

6. FULL APPLICATION - CONSTRUCTION OF 30 AFFORDABLE DWELLINGS AND ASSOCIATED WORKS. LADY MANNERS SCHOOL, SHUTTS LANE, BAKEWELL (NP/DDD/0617/0600,P3904,421083/367742/ALN)

APPLICANT: WESTLEIGH PARTNERSHIPS LTD AND LADY MANNERS SCHOOL.

1. Site and Surroundings

- 1.1. The application site edged red is located on the south western edge of the town of Bakewell at the junction of Monyash Road and Shutts Lane. It extends to approximately 1 hectare in area and forms part of the Lady Manners secondary school grounds. The south western half of the site is made up of two pre-fabricated buildings formerly classrooms and now used for storage purposes, and associated hardstandings. The north eastern half of the site edged red is part of a larger school playing field area that extends to the south and west of the site.
- 1.2. The Lady Manners School building and a group of residential properties (The Kennels) lies to the south of the site on the opposite side of Shutts Lane. The edge of the Moorhall/Highfield Drive housing estate runs along the edge of the playing field to the north east. To the south west are open fields and to the north, on the opposite side of Monyash Road, is a farmhouse known as Bank Top Farm
- 1.3. The site lies outside of the Bakewell Development Boundary (saved Local Plan policy LB1) and outside of the Bakewell Conservation Area.
- 1.4. A public right of way runs on a south west to north east alignment approximately 150m to the south of the site.

2. Proposal

- 2.1. Planning permission is sought for the erection of 30 affordable dwellings to meet local need.
- 2.2. The submitted details show that the development would be made up of 19 x 2 bed dwellings; 5 x 3 bed dwellings; 4 x 1 bed flats and 2 x bungalows. The dwellings would all be either semi-detached or in terraces of three or four properties.
- 2.3. Access to the site would be from Shutts Lane, where the existing vehicular access would be widened and modified. A new estate road would run along the south western boundary of the site, leading to a turning head in the south eastern corner. The dwellinghouses would be sited to the north west of the access road, off a series of two new cul-de-sac roads which would lie perpendicular to the new estate road. Other dwellings would be arranged around the turning head.
- 2.4. Fifty six parking spaces are proposed in total with 2 spaces per house and approximately 1 per flat or bungalow. A new pedestrian access to Monyash Road would be created on the north eastern side of the site.
- 2.5. The existing trees and hedgerows that are growing along the boundaries with Monyash Road would be largely retained and additional soft landscaping is proposed.
- 2.6. The dwellings would be constructed in a mixture of natural limestone and natural gritstone with natural blue slate roofs. Boundary treatments fronting the highways and public footpath would be a mixture of drystone walling and native hedgerows. To the rear, the more enclosed gardens would be bounded by post and rail and close boarded fences.

3. RECOMMENDATION

That the application be APPROVED

subject to a section 106 agreement to secure a financial contribution of £49,536.90 towards the provision of one rugby pitch on Shutts Lane (as approved under application ref NP/DDD/0617/0600) and to restrict occupancy to those with a local need and the following conditions:

- 1. 2 year time limit**
- 2. Adopt amended plans**
- 3. Submit and agree Written Scheme of Investigation for programme of archaeological work. Thereafter development to take place only in accordance with agreed scheme. Site investigation and post investigation assessment to be completed and archive deposited before any of the dwellings first occupied.**
- 4. Updated badger survey and report to be submitted to the Authority detailing the findings of the survey together with detailed recommended mitigation and compensation measures as appropriate. Once agreed the mitigation and compensatory measures to be completed in full.**
- 5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 6. Construction management plan/method statement to be submitted and agreed.**
- 7. No development shall take place until an adequate temporary access for construction purposes has been provided to Shutts Lane in accordance with a scheme to be submitted and agreed.**
- 8. The dwellings the subject of the application shall not be occupied until a permanent estate street junction has been formed to Shutts Lane, located, laid out, constructed and provided with 2.4m by 47m visibility splays in either direction, all in accordance with the approved drawings, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other subdivision of the site.**
- 9. Within 28 days, (or other such period of time as may be agreed with the National Park Authority) of the permanent access being constructed all other means of access to Shutts Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerb and appropriate footway/verge construction in accordance with a scheme first submitted and approved in writing by the Authority.**
- 10. No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients. Surfacing and means of surface water drainage) have been submitted to and agreed in writing by the Authority.**
- 11. The carriageways and footways shall be constructed in accordance with the details approved under condition 10 above, up to and including the binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the**

existing public highway. Until the final surfacing is completed the footway binder course shall be provided in a manner to avoid any upstanding gullies, verges and other such obstruction within or abutting the footway. The carriageways and footways in front of each dwelling shall be completed with final surface course within 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Authority.

12. The dwellings, the subject of this application shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing by the Authority.
13. The dwelling the subject of the application shall not be occupied until space has been provided within the site curtilage for parking (including cycle parking).
14. All private and shared driveways and parking spaces within the site shall not be taken into use until provided with 2.4m x 25m visibility splays, the area in advance maintained free from any obstruction exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level and 2m x 2m x 45 degrees pedestrian inter-visibility splays on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
15. No gate, including any part of their opening arc shall be permitted to open out over the public highway limits.
16. Works shall not commence until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.
17. Vehicle accesses shall be no steeper than 1 in 20 for the first 5 metres from the nearside highway boundary.
18. Remove permitted development rights for alterations, extensions, outbuildings, gates, fences, walls and solar panels.
19. Hard and soft landscaping scheme (including details of drystone walls) to be submitted and agreed in writing.
20. No work on site shall take place on Sundays or Bank Holidays or before 8am nor after 6pm on weekdays and before 9am nor after 1pm on Saturdays unless otherwise agreed in writing.
21. Sample panel of stonework including quoins and heads and cills to windows to be agreed.
22. Sample of render and blue roof slates to be submitted and agreed in writing.
23. Details of design and finish of windows and doors to be submitted and agreed in writing.
24. Before work commences on the external sheds, details of their design and materials shall be submitted to and agreed in writing by the Authority. Thereafter the sheds shall be constructed in accordance with the agreed details before the dwellings are first occupied.
25. Before any work commences on external lighting, lighting scheme to be submitted

to and agreed in writing by the National Park Authority.

26. No trees or hedgerows to be removed other than those referred to on the approved plans. Trees to be retained to be protected in accordance with BS5837.

27. Environmental Management plan to be fully implemented.

28. Minor Design Details.

4. Key Issues

1. Whether the principle of major development is acceptable.
2. Assessment of Housing Need.
3. Site Selection.
4. Whether the dwellings will remain affordable in perpetuity.
5. Impact of presence of Churt Mine and other archaeological issues.
6. Impact on sports facilities.
7. Landscape impact, layout and design.
8. Ecological considerations.
9. Impact on Trees.
10. Access and parking.
11. Impact on residential amenity.
12. Environmental Management

5. Relevant Planning History

- 5.1. July 2014 – initial pre-application enquiry made with regard to affordable housing at Lady Manners School. Negotiations have been ongoing since that date.
- 5.2. June 2016 – planning permission granted for artificial turf pitch and associated features.
- 5.3. June 2017 – Prior approval granted for demolition of vacant prefab classroom block and other building (NP/GDO/0617/0604)
- 5.4. June 2017 – planning permission granted for construction of school grounds maintenance building (NP/DDD/0617/0608).
- 5.5. September 2017 – planning permission granted for 2 no. rugby pitches and erection of storage and welfare building on land to south of Shutts Lane.(NP/DDD/0917/0934).

6. Consultations

- 6.1. **Highway Authority** – no objections subject to conditions.
- 6.2. **District Council** - The District Council fully supports this proposal and has committed a quarter of a million pounds of capital grant funding to this scheme. This is the most

important affordable housing scheme in our 2017/18 to 2022/23 development programme. The proposed scheme will deliver 30 much needed affordable homes within a market town in the Peak District National Park Authority, where house prices are far beyond the means of local people. This proposal is the culmination of close partnership working between Lady Manners School, Westleigh Partnerships Limited, Pelham Architects, Bakewell Town Council, Peak District National Park Authority (PDNPA) planners and the District Council's Rural Housing Enabler.

This proposal represents a rare opportunity to deliver a significant number of affordable homes in Bakewell for local people, working in partnership with Lady Manners School. The school will reinvest the proceeds from the sale of the land into improving the school's sport facilities. A truly win – win opportunity. This is the only developable site, with a willing landowner, that has come forward from the site appraisal work which began in 2009. This proposal for 30 homes for local people has grant funding from the Homes and Communities Agency and from Derbyshire Dales District Council. Westleigh Partnerships has liaised closely with the District Council on the mix and type of homes proposed, which will help to meet the local housing need identified in the recent Housing Need Survey.

- 6.3. **Bakewell Town Council** - Whilst it is disappointing there has been a reduction from 36 to 30 houses, the reasons behind this are understood. The Town Council is fully supportive of the development and welcomes the 30 houses it will bring to Bakewell.
- 6.4. **Sport England** –There is loss of usable playing field land at the site of approximately a quarter of a hectare and in practical terms the loss of the northern half of Rugby Pitch 2. Aerial images show both winter and summer pitch layouts and the extent of usable area that would be lost as a result of the development. Given the ground levels at the site, the residual area represented by the southern half of the rugby pitch would no longer have the capacity to accommodate rugby, though would still seem to be usable for some summer sports such as rounders.

None of the on-site mitigation options that have been presented are judged to offset the loss of playing field at the site and so there remains a need to deliver alternative mitigation off-site. Where there is a quantitative loss of playing field and significant impact on the ability to accommodate pitch sports (in this case half of Rugby Pitch 2 is lost in terms of area and in use terms the whole of the pitch is lost), then there is a need to deliver replacement provision unless there is a surplus of provision in the area which is not the position in this instance. The precise format of replacement provision is something that will vary according to the site specific circumstances in each case.

In the current situation, there is a potential opportunity to provide a financial contribution towards the delivery of part of an area of new playing field land to the west of Shutts Lane, where planning permission is in place (NP/DDD/0617/0600) for the creation of two new adult rugby pitches and a welfare building/store. Such an approach would have the potential to align with Sport England Policy Exception E4 and the National Planning Policy Framework Paragraph 74 by helping to secure the delivery of new rugby pitch provision that would offset the loss of the playing field at the school site and that, as part of a wider scheme, would accord with identified need for this form of facility in the area as set out in the adopted Derbyshire Dales Playing Pitch Strategy 2017. By delivering mitigation in this way, there would be an opportunity to provide a financial contribution equating to a proportion of one of the new pitches as opposed to relying on a self-contained solution where a full pitch would need to be provided, and such a contribution would also avoid any need to identify land or fund land acquisition. The Rugby Football Union (RFU) has obtained the attached costings for the pitch works which amount to £198,157.60 in total.

It is understood that the Bakewell Mannerians have some funds available to help support implementation of the project but that these fall well short of the total costs, which also do not include construction of the welfare building. As it currently stands, there would need to be

supplementary funding secured from other sources such as the RFU to deliver just one of the pitches, and that given the level of the funding gap, it may not be possible to complete all elements of the project initially. Therefore, a financial contribution from the housing scheme would represent a tangible input towards its overall delivery and enable new pitch provision to be secured in a timely manner to compensate for loss at the School.

Taking into account that delivery of mitigation through this route would enable pitch provision as part of a wider project with no associated land costs, and that a whole rugby pitch (albeit not a full sized adult pitch) is effectively lost at the school site even though in area terms the amount of usable playing field loss is only a quarter of a hectare, then half of the cost of constructing one of the new rugby pitches is judged to be a reasonable and proportionate basis for calculating an off-site contribution.

Based on the site specific costings, the amount for 50% of one pitch would be **£49, 536.90**. If the applicants agree formally with the Local Planning Authority to make a planning contribution, as set out above, and the Local Planning Authority ensures that a suitable S106 agreement is completed and signed requiring the contribution to be used to fund pitch provision in line with the development approved under NP/DDD/0617/0600, with the sum to be held and administered by Derbyshire Dales District Council for this purpose, then it is considered that the application would accord with Policy Exception 4 of Sport England's Playing Fields Policy and NPPF Paragraph 74 and therefore Sport England would be willing to withdraw its previous objection to the application.

- 6.5. **Severn Trent Water** - no objections subject to condition requiring the submission and agreement of drainage plans for the disposal of surface water and foul sewage.
- 6.6. **Derbyshire County Council Emergency Planning** – no comments.
- 6.7. **Lead Flood Authority** – no objections subject to conditions to submit and agree details of surface water drainage.
- 6.8. **Natural England** – no objections with regard to impacts on nature conservation sites. Refers to standing advice with regard to protected species.
- 6.9. **Authority's ecologist** – recommends a condition requiring an updated badger survey to be submitted and agreed including mitigation and compensation measures as appropriate. Also recommends a condition that trees and shrub removal to take place outside the bird breeding season (March to August); soft planting to include native species; and external lighting details to be agreed.
- 6.10. **Authority's Tree Conservation Officer** – the trees worthy of protection from a landscape an arboreal perspective are to be retained. Retained trees should be protected in line with BS5837.
- 6.11. **Authority's Senior Archaeologist** – welcomes the changes to the development to ensure that the remains of the mine are not directly affected and the maintenance of a no-build exclusion zone beyond the known edge of the mine. However the site is in close proximity to surviving earthwork remains of the town's medieval field system and has high potential for remains relating to medieval and post medieval agricultural activity. Groundworks associated with the development including foundation trenches, new access routes, landscaping, new drainage, services etc. will most likely result in the truncation, damage, disturbance or complete destruction of any surviving archaeological remains the survive at this site relating to medieval and post-medieval agricultural activity. This would result in harm or the complete loss of their significance. However, as detailed above, at this stage the presence of surviving archaeological remain on the site remains unknown, as is their nature, extent and condition. This makes fully understanding both the significance of the remains and the impact of the proposed development difficult. Recommends a condition

requiring the submission and agreement of a scheme of archaeological works.

7. Representations

7.1. Seven letters of objection have been received and three letters making general comments. The points raised are as follows (in summary).

- The development will not provide a safe pedestrian access in Bakewell. The access will emerge at a point where the speed limit on Monyash Rd is 60mph.
- The houses are not needed – there are enough houses in Bakewell – previous affordable houses in the town have gone to people who are not local.
- Consideration should be given to moving the 30mph zone westwards to the junction with Shutts Lane; and traffic calming measures on Monyash Rd.
- Concerns about safety of proposed access and increase in congestion along Shutts Lane which is already congested with school traffic.
- Local facilities (doctors, school etc.) are already overstretched.
- Development boundary is close to Conservation Area boundary - the dense layout and loss of mature trees is contrary to advice in Conservation Area Appraisal.
- Planning permission granted already for new maintenance building for the school. If this had been built on the brownfield land then there would be less land available for the housing development.
- Concerns about precedent for loss of the rest of the school playing field.

Peak District Mines Historical Society originally objected to the original proposals for 36 houses on the grounds that the ground investigation survey had not attempted to establish the exact extent of depth of the adjacent Pretoria chert mine and the suggested pressure grouting would result in the destruction of the workings. No objections to amended scheme.

8. Policies

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

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

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

- 8.2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
- 8.3. Para 115 of the NPPF states that *'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*
- 8.4. Para 54 of the NPPF states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable house, including through rural exception sites where appropriate. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Development Plan policies

- 8.5. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
- 8.6. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
- 8.7. Core Strategy policy DS1 provides scope for new build development for affordable housing in or on the edge of named settlements.
- 8.8. Core Strategy policy HC1(c) states that provision will not be made for housing solely to meet open market demand. Exceptionally, new housing can be accepted where it addresses eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity.
- 8.9. Core Strategy policy L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics.
- 8.10. Policy L2 states the development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where is likely to have an adverse impact

on any site, features or species of biodiversity importance or their setting.

- 8.11. Core Strategy policy L3 requires that development must conserve and where appropriate enhance or reveal significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.
- 8.12. HC4 states that the redevelopment of a community recreation site or sports facility for other uses will not be permitted until a satisfactory replacement site or facility has been provided, or it can be demonstrated that the facility is no longer required.
- 8.13. Core Strategy policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy.
- 8.14. Saved Local Plan policy LC4 considers design, layout and landscaping and points out that particular attention will be paid to scale, form, mass and orientation in relation to existing buildings.
- 8.15. LH1 makes provision for local needs affordable housing and LH2 set out the qualifying criteria.
- 8.16. LT11 & LT18 require adequate means of access and parking facilities in new development.
- 8.17. LC17, LC18 & LC19, jointly seek to ensure that no harm is caused to protected species as a result of development being carried out, and that where appropriate safeguarding measures are exercised. LC20 states, that planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered.
- 8.18. LB1 states that the future development of Bakewell will be contained within the Development Boundary.
- 8.19. LC25 says that development on land believed to be unstable or likely to become unstable as a result of development will be permitted provided an accredited stability assessment shows that the land is stable and will remain so; can be made permanently stable without harm to the area and that its development will not affect its stability or safety of neighbouring areas.
- 8.20. Further advice is given in the Authority's Adopted Supplementary Planning Document (SPD) on Meeting the Local Need for Affordable Housing.

Relevant Core Strategy (CS) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, HC1, HC4, T1.

Relevant Local Plan (LP) policies: LC4, LC25, LH1, LH2, LC17, LC18, LC19, LC20, LB1, LT11, LT18.

9. Assessment

9.1. Background

- 9.2. As originally submitted the scheme was for the erection of 36 dwellings but the number has been reduced due to the proximity of the churt mine (discussed further below). The original plans also showed the introduction of a new grassed sports field to the south west of the main school buildings. This has also been omitted following objections and further discussions with Sport England.

- 9.3. A prior notification for the demolition of the existing storage buildings has been granted and a separate planning application approved in 2017 for the erection of a replacement grounds maintenance building to serve the ongoing needs of the school in these respects.
- 9.4. Issue 1 – Whether the Principle of Major Development is acceptable.
- 9.5. In terms of the Town and Country Planning (Development Management Procedure) Order 2010 the current proposals represent ‘major development’ as they would create 10 or more dwellinghouses. In planning policy – both national and local – the term major development is also referenced. Specifically paragraph 116 of the NPPF and Core Strategy policy GSP1 seek to resist major development in National Parks in all but exceptional circumstances.
- 9.6. The NPPF states that such major applications should be judged against the following criteria:
- 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;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated
- 9.7. It is clear that in terms of the second criteria, there is not scope for developing the affordable housing elsewhere outside the National Park. The housing is intended to meet an identified local need for affordable housing in Bakewell and it would not therefore be appropriate to redirect the scheme to a location that would not meet the requirements of people in the town. Policy DS1 advises that the majority of new development including 80-90% of new homes should be directed into Bakewell and named settlements.
- 9.8. With regard to the first and third criteria (need for the development and any detrimental effects), these will be assessed in the forthcoming sections of the report.

Issue 2 – Assessment of Housing Need

- 9.9. Core Strategy policy HC1 and saved Local Plan policies LH1 and LH2 are the starting point for the consideration of this application. These state that exceptionally new housing in the National Park can be accepted where it addresses eligible local needs. The Adopted SPD states that a community’s need for affordable housing can be established through a parish needs survey that demonstrates the number of people with needs for particular types of housing.
- 9.10. A copy of a parish survey of housing need in Bakewell carried out by Derbyshire Dales District Council in 2015 accompanies the application. The survey identified 132 households in needs of affordable housing in Bakewell. Of those 98 (74%) had a local connection to the parish of 10 years or more and 21 (16%) had 5-9 years. It states that the current affordable housing stock in Bakewell has a low turnover and is not meeting local demand. The predominant need is for affordable rented housing provided by a housing association, for single people, couples and smaller households and so provision should focus on 2 bed 4 person houses. 2 bedroomed bungalows are required to meet the need for accessible dwellings and there is also an identified need for some 3 bed houses and flats for younger single people.
- 9.11. Based on the presumption that around one third of those who express a need usually follow through to occupy any housing provision then the proposals for 30 dwellings would go a significant way to meeting the identified need.

- 9.12. Of the 30 dwellings, 26 would be rented and 4 would be shared ownership. The site would be managed by Waterloo Housing Group (formerly Dales Housing). The proposed mix of house type closely matches the identified need with the majority (19) being 2 bed 4 people dwellings and a smaller number of 3 bed properties (5 no.), bungalows (2 no.) and flats (4 no.)
- 9.13. The District Council is fully supportive of the proposals and has committed a quarter of a million pounds of capital grant funding to the scheme.
- 9.14. Officers are satisfied that the proposals would make a substantial contribution towards meeting the identified local need for affordable housing in Bakewell in accordance with HC1, LH1 and LH2.

Issue 3 - Site Selection

- 9.15. In order to promote sustainable development the Adopted SPD on Meeting the Need for Affordable Housing states that before an application on a greenfield site for 3 or more dwellings is considered, the applicant will be expected to demonstrate that a search of brownfield site has taken place and in the event of no such site being available, a search for the best greenfield site should be undertaken (suitable sites within the settlement should be given preference). Whilst around two thirds of the application site is brownfield land, the north eastern third is open playing field and therefore greenfield land.
- 9.16. The suitability of the site and whether there are more appropriate sites further into the town is particularly relevant in this case because the application site lies outside of the Bakewell Development Boundary, inside which policy LB1 seeks to direct development.
- 9.17. A search of potential sites was undertaken in 2009 involving the District Council Housing Enabler, Bakewell Town Council and planning officers. A total of 8 potential sites were identified (including the application site) and conclusions reached as follows:
- 1 - Land to the south of Aldern House – unsuitable due to impact on the setting of the grade II listed building.
 - 2 - Land at northern end of Castle Drive – limited in size and issues of access and residential amenity.
 - 3 – Land of Station Road – gradients very steep – not suitable.
 - 4 – Lady Manners playing field – the application site. Adequate space. School willing to pursue proposals.
 - 5 – Land off Yeld Close – appropriate site for development. Landowner approached but unwilling.
 - 6 - Land at Holywell, off Haddon Road. Possible redevelopment of Dales Housing scheme – insufficient land to meet identified need.
 - 7 – Land at Riverside/Lumford Mill. Previous applications for mainly open market housing refused. Permissions now in place for new hotel and redevelopment of industrial units.
 - 8 – Haddon House Farm – issues with flood risk and access and therefore considered that more suitable sites should be considered first.
- 9.18. The above adequately demonstrates that other brownfield and greenfield sites have been investigated. However opportunities to provide a development of a scale that meets the identified need are clearly limited. It could be nevertheless be argued that the piece of land

to the south of Yeld Close is sequentially preferable to the application site in that it is directly adjacent to the built edge of the town and does not raise any issues with regard to loss of playing field. However as explained above the landowner is unwilling at present to pursue development and the benefit of the proposed site is that it is mostly brownfield land.

- 9.19. The main issue with the application site is that it lies beyond the edge of Bakewell Development Boundary and is separated from the built edge of the town by the remaining playing field. However the Draft Bakewell Neighbourhood Plan identifies that there is *'little or no potential for development within the existing boundary'* and therefore recommends that extensions are made to the boundary to include the application site. The plan is still in the early stages of public consultation but nevertheless the policies therein can be given some, if only limited, weight at this stage.
- 9.20. At the pre-application stage consideration was given to development on the playing field to the north east of the site, directly adjacent to the built edge of the town at Highfields Drive. However the presence of the mine in that location was known and therefore the site was precluded from further consideration.
- 9.21. The pattern of development along Monyash Road into Bakewell is characterised by parcels of development with green gaps between them and within the Conservation Area the Conservation Area appraisal recognises these gaps and the value of views across them. Consequently the proposed development site, and the gap between it and the houses at Highfields Drive would not be out of keeping with this character.
- 9.22. In conclusion officers are satisfied that the application site is the most suitable site available for development of a scale that would meet the identified need and its development would bring the added benefit of redeveloping a disused and unsightly area of brownfield land.

Issue 4 – Whether the dwellings will remain affordable in perpetuity.

- 9.23. Saved Local Plan policy LH1 (iv) states that in meeting local need for affordable housing, the dwelling in question must be affordable by size and type to people of low or moderate incomes.
- 9.24. The Authority's Adopted Supplementary Planning Guidance on Meeting the Need for Affordable Housing states that dwellings with a floorspace of up to 87 sqm are likely to remain more affordable. More recently, the consultation version of the new Development Management policies sets a slightly higher maximum, based on the Government's 2015 nationally described space standards of 97 sqm for a five person dwelling.
- 9.25. The floor areas of the proposed dwellings are as follows:
- 2 bedroomed dwellings – 68 sqm
 - 3 bedroomed dwellings – 82 sqm
 - 2 bedroomed bungalows – 58 sqm
 - First floor flats – 54 sqm
 - Ground floor flats – 45.5 sqm
- 9.26. It is clear therefore that all of the properties would be well below the maximum floorspace standards and each property has only a modest residential curtilage associated with it. As such the size of the dwellings is likely to mean that they would remain more affordable to people on low to moderate incomes in perpetuity.

Issue 5 – The Impact of the Presence of the Churt Mine and other Archaeological Issues

Pretoria Mine

- 9.27. Below the ground to the north east of the application site, there lies the intact remains of Pretoria Mine, a former churt mine that was active from 1900 until the mid 1960s. Access to the mine is preserved via a shaft on the northern side of Monyash Road, close to Bank Top House. The mine covers an extensive area (around 140m x 220m) both to the north and south of Monyash Road but crucially it extends below the playing field adjacent to the site. The presence of the mine has implications for the current proposals both in terms of potential impacts on surface stability and also with regard to the impact of the proposals on the archaeology of the mine itself.
- 9.28. An initial Ground Investigation Report submitted with the application identified the presence of the mine but not its full extent or depth and suggested that if further investigation found the presence of the mine within influencing distance, then there may be a requirement for consolidation through drilling and pressure grouting (i.e. infilling the mine with concrete). The submitted desktop archaeological assessment fails to assess the impact of the proposals on the significance of the mine.
- 9.29. Coincidentally during the course of the application the results of a detailed survey of the mine by the Peak District Mines Historical Society (PDMHS) was published in the *Mining History* journal. The survey mapped the extent of the mine in detail and indicated that the north easternmost 6 plots of the original 36 houses proposed (plots 31-36) were directly above the mine.
- 9.30. PDMHS and the Authority's Archaeologist objected to the initial proposals for 36 houses. Their responses explained that Chert has been used since prehistoric times; initially used for stone tools and in the later 18th century it was quarried for runners and bedstones in mills and used to grind flint for use in pottery manufacture. By the mid-19th century chert was mined from underground workings. There are very few chert mines in the country, and Bakewell is the main location for chert mining in England. Three mines survive in Bakewell. Therefore despite its relatively recent date Pretoria Chert Mine is a heritage asset of national significance. It is of exceptional archaeological interest and rarity (its workings and passages are extensive and massive in scale, and it has a diverse range of surviving features) and is of significant historic interest – (it is one of only two known large chert mines in England, and important in relation to the pottery industry). It was considered that the proposed stabilisation works would cause permanent and irreversible harm to the significance of the chert mine.
- 9.31. Consequently, as a result of the survey results and the objections received a more detailed Geo-environmental Appraisal Report was produced during the course of the application. Rotary probing identified broken ground and voids at between 23-27m below surface and advised that this represented a potential risk to surface stability. The report recommended that the workings are either treated (but this would be not be feasible or economical given the significant extent of the recorded voids); or that the development is amended so that it is outside of the risk area.
- 9.32. As a result of these findings amended plans have been submitted showing the 6 plots above the mine omitted. Furthermore an additional 8m wide 'no build zone' has been included beyond the known edge of the mine in accordance with recommendations within the Geo-environmental report. As amended it has been adequately demonstrated by a suitably accredited stability assessment that the land is stable and will remain so in accordance with Saved Local Plan policy LC25. In addition as amended, the proposals would not impact upon the archaeological and historic interest of the mine in accordance with Core Strategy policy L3.

9.33. Other Archaeological Impacts

9.34. As well as the archaeological constraints presented by the presence of the mine the submitted Archaeological Assessment and Authority's archaeologist agree that the site is in close proximity to surviving earthwork remains of the town's medieval field system. This includes relict ridge and furrow and strip lynchets (readily identifiable on the ground and on aerial photography) that form part of the fossilised medieval field system of Bakewell identified from historic maps. As a result there is a high potential for the groundworks associated with the proposed development, including foundation trenches, new access routes, landscaping, new drainage, services etc. to result in the truncation, damage, disturbance or destruction of any surviving archaeological remains that survive at the site, relating to medieval and post-medieval agricultural activity.

9.35. As a result a condition is considered to be reasonable and necessary to require a scheme of archaeological works. This will ensure that the nature and significance of archaeological remains, will be sufficiently characterised, and following on from this an appropriate scheme for the investigation and recording of archaeological remains will be developed and implemented to ensure that surviving archaeological remains are preserved by record. Subject to this condition it is considered that the proposals would conserve the significance of archaeological assets in accordance with policy L2.

9.36. Issue 6 – Impact on Sports Facilities

9.37. Core Strategy policy HC4 states that the redevelopment of a community recreation sites or sports facility for other uses will not be permitted until a satisfactory replacement site or facility has been provided, or it can be demonstrated that the facility is no longer required. Additionally, Sport England, the statutory consultee for development which affects sports facilities, have an adopted policy to oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of a playing field, unless specific exceptions apply.

9.38. The playing fields at Lady Manners School extend to approximately 9 hectares in area. They are/have been laid out with a variety of pitches including 3 football pitches, 4 rugby pitches, a surfaced 'Redgra' hockey court and a further tennis/netball court area. The playing fields are used by students at the school and also by community groups including the Bakewell Mannerians Rugby Football Club who have used the rugby pitches regularly in recent years due to issues with flooding at their pitches on the Bakewell Show Ground.

9.39. The area of the playing field that would be affected by the development (as amended) is not marked out as a pitch at present, but it is understood that historically it has been laid out as a fourth rugby pitch (and also as a rounders pitch during the summer). The application site as amended would encroach onto the north western corner of the rugby pitch and would remove, in total, approximately 0.23 hectares of the total area of the playing field.

9.40. At the officers site visit it was evident that the area of the playing field in question is steeply undulating in parts and because of this, and poor drainage, the school have stated that it is rarely used. Notwithstanding this Sport England consider that the area forms an integral part of the overall usable playing field and the main residual playing field, post development, would represent a net reduction in quantitative capacity and would have a much reduced flexibility in terms of its ability to accommodate a range of pitch layouts. In addition Sport England considered that due to its constrained size the area of new 'replacement' playing field to be created to the west of the existing school buildings would only be able to accommodate a Football Association (FA) compliant football pitch suitable for players up to under 9/10 years of age (and that this would not reflect identified need). The replacement playing field would therefore not represent equivalent replacement provision in the context of their Policy Exception E4.

- 9.41. Material to the consideration of this issue is the Playing Pitch Strategy and Action Plan that was produced for Derbyshire Dales District Council in 2017. Whilst the overall summary for rugby union provision for the area in which the National Park falls states that current demand is being met, the report does identify that the facilities for rugby at Lady Manners School are at capacity and that there is a longer term requirement for new pitches for the Mannerians with appropriate security of tenure.
- 9.42. As a result of Sport England's initial objection and on their suggestion, the school commissioned an agronomist (sports turf specialist) report to consider whether improvements could be made to the existing retained playing field to provide enhancements to carrying capacity that might compensate for the loss. In summary the only option that would meet Rugby Football Union guidelines on pitch dimensions required the relocation of a football pitch and bitmac courts. The estimated cost of this was between £136,600 and £147,000 and was therefore dismissed by the school as unaffordable.
- 9.43. Consequently Sport England suggested that another opportunity for compensation for the loss of the rugby pitch would be through a financial contribution toward the delivery of alternative provision off-site. In September 2017 planning permission was granted for the creation of 2 no. rugby pitches and erection of a storage and welfare building on land to south of Shutts Lane.(NP/DDD/0917/0934). The application was made by the Mannerians RFU on land on which it has secured a long term tenancy from Haddon Estates.
- 9.44. The Rugby Football Union (RFU) has obtained costings for the pitch construction which amount to £198,157.60 in total. Sport England are satisfied that these costings are reasonable and considers that half of the cost of one of the new rugby pitches would be a reasonable and proportional basis for calculating an off-site contribution. This would amount to £49,538.90, secured through a section 106 agreement.
- 9.45. The developer has agreed to this contribution, however the NPPF makes it clear that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.46. All options for providing on-site mitigation have been explored and none have been judged to off-set the loss of the playing field at the site. The contribution is therefore necessary to make the development acceptable. The proposed sum would provide a reasonable contribution to secure the delivery of a replacement rugby pitch for that which is lost and consequently is directly related to the development. On balance the calculations used by Sport England are considered to be fair and reasonable and so the third and final test is met. Obviously the cost of the contribution can be offset either wholly or partly by the omission of the provision of the new playing field originally proposed to the south of the school.
- 9.47. In conclusion subject to a section 106 agreement as described above the proposals would provide for a satisfactory replacement playing field in accordance with Core Strategy policy HC4.
- 9.48. Finally, for information, it is understood that the income from the land sale received by the school will be spent either wholly or partly on the upgrading of an existing all weather 'Redgra' hockey pitch to and Artificial Turf Pitch, for which planning permission was granted in 2016 and this permission is extant.
- 9.49. Issue 7 – Landscape Impact, Layout and Design

- 9.50. The proposed dwellings would be mainly two, and occasionally one storeys in height. The application site benefits from an existing belt of mature planting along the majority of its northern boundary with Monyash Road. Furthermore a mature native hedgerow is present along the boundary with Shutts Land and along the boundary of the remaining playing field on Shutts Lane. All of these trees and hedgerows would be retained, the trees forming a separate landscaping zone outside of the curtilages of the dwellings. As such the proposed dwellings would be well screened from the majority of public vantage points. The most prominent part of the scheme would be the dwellings and proposed parking court on the north eastern boundary of the site, which would be visible from Monyash Road. Consideration was given to a drystone wall to define the northern boundary of the site but it was considered that parked vehicles may still be seen above it. Instead a native hedgerow is proposed along with a number of individual trees which in time will help to soften the edge of the estate.
- 9.51. The proposed dwellings would be arranged loosely around a number of cul-de-sacs and it is considered that the informal arrangement of short terraces and semi-detached properties would bring a pleasant character to the development. Following negotiations the use of natural drystone walls to define front gardens has been introduced to anchor the development into the landscape, with the continued use of hedgerows on the outer boundary in keeping with boundary treatments in the area.
- 9.52. With regard to massing, the proposed gable widths are fairly wide at around 7.5m but the eaves heights of the two storey dwellings are traditional at around 5m. Some of the wide gable ends are broken up by lower single storey projecting elements with narrower gables, in particular the more prominent elevations facing towards Monyash Road at the northern end. On balance given the need to accommodate a fairly high density of units on the site, the wider than average gables are acceptable in this case.
- 9.53. Materials would be a mixture of natural limestone and gritstone with blue slate roofs. The applicant sought to secure agreement on stone samples at the pre-application stage. The proposed sample of limestone, although natural, was not considered to be in keeping with the local area. The proposals would represent a significant new housing development at the entrance to the town and consequently the use of high quality materials is considered to be important in the interests of the character of the area. It has therefore been agreed that a commuted sum of £50,000 that was secured by the Authority from a scheme at Deepdale in Bakewell specifically for the provision of affordable housing in the town, will be made available to Derbyshire Dales District Council to secure the use of high quality, local stone on this scheme.
- 9.54. Overall fenestration and other design details are traditional in character and following some minor amendments would contribute positively to the character of the area.
- 9.55. In conclusion, as amended the scheme would conserve the established landscape character of the area in accordance with policies GSP3 and L1, and LC4.
- 9.56. Issue 8 – Ecological Considerations
- 9.57. A phase 1 habitat survey and phase 2 protected species surveys in relation to badgers and bats were submitted with the application. A single holed badger sett was found within the application site, believed to be used on an occasional basis. The Authority's ecologist has recommended that as the survey was carried out 18 months ago and the development may not commence for some time, and given that badger activity can change, a condition is appended to require an updated badger survey together with detailed recommended mitigation and compensation measures as appropriate. A site for a replacement sett has been identified in the submitted ecological reports. As such, whilst it is considered that the submitted information is sufficient to understand the likely impacts of the development on

protected species (in line with the requirements of the Habitats Directive) further survey work is required in order to formulate appropriate mitigation.

9.58. The majority of trees on the site were judged to be in good condition and therefore roosting opportunities for bats is limited. The impact of the demolition of the existing storage buildings on bats has already been assessed as part of the application for their demolition. Conditions to submit and agree external lighting in order to prevent illumination of habitats and to require native species within the new planting are considered to be necessary and reasonable.

9.59. Subject to these suggested conditions it is considered that the proposals would conserve the ecological interests of the site in accordance with policies L2 and LC17.

9.60. Issue 9 – Impact on Trees

9.61. An arboricultural survey and impact assessment has been submitted with the application. No tree preservation orders are in place either on or adjacent to the site. The report confirms that the perimeter groups of trees along the roadsides and a large mature ash tree on the south eastern boundary of the site would be retained. During the course of the application the crown spread of this important tree has been more accurately plotted on the plans, and which now confirms that there would be no built development below its canopy.

9.62. Eight trees within the development site would be lost, mainly semi-mature cherry, willow and poplar. These trees are assessed as having moderate value and their removal would not have a significant impact on the visual amenity of the area. Replacement trees within the landscape scheme for the new development would replace the amenity value of the trees in the long term. The Authority's Tree Conservation Officer concurred with the findings of the report subject to a condition to require retained trees to be protected during construction.

9.63. Subject to this condition the proposals would accord with policies L2 and LC20 in these respects.

9.64. Issue 10 – Highways and Parking

9.65. The Highway Authority had confirmed that the scale of the development does not necessitate a Transport Statement. Nonetheless a Transport Statement has been carried out and submitted and it demonstrates that the proposals would not have an adverse impact on the highway network. The development is also significantly below the threshold for a Travel Plan although one has been submitted and suggests measures to promote and encourage sustainable travel.

9.66. The proposed access onto Shutts Lane would provide adequate visibility splays. Whilst the concerns of some local residents about parked cars on this road at busy times, this is an issue that is prevalent in many settlements in the National Park and it is not considered that overall this would result in an access that is unsafe otherwise dangerous to highway users.

9.67. The application site is within walking distance of Bakewell town centre via the B5055 Monyash Road. Some objectors have noted that there is not a continuous footway along the eastern side of Monyash Road and that two crossings of the road are required to reach to town centre. Officers acknowledge this issue but note that as part of proposals for the erection of a dwelling on the former Pinfold site (currently under construction) a section 106 agreement requires the construction of new pedestrian footway along the site frontage before the dwelling is first occupied. Once completed this will reduce the need to cross the road. On balance it is considered that the proposals provide a safe and suitable means of pedestrian access.

- 9.68. Adequate off street parking provision is proposed in the form of two spaces per dwelling and one per flat or bungalow.
- 9.69. Objectors have raised the issue of the speed limit on Monyash Road and whether the 30mph zone should be extended to the junction of Monyash Road and Shutts Lane for highway safety reasons. This is a matter for Derbyshire County Council as the Highway Authority and is not a material consideration in the determination of this application.
- 9.70. The conditions recommended by the Highway Authority are considered to be necessary and reasonable and subject to these conditions the proposals accord with policies T1, LT11 and LT18.
- 9.71. Issue 11 – Impact on Residential Amenity
- 9.72. The nearest residential properties to the application site are Bank Top Farm on the opposite side of Monyash Rd, a group of properties at ‘The Kennels’ on the south western side of Shutts Lane and the estate of affordable local needs dwellings at Highfields Drive to the north east. Because of the intervening distances (45m, 100m and 105m respectively) it is not considered likely that there would any detrimental impact upon residential amenity as a result of overlooking, or noise for example.
- 9.73. As with any new development there is the potential for some noise and disturbance during the construction phase but this can be mitigated by means of the construction management plan.
- 9.74. In conclusion the proposals would no cause unacceptable harm to residential amenity in accordance with policies GSP3 and LC4.
- 9.75. Issue 12 – Environmental Management
- 9.76. Core Strategy Policy CC1 states that development must make the most efficient use of land, buildings and natural resources and take account of the energy hierarchy. In this case the proposals do not propose the use of any renewable energy generating features such as solar panels or ground source heat pumps, but instead relies upon energy conservation. It is considered that the scheme would represent a sustainable use of land in that it proposes the re-use of brownfield land and has been identified sequentially to be the most appropriate site to meet the identified local housing need. The proposals will of course also be required to meet current building regulations with regard to issues such as the conservation of fuel and power and water efficiency. At the time of writing the applicant is preparing an Environmental Management Plan which will be available for the Committee Meeting. Provided the findings and recommendations of the report are acceptable then a condition to require it to be adhered to is considered to be reasonable and necessary.

10. Conclusion

It is considered that exceptional circumstances exist to warrant the approval of this major development in the National Park. In terms of the three criteria set out in the NPPF:

- 1) It has been demonstrated that development would meet an identified need for affordable housing in Bakewell and that refusing planning permission would have a detrimental impact on the local economy by restricting the supply of this much needed housing;
- 2) The housing cannot be located elsewhere outside of the National Park because it is intended to meet a local need in Bakewell; and
- 3) It has been demonstrated that subject to conditions the proposals would not be detrimental to

the landscape or environment.

The application site is partly brownfield and would result in the redevelopment of unusable and unsightly prefabricated buildings that have no prospect of re-use, and subject to a section 106 agreement to secure a financial contribution towards the off-site playing field there would be no detrimental impact upon recreation opportunities. Consequently the three tests for major development are met and the proposals accord with Core Strategy policy GSP1 and para 116 of the NPPF, along with other Development Plan policies listed above.

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

11. Human Rights

11.1. All Human Rights issues have been taken into consideration in the preparation of this report

12. List of Background Papers (not previously published)

None

Report Author, Job Title

Andrea Needham, Senior Planner.