the dismantling and remediation of the Deep Dale tip with final placement of waste material in the quarry void was granted consent in February 2017.

Further to this application the operator discovered further tip material present against the northern valley side of Deep Dale. Consequently a S.73 application was submitted in December 2020 seeking to include the additional material as part of a revised remediation strategy. The application remains on hand after concerns were raised with the applicant's contamination sampling methodology and potential hydrological links to the nearby water course which runs into the Deepdale SSSI and River Wye SAC.

The MPA now has confidence that the material is largely homogenous with that previously approved for relocation and that the revised remediation and restoration strategy is suitable to ensure no adverse impact on protected species/habitats. The application is expected to be reported to the planning committee in the coming months subject to completion of a Habitats Regulations Assessment.

Mineral extraction is conditioned to cease at the end of 2025 with restoration to be completed by the end of 2026.

Dale View: Planning consent was granted in March 2019 for the continued extraction of dimensional stone from land to the west of the existing quarry along with provision of screening, landscaping and the revised restoration of the existing quarry in order to amend the phased working and restoration of the site. Mineral extraction is conditioned to cease at the end of 2028. A further application for revisions to the restoration scheme is expected within the next 12 months.

New Pilhough: An application was submitted in October 2022 for a 2 year extension of time to extract remaining consented reserves at the site, along with a revised restoration strategy to provide a greater biodiversity net gain. Planning committee resolved to grant the extension of time subject to a Section 106 legal agreement. Consent was issued in July 2024. Extraction is now required to cease by the end of 2024 with final restoration to be completed by the end of 2025.

Stoke Hall: Approval was granted in August 2023 for two replacement water towers. The replacements are coloured brown so as to be less visually intrusive in the landscape. The former operator had deviated from the approved working strategy and as such a S.73 application will be required for regularisation and revised restoration. This is expected in the next 12 months.

Friden Landfill Site: An application for the regularisation of the over tipped area to the east of the 1884/9/4 consent, retaining use of the site for depositing industrial waste from DSF Refractories and consolidation of progressive restoration and aftercare strategy for the revised site area was submitted in May 2023. The application was approved in May 2024 and allows for the continued recovery of inert waste generated by the nearby refractory reducing the need for vehicle movements. The consent provides a modern scheme of conditions to regulate operations and a significant biodiversity net gain by way of the revised restoration strategy.

Hope Cement Works: An application for the importation of up to 450,000 tonnes per annum of alternative raw materials (ARM) by rail to supplement/substitute the on-site shale as a secondary kiln feed stock was approved in November 2022. The approval allows for the continuation of cement manufacture while on-site reserves of limestone remain and lowers the SO₂ emissions that were being generated by the remaining high sulphur shale. The consent provided an enhancement to the NP by removing a section of overhead powers lines, and importantly imposed an end date on the quarrying and cement manufacture process of 22nd February 2042 by way of a Section 106 legal agreement. Until this point the life of the cement works was open ended, so the agreement is a significant milestone for the National Park and a level of control not since achieved.

Ancillary permissions for the use of storage silos and a reconfiguration and extension of the rail sidings within the works complex were also approved in 2023.

Former Meltham Quarry: Application received in March 2023 for the infilling of a pond created as part of a former quarry restoration scheme and re-grading of final landform. Application submitted in the interest of public safety and is seeking to provide a biodiversity net gain. Application currently on hand awaiting further information from applicant.

Conditions Discharge, Non-Material Amendments & GPDO Submissions

In addition to the above applications there were 65 discharge of conditions applications and 9 non-material amendment applications submitted for various sites.

14 applications were submitted under the GPDO in relation to a range of matters including ancillary buildings and structures at Hope Cement Works, remediation of surface collapses along Hucklow Edge and for exploratory drilling works.

Restoration & Aftercare

Restoration and aftercare works remained ongoing and not yet completed at 8 sites. One of these is the result of a scheme imposed through a Prohibition Order and a further 3 are a result of a scheme imposed through an Enforcement Notice. The remainder are schemes determined through planning permissions.

Enforcement

Moss Rake East: Stop Notice and Enforcement Notice served in December 2016 to prevent the deposition of hazardous waste and requiring remediation of the site. Breach of Condition Notice served in December 2017 in relation to failure to restore land and remove plant/machinery. Site has since been restored under direct action by the Authority.

Stoke Hall: An Enforcement Notice was served in October 2016 requiring the two Pellegrin wire saws and associated infrastructure to be removed from the site by 21st February 2026. There was a second Enforcement Notice was served in May 2018 to prevent the importation of stone for processing.

Land at Park Lane, Rowsley: Enforcement Notice served in February 2017 to prevent the change of use from forestry to importation, storage and distribution of block stone.

Cop Rake: Enforcement Notice served in July 2022 requiring the removal of waste tipped into historic lead rake surface workings.

Wagers Flat: Unauthorised mineral extraction identified during random site inspection in December 2023 in breach of the Prohibition Order (PO) confirmed on the site in 2016. Temporary Stop Notice issued in December resulting in the cessation of unauthorised mineral extraction. On going work to ensure full compliance with the PO requiring removal of haul road and restoration of former quarry floor.

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17. **AUTHORITY SOLICITOR REPORT - PLANNING APPEALS REPORT (A.1536/AE)**

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/1221/1376 3343917	S.73 application for the removal or variation of Condition 4 on NP/DDD/0918/0870 – erection of industrial building housing 2 units at Nuclear Energy Components Ltd, Bradwell	Written Representations	Delegated
NP/SM/0723/0844 3344495	Change of Use of the Existing Pub and residential Accommodation to C1 Use holiday accommodation and Café Use Class E. Staffordshire Knott, Pown Street, Sheen	Written Representations	Delegated
NP/SM/0324/0238 3344884	Alterations and extension to Ferny Knowle Farm, Deep Lane, Sheen	Householder	Delegated
NP/DDD/0324/0236 3344694	Proposed alterations and extension to existing garage at Stone Cottage, Derwent Drive, Baslow	Householder	Delegated
NP/HPK/0923/1117 3345822	Change of use of land to allow the stationing of small-scale mobile structures for use as holiday accommodation (Retrospective) at Booth Farm, Washgate Lane, Hollinsclough	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/HPK/0323/0327 3329151	Proposed demolition of existing building and erection of a new open market dwelling, garage and associated works at Land at Rowan Lodge, Hope Road, Bamford	Written Representations	Dismissed	Delegated

The Inspector considered that the proposal was of poor design and would be apparent in

views from the rear of the site, and would lead to significant harm to the character and appearance of the area. The proposal would also be contrary to DMH6 of the Development Management Policies as well as L1 and GSP2 of the Core Strategy and the NPPF. The appeal was dismissed.

NP/DDD/1122/1434 3329001	For the erection of a ground mounted solar panel array at Cressbrook Hall, Cressbrook	Written Representations	Allowed	Delegated
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The Inspector considered that whilst there would be some conflict with the development plan the Inspector found the proposal to be in accordance with the advice in the Framework. The Inspector was satisfied that the public benefits of the proposal would outweigh the conflict with the development plan. The Inspector felt that the benefits of the proposal would outweigh the harm in the setting of the listed building, character and appearance of the CCA and the local area and planning permissions should be granted. The appeal was allowed.

NP/DDD/0223/0128 3330484	Retrospective permission for the extension of the existing terrace area to be used as part of the garden at Yew Tree Cottage, Froggatt	Written Representations	Dismissed	Delegated
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The Inspector considered that the proposal would lead to significant harm to the character and appearance of the host property, and would fail to preserve or enhance the character and appearance of the conservation area. The proposal would also be contrary to the development plan and the framework. The appeal was dismissed.

NP/DDD/1223/1477 3342471	Creation of off-street vehicle hardstanding and electric charging point at 3 Woodland View, Butts Road, Bakewell	Householder	Dismissed	Delegated
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The Inspector considered that the proposed development would appear visually at odds with the street scene, resulting in harm to the character and appearance of both the host dwelling and the conservation area. The absence of adequate visibility splays being provided could lead to a potential conflict arising between vehicles and cyclists passing the same place. The proposal would also fail to accord with GSP1, GSP3 and L1 of the Cores Strategy as well as DMC3, DMC8 and DMT8 of the Development Management Policies. The appeal was dismissed.

NP/HPK/1222/1563 3337477	Construction to re-establish an L-shaped building including landmark East elevation of former Marquis of Granby to provide 21 open market apartments and construction of separate	Hearing	Dismissed	Committee
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terrace of 3 affordable houses with associated car parking and landscaping at Marquis of Granby, Bamford

The Inspector considered that due to its scale, massing and design the proposed apartment building would cause significant harm to the character and appearance of the area. The landscaping benefits, including the redevelopment of a site which detracts from the character and appearance of the area would not outweigh this harm. The moderate benefits associated with the provision of housing, both market and affordable, biodiversity and sustainable construction also would not outweigh this harm. The proposed development therefore fails to accord with the development plan taken as a whole, and there are no material considerations to indicate that a determination should be made otherwise than in accordance with the plan. The appeal was dismissed.

NP/HPK/0723/0749 3342100 3343980	Installation of a flue near the ridge of the roof-pitch on the eastern side of the roof at Higher Ashen Clough Barn, Maynestone Road, Chinley	Written Representations	Allowed	Delegated
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The Inspector considered that the appellant has demonstrated that the works are necessary, and that the flue would help ensure the long-term conservation of the asset. It follows that the proposal would not conflict with Policies L3 of the CS and Policies DMC5 and CMC7 of the DMP which together require that where change is necessary to heritage assets those changes conserve the significance of the asset. The appeal was allowed.

4. **RECOMMENDATION:**

To note the report.

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