

**13. MAJOR FULL APPLICATION: DEMOLITION OF EXISTING FACTORY BUILDING AND THE SUBSEQUENT CONSTRUCTION OF A TOTAL OF 26 DWELLINGS INCLUDING 4 'AFFORDABLE' AND CONVERSION OF FORMER FACTORY BUILDINGS TO TWO DWELLINGS AT DOVE DAIRY, STONEWELL LANE, HARTINGTON (NP/DDD/1014/1045, P.5155, P.9335, P.11087, & P.6283 412534/360474 KW/LB/CF)**

**Applicant: CATHELCO LTD**

**Site and Surroundings**

The application site lies to the west of the village of Hartington and consists of land to the north of Stonewell Lane. To the north of Stonewell Lane the application site includes brownfield land associated with the former cheese factory operations at Hartington. At present, this land is occupied by a disused modern factory building, two disused stone built buildings of some vernacular merit, areas of car parking and hardstanding, and infrastructure associated with the former industrial use.

The majority of the site is bounded to the north, west and east by a bund planted with a thin and unmanaged belt of woodland. This woodland was planted approximately 25 years ago in an attempt to mitigate the landscape impact of the factory buildings. To the north of the planted bund, an isolated area of hardstanding extends out into agricultural fields

The application site is situated about 23m away from Hartington Conservation Area at the site's eastern edge, to the south of Stonewell Lane, and lies immediately west of the listed Charles Cotton Hotel. To the north, west and south of the application site is agricultural grazing land, a large proportion of which is within the applicant's ownership. Approximately 300 metres (on average) to the far west of the site is the River Dove. To the east, the site lies adjacent to a row of four existing houses oriented at 90 degrees to Stonewell Lane.

A public right of way runs from Stonewell Lane in a north-south direction close to the existing boundary between the brownfield land to the west and greenfield land to the east. A farm access track runs from Stonewell Lane in a north westerly direction through the existing factory car park to the far west of the application site. To the south of Stonewell Lane the site is currently used for agriculture. A drainage ditch runs through the fields adjacent to Stonewell Lane in an east-west direction. The fields are bounded by dry stone walls and there are two mature elm trees.

**Background**

Over the years, the former cheese factory site has been given several different names, but for the purposes of this report it will be described as the Dove Dairy Site (DDS), as stated in the current application details.

The current application seeks the re-development of the site of the former cheese factory in Hartington. Cheese production was carried out from 1875 until March 2009. The factory closed in 2009 and the factory buildings were stripped of fixtures and fittings by December 2009. Notably, the re-development of the site was being discussed even before the factory closed down and two planning briefs have been produced by the Authority.

In September 1997 a 'Draft Planning Brief for Development at the Creamery and Sites Along Stonewell Lane, Hartington' was published for consultation by the Authority. This brief followed discussion with the former owners of the dairy site, Dairycrest, who wished to proceed with a redevelopment project that included provision of a visitor centre, local needs housing, a playing field, and car parking on land restricted to the southern and eastern portions of the current development site (including the agricultural buildings and the buildings to the rear of the Charles Cotton Hotel). It was emphasised at this stage that the individual elements of the brief should be brought forward as a package. The draft brief was never fully adopted.

In 2008 the master planning of Hartington was revisited for a second time. This time, the site included land to the immediate south of Stonewell Lane and the agricultural lane to the south of that, bordering Mill Lane. A 'Draft Concept Statement' was produced by the Authority and the Housing Authority for local consultation. This listed development principles of:

- an overall plan for the village that benefits the community as a whole:
- new access to the Creamery, relieving Stonewell Lane of commercial traffic and opening up sites with potential for family housing and more convenient car and coach parking;
- small scale family housing allowed gradually, over time, to maintain the life of the village, support existing facilities and fund the provision of new ones; and
- high design standards throughout.

Ideas for inclusion in a masterplan for the site included a sports field incorporating a football/cricket pitch and informal open space with an equipped play area, a village cemetery and a site for housing, car parking and a sports pavilion.

Thereafter, in January 2010, officers engaged in pre-application discussions with the current applicant, which resulted in an exhibition being held in the village hall at Hartington showing development proposals for the site on 29 and 30 October 2010. This was followed by a public meeting attended by over 100 local people. Minutes from this meeting showed that there was a great deal of local concern about the development plans and a high level of opposition to a large development. At the meeting, it was agreed that a Liaison Group would be set up to ensure that the local community and key stakeholders were actively involved in further pre-application discussions.

The Liaison Group met eight times between November 2010 and August 2011 and the activities of the group culminated in a questionnaire being sent out to all residents of the village in order to assess the opinions of the local community in relation to the potential redevelopment of the factory site. The questions were based on the principle of redevelopment and did not relate to specific plans. 75% of the questionnaires were returned.

The most significant results of the questionnaire showed that approximately 50% of respondents wanted to see some community facilities on the factory site but that 72% of people did not want to see these facilities cross-subsidised by open market housing. 44% of respondents wanted to see a maximum of six affordable housing units provided on the site, 34% wanted to see more than 6 units, and 22% wanted to see no affordable houses on the site at all. 70% of respondents did not want to see a village cemetery provided on the cheese factory site. Some responses suggested that a children's play area and allotments would be welcomed. In response to a question about how many houses in total the site should accommodate, the majority wanted to see fewer than 20 houses provided.

Shortly after the responses to the questionnaire were received, an application seeking outline planning permission for redevelopment of the factory site was submitted. This application proposed 39 residential units of which 6 would be affordable houses to meet local needs. 33 units of open market housing were said to be required as 'enabling development' in order to ensure that the scheme would be financially viable also taking into account the application also included provision of several community facilities. In this case, it was intended to use the agricultural land to the south of to accommodate community facilities in the form of a playing field, a children's play area, allotments and a car park. In addition, the application included proposals for the construction of a swale that would improve drainage of the application site and the village.

In January 2012, this application was refused planning permission by the Authority's Planning Committee and the subsequent appeal was dismissed in March 2013 following a public inquiry.

Since the appeal dismissal, the applicant has held detailed discussions with the Authority's officers with a view to addressing the Planning Inspector's reasons for the dismissing the appeal and the concerns and issues raised by the Parish Council and the local Hartington residents.

These discussions have involved consultation with the Parish Council and local residents, who nevertheless maintain their strong objections to the scale and nature of this reduced scheme.

### **Proposal**

The current application seeks planning permission for:

- demolition of the factory complex and erection of a total of 26 dwellings, comprising 20 open-market dwellings, conversion of the traditional stone office buildings (formerly agricultural barns) to 2 open-market dwellings and the erection of 4 affordable local needs dwellings (3 houses and 1 bungalow). The mix of open-market dwellings (including the barn conversions) comprises 1 No. 6 bed house, 8 No. 5 bed houses, 8 No. 4 bed houses, 3 No. 3 bed houses and 2 No. 2 bed houses. The affordable housing would comprise 1 No. 3 bed house, 2 No. 2 bed houses 1 No. 2 bed bungalow.

The housing layout comprises a spine road, which cuts diagonally across the site and then follows an existing access road on the western side of the factory complex, where it then connects back to the western end of Stonewell Lane. The housing is mainly constructed of natural limestone with a mix of traditional roof coverings. The spine road frontages have a mixture of detached, semi-detached and terraced housing, some connected by lower garage buildings and a wider central space, designed to reflect the character and mix of development within the centre of Hartington village. The majority of the street frontages are enclosed by drystone walling. Amended layout plans have been submitted following discussions with the Highway Authority, but the road layout and dwelling positions remain largely as originally submitted.

- The scheme includes the erection of a large single dwelling unit on the westernmost part of the housing development. The original submitted plans for this dwelling proposed a 2½ storey formal Manor House style dwelling with a 10.0m x 19.5m footprint and eaves/ridge heights of 6.0m/9.4m respectively. A large detached garage building was also proposed. Following discussions with the Authority's officers, a revised dwelling design has now been submitted for a simpler traditional farmhouse design with lower single-storey barn style outbuildings arranged in an 'L' plan form. This subsidiary building accommodates the garaging and also a swimming pool. The footprint and eaves height of the farmhouse element remains largely the same as the previous Manor House design; however, the ridge height is greater (10.4m).
- Restoration of 0.57 hectares or 27% of brownfield land on the northern and western sides of the factory complex back to fields.
- Removal of banded tree planting on the northern and western sides of the factory complex and replacement with smaller areas of new tree planting.
- Note: The original submitted scheme proposed the provision of flood attenuation measures within the existing field to the east of the factory complex. This field has a frontage length of 46m and separates the factory physically and visually from the main village. Following discussions with the Environment Agency, however, the flood

attenuation measures are now proposed to be relocated into the field on the south side of Stonewell Lane. This field is outside the red line application site boundary. Consequently, formal consideration of these relocated flood attenuation measures cannot form part of the current application and will require the submission of a separate planning application. The Environment Agency has indicated that the relocated swale, which is in the form of an open watercourse, is likely to be acceptable in principle and this method of flood attenuation was considered to be acceptable when the previous 2012 application was considered, both at the application stage and at the subsequent public enquiry. This current application, as amended, therefore proposes no changes to the field on the eastern side of the complex.

The application is accompanied by Environmental Impact Assessments which considers potential impacts in terms of transport, ecology, contamination, trees, archaeology, flood risk, visual impact, noise and socio-economics. The application is also supported by a Development Appraisal, a Landscape and Visual Impact Assessment and a Design and Access Statement.

**RECOMMENDATION:**

**That the application be APPROVED subject to a S106 agreement including obligations relating to the provision and management of local needs affordable housing, the securing of a financial bond to fund investigation and provision of pedestrian safety measures along Stonewell Lane, phasing of development, and future maintenance of roads, retention and future management and maintenance of trees and tree planting belts within the applicant's ownership which are situated outside of the application site boundary and subject to the following conditions.**

1. **Development to be commenced within two years of the date of the permission.**
2. **No development whatsoever to be commenced until a separate planning application has been submitted and approved by the Authority for the provision of the flood attenuation measures in the field to the south of Stonewell Lane. The scheme for the provision of the flood attenuation measures shall then be completed prior to the commencement of the housing development.**
3. **Development to be carried out in accordance with the original submitted plans, subject to the following conditions or modifications.**
4. **Submit and agree amended scheme for the house design of a reduced size and footprint on Plot 1, prior to the commencement of the development.**
5. **Submit and agree amended scheme showing the slight repositioning of the dwellings on plots 9, 10, 12, 15, 20 and 24 to accommodate the Highway Authority's requirements.**
6. **Scheme to be carried out in accordance with the amended road layout plan no. 2231 (08) 02 Rev E, with the exception of the amendments required in condition 4 and submitted house/bungalow designs for plots 2 – 26 inclusive, except for the roof pitches.**
7. **Maximum number of dwellings, including the two units in the retained stone barns shall not exceed 26. A minimum of 4 houses shall be affordable local needs housing managed by a Registered Social Landlord.**

8. **Submit and agree amended elevational plans showing a reduction in roof pitches on all the dwellings to 35°.**
9. **The existing stone built buildings occupying plots 25 & 26 on the site plan no. 2231 (08) 02 Rev E and plan no's 2231 (08) 31 Rev A & 32 Rev A shall not be demolished, and the conversions shall take place within the shell of the existing buildings with no rebuilding.**
10. **Prior to first occupation of the open market houses, the land to the north and west of the site labelled on the site plan 2231 (08) 02 Rev E 'Area Returned to Greenfield' shall be restored to grassland in accordance with details to be submitted and agreed in writing by the Authority.**
11. **All factory buildings, disused tanks, ancillary plant, walls and hardstanding areas and brownfield land identified for demolition on plan 2231 (02) 03 Rev A to be demolished and material removed from the site prior to commencement of the rest of the scheme.**
12. **Details of the proposed disposal of the spoil generated by the demolition works referred to in condition 10. to be submitted to and agreed in writing by the Authority.**
13. **Undergrounding of service lines.**
14. **Houses to be constructed of natural stone (limestone) and limedash render with natural blue slate, Staffordshire blue natural plain clay tiles or red natural plain clay tiles for roofs, all where shown on the approved elevational drawings . A sample panel of the stone wall cladding and render and samples of the roof to be provided and agreed by the Authority prior to the commencement of the development.**
15. **All lintels, sills, jambs, copings and quoinwork shall be in natural gritstone and shall be provided where shown on the approved elevational plans.**
16. **Minor design conditions, including walling detail, rainwater goods, timber doors and windows, window and door recessing, roof verge detail.**
17. **Boundaries of gardens to be demarcated with drystone walls made of natural rubble limestone up to a height of 1.2m. The drystone walls shall be capped with half-round natural limestone coping stones.**
18. **Prior to the commencement of the development updated protected species surveys to be undertaken for bats, badgers and birds. Any recommended mitigation measures to be implemented and retained thereafter.**
19. **Vehicle parking/manoeuvring spaces, including garaging to be provided prior to the occupation of the completed dwelling units and to remain unobstructed for use at all times.**
20. **No development shall commence until a construction phase traffic management plan has been submitted to and agreed by the NPA.**
21. **No construction to take place before 7.30am or after 7pm Monday to Friday, or before 9am and after 5pm on Saturdays. No construction to take place on Sundays or Bank Holidays.**

22. Full details of an external lighting scheme to be submitted and agreed by the Authority prior to the commencement of the development.
23. Environmental Health Authority conditions requiring Intrusive investigations to take place in relation to land contamination following clearance of the factory buildings referred to in conditions 10-12. The results of these investigations along with any recommendations for mitigation to be submitted to the NPA for agreement. Mitigation measures shall thereafter be implemented.
24. Details of additional tree planting on the western edge of the housing development, the southern boundary of Plot 1 and supplementary planting along the eastern edge of the housing development and the south side of Stonewell Lane to be submitted to and agreed in writing by the Authority.
25. Submit and agree detailed landscaping scheme. Phasing of landscaping works to be submitted to and agreed by the Authority
26. No trees to be removed other than those shown for removal on the approved plans.
27. Woodland belt management plan and management plan for all new tree planting to be submitted for approval and thereafter implemented.
28. A construction phase working method statement to be submitted and agreed to show methods for the protection of controlled waters. Recommendations to be implemented.
29. Submission of methodology for soil stripping activities to be submitted. Works to be monitored for archaeological interest.
30. Photographic survey of the existing factory buildings and a record of surviving machinery and fittings to be undertaken prior to development.
31. No demolition or development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted and approved by the Authority in writing.
32. The field immediately to the east of the proposed housing site shall not be used for the storage of materials, spoil or for builders' compounds.
33. Details of any temporary diversion of the public footpath to the east of the site during the construction phase to be submitted and agreed in writing.
34. A scheme for the provision of renewable energy technologies on the site to be submitted and agreed. Recommendations to be implemented.
35. The development shall seek to achieve Code for Sustainable Homes for the housing elements.
36. Tree protection during construction.
37. Withdraw permitted development rights for alterations to the external appearance of the dwellings, extensions, porches, ancillary buildings, solar panels, satellite antenna, gates, fences, walls or other means of boundary enclosure.

38. **Submit and agree of biodiversity enhancements, to include management of the reinstated grassland on the former car park south of Plot 1 as a hay meadow.**
39. **Submit noise survey prior to the commencement of the development for any proposed air source heat pumps, with any attenuation measures required being implemented prior to occupation of the dwellings.**

### **Key Issues**

- Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major development in the Peak District National Park, with particular reference to: the effect on the character of both the landscape of the National Park and Hartington, including the setting of Hartington Conservation Area; the provision of community benefits; and, the economic viability of the development proposals.
- The landscape impact of the proposed development.
- Detailed Layout and Design Issues.
- Environmental Management

### **Relevant Planning History**

NP/DDD/0911/0896 – Outline planning permission refused for residential, employment and community development plus ancillary landscaping and infrastructure elements on the current application site. In terms of residential development, the indicative plans showed that six affordable housing units and thirty three open market housing units were proposed in this application. This application was refused by the Authority's Planning Committee in January 2012 for the following reasons:

1. The scale of the proposed development is out of keeping with the size of the existing village of Hartington and would be damaging to the landscape of the National Park and to the character and setting of the Hartington Conservation Area contrary to EMRP Policies 2, 8 and 26, Core Strategy Policies GSP1, GSP2, GSP3 and L3, and Local Plan Policies LC4 and LC5.
2. The proposals offer insufficient enhancement to the settlement to accord with the provisions of Core Strategy policy HC1 (c).

The subsequent appeal was dismissed on 20 March 2013 (Appeal Ref: APP/M9496/A/12/2172196). Following a public inquiry, the Inspector concluded that, on balance having had regard to local and national policy, the material considerations in this case would not amount to the exceptional circumstances necessary to justify major development in this National Park. The scheme would not be in the public interest and would not fit with the patterns of sustainable development promoted by the Framework. By way of background to the current proposal it is considered appropriate to refer in more detail to the main points raised by the Inspector at the previous appeal.

The Inspector concurred with the Authority that the proposed development constituted major development despite there being no requirement for the submission of an Environmental Impact assessment (EIA).

Core Strategy (CS) policy GSP1 indicates that all development shall be consistent with the Authority's legal purposes and duty. The reasoned justification for the Policy confirms that the

purposes of the National Park designation are: to conserve and enhance the natural beauty, wildlife and cultural heritage of the National park; and, promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

In pursuing the statutory purposes, the Authority has the duty to seek to foster the social and economic well-being of local communities. However, where there are conflicting desired outcomes in achieving National Park purposes, greater priority must be given to the conservation, natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefit.

The Policy confirms that major development should not take place in the National Park except in exceptional circumstances and it will only be permitted following rigorous consideration of the criteria in the national policy.

The Planning Inspector then made the following comments:

- The DDS occupies a relatively isolated position on the valley floor, set apart from the village beyond an area of pasture.
- Although some of the buildings within the DDS are stone-built, the predominant built-form comprises metal-framed and clad buildings situated towards the eastern side of the site.
- It is estimated that the tallest of the buildings in the DDS complex has a ridge height of around 12.6m above ground level.
- At the south-western corner of the building complex is a slender chimney around 20m tall.
- Top the west of the main group the roofscape steps down to two lower buildings beyond which there is a car park and a low bunded structure.
- There is no dispute that the existing factory complex is out of character with its surroundings. Furthermore it is a prominent feature in the wider landscape, due to its scale and colour and its position on the flat valley floor.

Consequently, the Inspector acknowledged that the clearance of the former DDS as proposed, including a small storage area to the north, would amount to a very large benefit in landscape terms. However, this was not the end of the matter in view of the substantial amount of development proposed.

Whilst a full assessment of the landscape character and visual impacts of the outline proposal could not be carried out, the Inspector commented that the submitted scheme:

- Intruded on to the pastures to the east of the DDS.
- Extended further to the west than the existing buildings.
- Although the cumulative footprint of the proposed dwellings would be significantly smaller than that of the existing buildings, given the spread of the proposed dwellings across the DDS and beyond it to the east, it was unlikely that the difference would be appreciated from outside the site.
- Although lower than the tallest existing structures within the site, the ridge levels of the houses would be higher than some of the other buildings.
- In comparison with the DDS site, the overall massing of the development would not appear to be significantly reduced by the scheme when seen from vantage points outside the site.
- The submitted Environmental Statement and Visual Impact Assessment indicates that the character of the section of the appeal site to the south of Stonewell Lane would change from Agrarian to Suburban.
- The relative compact existing group of buildings would be replaced by a development which would appear to sprawl further across the valley floor to the west of the village.
- Relative to the impact of the proposed cluster of 39 dwellings and the group of community facilities, the mitigation provided by the inclusion of details such as the use of locally distinctive materials, drystone walling and the removal/thinning of existing tree belts



would be negligible. This major development would not, therefore accord with the Upper Valley Pasture Landscape Character Type.

- The development of the pasture to the east and the linking of the otherwise isolated DDS within the village, would not be sufficient to give the impression that the housing development is an organic extension to the village. Instead, due to scale and position of the development, it would amount to an anomalous limb to the village form, to the detriment of its character.
- Due to the limited number of vantage points outside the Conservation Area, where both the village and the DDS can be seen together at close quarters, its adverse impact on the significance of the CA is slight.
- Overall, the proposal would give rise to a slight adverse impact on the character of both the landscape of the National Park and Hartington, and the setting of the Conservation Area diminishing the significance of this heritage asset, albeit to a limited degree.
- The scheme would substitute one damaging scale of another, conflicting with the aims of CS policies GSP1, GSP2, GSP3, L1, L3, and E1; EMRP policies 2,8,26 and Local Plan (LP) policies LC4, LC5 and LH1

In respect of the proposed community facilities, the Inspector acknowledged the views of the majority of residents who did not wish to see open-market housing built to fund village facilities. Whilst the greatest level of support was given to the provision of a playing field, this was only supported by 31% respondents to the public questionnaire. There was no overwhelming support, therefore, for the provision of community facilities such as playing field or children's play areas, or for a new car park.

There was, however, significant support for the provision of up to 6 Affordable Housing units and also small business units.

The submitted Flood Risk Assessment (FRA) confirmed that the appeal site and Hartington are at flood risk from pluvial run-off during extreme rainfall events. The proposal included the formation of a swale in the field on the south side of Stonewell Lane, in order to reduce the risk of the appeal site being flooded. The FRA also indicated that this would result in the betterment of upstream flood levels and flows within and through Hartington, in accordance with the aims of CS policy CC5 and LP policy LC22. The findings of the FRA had not been disputed by the Environment Agency. The Inspector therefore concluded that there was a need for these elements (local needs housing and swale) of community infrastructure.

In relation to the economic viability of the scheme, the Inspector stated that the scheme as promoted (33 open-market plus 6 local needs dwellings and other community infrastructure) would put the public to more expense, in terms of allowing more enabling development to take place, than is necessary to deliver the elements of the scheme identified as benefits by the applicant. The Inspector also stated that it may be possible to strike a more appropriate balance by increasing the number of affordable housing units and decreasing the number of open-market units.

The Inspector concluded by stating that the proposed development did not amount to the exceptional circumstances necessary to justify major development in a National Park. Consequently, the scheme would not be in the public interest and would not fit with the patterns of sustainable development promoted by the Framework.

### **Consultations**

This section records the comments made, including concerns raised by all consultees. The later sections of the report respond to or cover these concerns in more detail.

Details of all consultee comments can be viewed in full on the Authority's website.

## External Consultees

**Derbyshire County Council (Highway Authority)** – Recommended that the application be held in abeyance until revised details to satisfactorily address the following issues have been achieved.

- All new roads that are to be offered for adoption need to generally comply with the current layout recommendations contained within the 6C's Design Guide
- Difficult to determine from the drawings if there are intervisible passing opportunities for large refuse vehicle and cars travelling in opposite directions
- Need to contact local refuse collection service to ensure their requirements will be met, (such as reversing distances). Appropriate swept paths need to be demonstrated
- Footways need to be provided on Stonewell Lane and into the proposed development site into the vicinity of road junctions in the interests of safety for future resident
- A review of the existing street lighting needs to be undertaken, even though the predicted level of pedestrian use has decreased since the previous scheme
- Exit visibility splays of 2.4 metres x 33 metres should be provided
- Exit visibility splays from private accesses / driveways need to be demonstrated on the drawings
- Space needs to be identified for waste bins
- Off-street parking should be provided on the basis of 2no. or 3no. spaces per 2/3 or 4/4+ bedroom dwelling. This would appear to be generally satisfied although spaces should be of 2.4m x 5.5m minimum dimension, 2.4m x 6.5m where located between garage doors and the highway boundary, with an additional 0.5m width being required where the spaces are adjacent to physical obstructions (e.g. wall, fence, etc.) - each side where applicable.
- The route of the Public Right of Way should remain unaffected

Overall there are no highway capacity issues with the proposal, however, layout issues need to be resolved to support a full planning application. Following discussions with the Highway Authority, the applicant and the Authority's Officer, amended plans have been submitted addressing the issues raised by the Highway Authority in its initial response.

The Highway Authority now consider that the amended road layout is largely acceptable, but it would appear that Plots 9,10,12,15,20 and 24 may require minor setting back, some due to adjustment of boundary line, others to provide adequate parking between garage doors to the highway boundary. Most of these set-backs would be in the region of 1.0m – 1.5m.

The development would change the nature of the use of Stonewell Lane and it is important that the streetlighting levels meet current regulations. Streetlighting will be required on the new roads and provided that the developer is aware, the streetlighting scheme funded by the developer should be extended, if necessary to the market place.

In respect of pedestrian safety, the Highway Authority still recommends the funding of £10,000 be secured under a S.106 for a monitoring period of up to 5 years post full occupation of the

development. This would enable any issues to be identified and mitigation works to be investigated and implemented should these be deemed necessary.

**County Council (Primary Care Trust) – No response to date.**

**District Council (Environmental Health: Noise and Nuisance) –** Noise survey for any proposed air source heat pumps is required, any attenuation measures implemented prior to occupation if approved, hours restriction on construction works.

**Derbyshire Dales District Council (Housing) –** The Rural Housing Enabler supports the scheme as the proposed number of affordable dwellings (four) to be delivered without grant funding will help meet the identified local housing need in Hartington Town Quarter identified need of 19 affordable dwellings within Hartington Town Quarter, Hartington Nether Quarter and Hartington Middle Quarter carried out in April 2014.

The former Dairy Crest site is the only site to have come forward for affordable housing development in these parishes and as such is a rare opportunity to meet local affordable housing need. Welcomes the proposed homes being designed to comply with Housing Community Agency requirements, Housing Quality Indicators space standards and Level 3 of the Code for Sustainable Homes

**Peak District Rural Housing Association –** Support the development and the association's commitment to the affordable housing in the scheme, as it addresses the proven need, (in particular for affordable properties) and as they have been trying to find a suitable site for a number of years.

**Environment Agency –** Initially objected to the submitted scheme as the Flood Risk Assessment submitted with the application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted Flood Risk Assessment does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Suggests a proposal should be submitted which includes a reinstatement of the culverted watercourse to open channel and a Flood Risk Assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

Further discussions have since been held between the applicant and the Environment Agency. Amended plans have now been submitted omitting the proposed water attenuation measures in the field between the brownfield factory site and the local needs dwellings on the edge of the village to the east. It is now proposed to revert to the flood attenuation measures proposed in the field to the south of Stonewell Lane. This comprises the diverting of any flood waters into an open brook within this field, before returning it into a culvert at the western end of the site. It is understood that this revised flood attenuation scheme meets the requirements of the Environment Agency; however, written confirmation has not yet been received on this.

It should also be noted that these revised flood attenuation measures are situated on land that is outside the red line boundary of this current application. Whilst consultees have been advised to comment on the amendments and further site notices have been erected advising of the changes, approval of the revised flood attenuation measures cannot be given under this present application and will require the submission of a separate planning application.

Should this current application be recommended for approval, therefore, a "Grampian" or negatively worded condition should be imposed stating that the proposed development must not commence until planning permission for the flood attenuation measures had been submitted to

and approved in writing by the Authority.

The applicant and agent have been advised to submit the application, so that it could be considered alongside this present application, but they have chosen not to do so at this stage.

**Natural England** – Not likely to have significant effect on the interest features for which Peak District Dales Special Area of Conservation (SAC) has been classified. Will not damage or destroy the interest features for which the Hamps and Manifold Valleys and the Long Dale, Hartington Sites of Special Scientific Interest (SSSI) have been noted.

Natural England refers the Authority to its standing advice in regards to protected species and should consider securing measures to enhance the biodiversity of the site. Opportunities to incorporate features into the design which would be beneficial to wildlife.

Natural England also refers the Authority to a published set of mapped Impact Risk Zones for sites of Special Scientific Interest (SSSI) to determine how impacts can be avoided or mitigated.

**Parish Council** – Strongly objects to the development as it would have an adverse effect on the character and landscape of the National Park; the scale of the development is too large; the scheme fails to complement or integrate with the village and it does not offer sufficient enhancement; affordable housing ratio far too low.

It is also contrary to the NPPF and key policies in the Authority's Core Strategy; in particular insufficient enhancement to settlement to accord with the provisions of CS HC1 (c).

Other comments / concerns included;

- Disproportionate development for the village
- Development to the west outside of original factory footprint
- Overall bulk of development shows little change in comparison to the previous scheme
- Land west of the track should be returned to Green field.
- Up market estate of overtly large houses; totally revenue driven
- Design of estate offers little architectural or historic merit when viewed alongside the village
- Development does not provide landscape enhancement required by Core Strategy GSP1
- The navigation of traffic around the site is unclear.
- No workspace / community facilities
- Parish Council believe there are alternative sites for 4 affordable dwellings which could be delivered at a lower cost
- Socio-economic benefits are negligible
- Viability appears to override policy constraints
- Parish Council happy to support a smaller scheme e.g.: 11/12 houses including 4 affordable
- Community consultation has been non existent
- Parish Council supports the confidential questionnaire as determines around 15 houses, including affordable would be acceptable, (restricted to the existing factory footprint)
- Concerned ridge and furrow field will be lost due to requirement of protecting an overlarge development
- Inaccuracy in Design & Access Statement due to a misrepresentation advising the Parish Council is comfortable with 20 houses. This results in the statement to be fundamentally and substantially misleading.

The Parish Council has been reconsulted on the amended road layout, the amended dwelling design for Plot 1 and the relocated flood attenuation measures. Their further comments are as follows:

- The new plans for Plot 1 show no (or negligible) reduction in ridge height but an increase in building footprint over 50% primarily to accommodate an indoor swimming pool. There is still a third floor, now concealed apart from a gable end window, within the increased roof space, but no details on the plans relating to this floor. The plans for this dwelling continue to ignore the fact that the house is in completely the wrong place and in their and the Inspector's opinion, there should be no building to the west of the Bridge End farm track.
- The Parish Council's response does not cover the indicative drainage swale now being proposed as it is outside the red line of the application site and has to be the subject of a separate and subsequent application.
- Note that officers will be using the 151 original third party representational letters as the basis of their recommendations as they are clearly unaware of these belated amendments.
- Wish to register their strong concerns as to how this application can be determined when a fundamental requirement of the Environment Agency regarding flood alleviation, is outside the red line and has to be subject to a separate application.
- Feel strongly that a completely new application incorporating all aspects of the scheme, including flood alleviation if necessary, should be made. In this respect it is noted that no notice has been given to the tenants of the land involving the flood relief scheme.

#### Internal Consultees

**National Park Authority (Archaeology):** Require further information as the current heritage strategy is not sufficiently detailed to fully inform the impact of the development of standing and below ground heritage assets on the site. Suggest a written scheme of investigation should be produced. Request further information on the historical development of the cheese factory site and an addendum to the archaeological report following the relocation of the flood attenuation measures into the field on the south side of Stonewell Lane.

No reference to the impact of the flood alleviation works or recognition of the industrial archaeology of the site or proposals of how that should be recorded.

Recommend that a condition be attached requiring that no development be undertaken until a programme of archaeological work, including a Written Statement of Investigation be submitted to and approved by the Authority.

**National Park Authority (Built Environment):** Recommends refusal as the scheme is an inappropriate development in both townscape and architectural terms. Lack of connection and cohesion with the existing built form of the village. New development would appear as a separate enclave quarantined from the village. Would prefer to see no gap between the existing and proposed housing and ideally be erected on both sides of Stonewell Lane. The density of the development needs to be reduced.

Plot 1, is unacceptable as it is a pastiche of C17 Derbyshire Hall which devalues the originals in the National Park. Only a few of the proposed dwellings have vernacular proportions (gable width and eaves height). Detailing throughout the entire scheme represents C18.

No objection to the conversion scheme for the existing buildings.

Overall scheme resembles an estate of executive houses rather than a natural extension to Hartington which will be clearly visible in the landscape.

The amended design for Plot 1 is better in principle, but wrong in detail terms. The house is hopelessly over-scaled. The 10 metre gable width is completely unacceptable, as is the resultant 10.5m ridge height. The frontage length (19.5m) is excessive for what elevates as a three bay

house. Even the subsidiary gable has a 7.5m gable width. Consequently the amended design is not an acceptable reinterpretation of the local vernacular. If that is the intention, it needs to be scaled back to more reasonable proportions. This amended dwelling design does not resolve the previously relayed comments and criticism of the site layout and its lack of connection/cohesion with the existing village.

**National Park Authority (Ecology):**

Concerns raised that further emergent surveys are required to assess the nature and extent of the brown long-eared bat roost found in the northernmost traditional building which is to be retained and converted. Advises that the application should not be determined until these surveys have been carried out during May-June, at the earliest, and appropriate bat mitigation has been put in place.

Evidence of the presence of another protected species in the northern tree bund, which is proposed for removal as part of the scheme. Further clarity and discussions are required and if this is subsequently found to be active, it should be retained within the scheme. Pre-cautionary conditions should be attached to any future permission to protect nesting birds.

The proposed scheme also provides opportunities for additional biodiversity enhancements. These would include the provision of a wildflower meadow within the restored grassland area to the south of Plot 1 and the provision of features suitable for bat use within some of the buildings on the housing development. Whilst not specifically designed with wildlife in mind, the flood alleviation attenuation swale and reopened culvert will provide a beneficial habitat feature in its own right.

**National Park Authority (Landscape):** Acknowledge that the current industrial buildings and chimney dominate the landscape and are out of character in relation to Hartington due to their size, therefore their removal is welcomed. Submitted LVIA is fair but does not consider viewpoints from higher ground to the east of the development or from the road into Hartington from the south.

Overall the proposal provides significant improvements over the original application as visual landscape enhancements and improvements to the character of the area will be achieved. However, recognises some details are missing, (e.g. highways) and therefore suggest, if approved, a condition be attached requesting detailed landscape scheme.

Other detailed points included:

- Require a tree and woodland management programme for trees and woods outside and inside the application area. Deal immediately with dead trees south of the site, Ash die back and maintaining woods / trees for the future. Overhead power cables affecting trees at plot 26 need to be addressed.
- There should be a reduction in clump planting and greater emphasis on linear boundary planting. In particular new planting on the eastern boundary of the new green field area to the south of plot one.
- Assessment needs to be carried out to determine if vehicular access to barn conversions will have an impact upon existing trees in the paddock along the eastern side of the barns. Compensation planting needs to be carried out if appropriate.
- No details have been provided for the proposed upper stream attenuation area. Suggest it should be cut and grazed but consideration should be given to its future management and by improving the diversity of the sward by seeding and management regime.

- Large isolated building on the edge of the western field, (plot 1) does not relate well to the other proposed housing or development within Hartington and the wider area. Size and location of the building has adverse impact on the character of the area and therefore it should be omitted from the development.
- Plot 1 clearly visible in landscape from No.7 Staffordshire footpath 30 resulting in adverse impact from this viewpoint. Therefore suggest the dwelling in reduced in size and scale, in particular height, if the dwelling is retained. Simplifying the design will allow it to reflect an isolated traditional farm building.
- Curtilage to plot 1 made smaller to reduce its westward extent.
- Post and rail fencing replaced with stock proof fencing
- Acknowledges varied street scene reflects traditional parks of Hartington, however, concerned about potential footpaths required by Highway Authority.

In respect of the revised plans, comments that the building on Plot 1 still looks very large and out of character with the area. There has been some progress to make it look like a farm building but the proportions are still incorrect. The boundary of this plot also need to be defined by a drystone wall and should be smaller than shown. How this links into the adjoin field is important.

The road leading to Plot 1 which runs north-south requires the planting of three trees along the western boundary at uneven spacing to help break up the outline of the proposed buildings.

The existing tree to the north of the converted barn is still retained despite engineering works taking place under the canopy.

Other concerns relating to management of existing trees within and outside of the application site have not been resolved.

The indicative relocated flood attenuation measures (open watercourse) although not part of this application need to be tied into with a section 106 agreement. Initial comments are that as shown on the indicative drawing, the slopes are too steep as shown on the proposed sections.

**National Park Authority (Ranger Service):** Advise the applicant approach the Highway Authority with a view to assessing the need for a temporary closure of the Right of Way through the site for the duration of any works to protect public safety.

**National Park Authority (Tree Officer):** Any planted screening should be maintained and managed appropriately. Able to discuss long term management plan is the application proceeds to enable a suitable living green infrastructure to ensure it is a valuable part of the new development.

### **Representations**

Due to the large number of representations received from outside of the National Park as well as from local residents, the representations have been analysed in two separate categories – one from residents likely to be directly affected by the development, and one from those who may be affected by virtue of connections to the village or tourism interests.

58 representations had been received from local residents by Friday 14 November, the consultation deadline. A further letter was received just after the consultation deadline. All are letters of objection apart from one letter of support.

36 specifically refer to the fact that they feel the size and scale of the proposed development is inappropriate for Hartington, 28 consider the development will provide executive homes creating an housing estate, 45 think that the affordable housing provision is inadequate and 20 consider there is no justification for the large house located at the western end of the site and the proposal should only be built on the footprint of the factory only.

20 consider that the development would harm the character and feel to the village and 10 think the scheme would result in adverse landscape and visual impact which will also fail to conserve wildlife and cultural characteristics. 16 also deem that major development should only occur in exceptional circumstance and one unfortunate development should not be replaced with another.

Other common issues raised include the fact that there are no village facilities are proposed as part of the development and no employment will be created as a result of this. New houses will also be occupied by commuters who will travel unsustainably and will not contribute to supporting village services.

Other comments are as follows:

- The proposals are contrary to national and local planning policy
- The developer's viability assessment is inaccurate as quoted build costs are near double the quotes in previous outline application
- The proposed flood attenuation scheme would result in adverse impact on the green field as it is understood to be an ancient ridge and furrow field
- 
- Presumption against major development in National Park
- The proposal does not satisfactorily address all the criticism in the Inspector's appeal decision letter
- Scheme does not represent an organic expansion of the village creating an unimaginative housing estate
- The only benefit will be for the developer
- No improvement over the last scheme
- Development will be an imposition on the nearby farm
- The dwellings will become second homes or holiday lets
- No provision for elderly people such as single storey dwellings
- In favour of the provision of starter homes and community facilities
- In favour of the site's redevelopment but at an appropriate scale
- The developer has failed to take account of the village's views as expressed in the pre – application questionnaire
- Would support a smaller scheme, 15 houses was specified in a number of letters
- Even though the scheme has been reduced, still too many dwelling on the site
- Houses will sit empty and not be occupied
- The proposed dwellings are too expensive and out of price range for younger families in particular
- Local residents will not be able to afford the dwellings
- Concern regarding parking and access to the site is inadequate
- It is the wrong type of development for the site
- Workspace has been removed from the scheme. No provision for additional employment
- Number of dwellings reduced but their size increased
- Concern large farm vehicles will not achieve access at all times
- Land should not be developed west of the track
- Inadequate number of affordable dwellings
- Insufficient local infrastructure to support the increased traffic
- Ratio of smaller properties to open market is out of proportion
- Different style, character and size of dwelling compared to those in the village



- Socially imbalanced development
- Factory should remain until a more appropriate development is proposed
- Only benefit to local community is 4 smaller dwellings
- Unsympathetic to the wishes of the villagers
- Existing factory should be removed and site returned to greenfield
- Dwelling will be occupied by commuters
- The green field where the attenuation system is proposed should remain
- Site should remain as greenfield
- School may not benefit from the scheme
- The school and doctors surgery shouldn't be crowded for residents.
- Siting next to a farm access is likely to cause conflict at times
- Size of development will assist with the sustainability and growth of the village
- Increase in people will aid existing business within Hartington

In addition to this 8 letters of representation were also received stating objection but specified no reasons for this view.

63 representations were received from tourists, visitors to the village and people with a previous or existing connection to the village (e.g. family or land ownership). (54 objections, 8 letters of support).

29 specifically refer to the size and scale of the development being inappropriate and 28 are concerned that the affordable housing allocation is inadequate. 16 are concerned the development will provide executive homes and 6 consider any development should be confined to the original factory footprint.

20 consider that the development would harm the character of the village and 19 think the scheme would result in adverse landscape and visual impact. A further 9 consider one poor existing development should not be replaced with another.

These representations also raise the following issues:

- The size of the development is disproportionate to the village
- There are not enough affordable homes proposed
- Development is not sufficient enough to help young people in the village
- Unaffordable dwellings will be holiday cottages
- Development has the appearance of a modern housing estate
- Proposed large dwelling will appear out of context with the remainder of the estate.
- No benefit to the residents
- Not opposed to a smaller scale development on the site
- Potential of larger dwellings to become second homes
- Recognise opportunity to remove factory but a more sensitive development required
- Development not tailored to the needs of a working village
- Development should remain on original factory footprint
- The development will provide landscape and visual impact
- Not enough facilities in the village to support additional dwellings
- Site not integrated into the village
- Single dwelling to the west of the development dominates the appearance of the proposal
- Site could easily be returned to green field.
- Loss of site for community facilities is disappointing

The following responses supported the application:

- The proposal will support the vitality and viability of the village and its facilities
- There is an open market requirement within the National Park

- More housing is required to support rural enterprises
- Positive scheme as removes the unsightly factory
- Good design
- Proposal will assist with the sustainability and growth within Hartington
- A more acceptable and modest proposal in comparison to the previous scheme
- Ease pressure on the remaining housing stock within the village

## **Main Policies**

### **National Policy**

As the current application seeks permission for more than ten units of housing, the proposals are considered to comprise 'major development'. GSP1 (D) in the Authority's Core Strategy says that in securing National Park purposes major development should not take place within the Peak District National Park. Major development will only be permitted following rigorous consideration of the criteria in national policy.

Paragraph 116 of the National Planning Policy Framework says that planning permission should be refused for major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- 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.

Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.

The NPPF recognises the value and importance of pre-application engagement. It also recognises that planning obligations may be required to make a development acceptable but they should only be sought where necessary, directly related to the development and fairly and reasonably related in scale and kind of development.

In rural areas, the NPPF states that one of its objectives is to raise the quality of life and the environment in rural areas by promoting thriving, inclusive and locally distinctive rural economies. Affordable housing provision should be a major consideration and consideration should be given as to whether allowing some open market housing would facilitate the provision of significant additional affordable housing to meet local needs. Housing should not be in places distant from local services. The planning system should ensure access to open spaces and recreation facilities that promote the health and well-being of the community. Heritage assets should be conserved in a manner appropriate to their significance.

Developments should ensure that travel arrangements support reductions in greenhouse gas emissions and congestion, and promote accessibility through planning for the location and mix of development. Proposals for development should demonstrate that opportunities for sustainable transport modes have been taken up depending upon the nature and location of the site, and safe and suitable access to the site can be achieved.

## **Local Policy**

### **Core Strategy**

Hartington is a named settlement under policy DS1 of the Core Strategy. In broad terms this means that the principle of development may be acceptable in or on the edge of the settlement. The policy also states that 80 to 90% of new homes will be directed to Bakewell and other named settlements.

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. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park and, (in part D) specific opportunities should be taken to remove undesirable features or buildings. This is expanded in policy L1 which relates directly to enhancement of landscape character, and policy L3 relating to the conservation and enhancement of features of archaeological, architectural, artistic or historic significance.

Policy GSP3 refers to development management principles. In this case, the application is made in outline with all matters reserved. 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. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

The supporting text to policy HC1 clearly sets out at paragraph 12.18 that new housing in the National Park is not required to meet open market demand. However, paragraph 12.19 goes on to acknowledge that the provision of open market housing is often the best way to achieve conservation and enhancement or the treatment of a despoiled site and makes specific reference to the redevelopment of employment sites (this is followed through in E1D).

Policy HC1 itself states that provision will not be made solely to meet open market demand, but exceptionally new housing can be accepted where it meets A) local needs, B) provides for key workers, or is Cii) required in order to achieve conservation or enhancement of non-conforming uses in settlements listed in policy DS1. Compliance with this policy also depends upon compliance with policy GSP2. A further caveat is that the development must also meet identified local need if more than one open market unit is to be created. However C (iv) recognises that this affordable provision must be financially viable, although the intention is still to maximise the proportion of affordable housing within any viability constraints.

Policy E1 relates to economic development in towns and villages. Proposals for business developments are acceptable in DS1 settlements as long as they are of an appropriate scale and reuse existing traditional buildings. Crucially, policy E1D states that where the Authority consider an employment site to no longer be appropriate, opportunities for enhancement will be sought, which may include redevelopment to provide affordable housing or community uses.

Other relevant policies include policy CC1 relating to environmental management measures, CC5 relating to flood risk and the presumption against development which increases flood risk, policy HC5 which allows for the provision of community services and facilities in DS1 settlements, and policy T1 which aims to reduce the need to travel by unsustainable means.

### **Saved Local Plan Policies**

Policy LC5 of the Local Plan refers to developments which are within, or have the potential to affect the setting of, Conservation Areas. Important considerations relevant to an outline application include the scale, height and form of the development.

Policies LC16, LC17 and LC18 refer to the protection of archaeological features; site features or species of wildlife, geological or geomorphological importance; and safeguarding nature conservation interests respectively. All seek to avoid unnecessary damage and to ensure enhancement where possible.

As affordable housing is proposed in this development, policies LH1 and LH2 are relevant as they set out the requirements in terms of the occupancy of affordable housing units. LH1 relates to the circumstances in which a person can occupy an affordable housing unit. They must be in housing need, with that need unable to be met by the existing housing stock. It requires that a potential occupant meets local occupancy requirements as set out in policy LH2 and that the units are of a size and type likely to stay affordable in perpetuity.

Transport policy LT11 refers to minimising the impact of car parking associated with residential development.

### **Other Relevant Documents**

#### *Affordable Housing SPG*

The Housing SPG sets out in more details the criteria that both affordable housing units and the occupants of affordable houses should meet. The SPG requires the input of a Registered Social Landlord for developments of more than three units. Units of more than 87 square metres are not considered to be affordable.

The SPG introduces the concept of controlling occupancy by S106 obligations and refers to a cascade system to prevent affordable housing units potentially sitting empty for long periods of time. Under this cascade system, housing units are first marketed to someone who meets the local occupancy criteria within the Parish or adjoining Parishes. If a suitable occupant has not been found within 3 months, the property can be advertised to those who meet the occupancy criteria in contiguous parishes or those who have 5 years occupancy in the parish or adjoining parishes. If after a further 3 months no suitable occupant is found, then the property can be advertised to those who live within all parishes lying within or partly within the National Park.

#### *Employment Land Review*

The Employment Land Review was written at a time when it was assumed the Hartington cheese factory would stay in production. It gives little detail, therefore, on the future viability of the site. Overall, the review concludes that the most viable employment sites in the National Park are located in Bakewell and the Hope Valley rather than in outlying villages with access constraints and communications difficulties. It also states that there is a general over supply of employment land in the sub-region and that there may be scope to lose existing employment sites.

#### *Landscape Strategy*

Hartington lies within the South West Peak. This is characterised by a diverse range of landscapes from unenclosed moorlands and settled uplands to river corridors in the lower valleys. The cheese factory site fits within the definition of Riverside Meadows where the priority is to protect the diversity of the river corridor landscape and manage the landscape to provide flood water storage, helping prevent flooding elsewhere along the river corridor.

### **Assessment**

**Issue 1 - Whether, having regard to local and national policy, the material considerations in this case would amount to the exceptional circumstances necessary to justify major**

**development in the Peak District National Park, with particular reference to: the effect on the character of both the landscape of the National Park and Hartington including the setting of Hartington Conservation Area; the provision of community benefits; and, the economic viability of the development proposals.**

**Principle of Development**

The proposed redevelopment site is brownfield land on the edge of a settlement identified in Core Strategy policy DS1. Development is therefore acceptable in principle subject to compliance with other national and local policy considerations. Under Core Strategy policy E1D it must first be established whether or not the site is still required for employment uses. As this is a major development in a protected landscape, the acceptability of the principle must also consider the tests set out in the National Planning Policy Framework.

*Loss of Employment Space & Impact on the Local Economy*

The cheese factory site was not designated as employment land by the Local Plan. Core Strategy policy E1D allows for the reuse of employment sites for other uses where they are no longer appropriate. It states that in these circumstances, opportunities for enhancement will be sought which may include redevelopment to provide affordable housing or community uses. The first step is therefore to identify whether or not the continued use of the site for employment purposes is still appropriate and valued, particularly as the Framework prioritises sustainable economic growth.

The Peak Sub-region Employment Land Review identifies an over-supply of employment land in the sub-region and suggests that the amount of existing employment land could be reduced significantly. The study recommends that the future viability of employment sites should be assessed against factors such as ease of access, conflict with neighbouring uses and remote location.

The cheese factory was never a planned industrial site and the employment uses evolved by chance and circumstance over a period of over 100 years; as such, it is a 'non-conforming use' in terms of the surrounding development and its setting. As the site has an established B2 use, the existing buildings could be reused for a variety of employment purposes, including heavy industrial uses, without the need for planning permission. This would not necessarily be of direct benefit to either the local community or the National Park.

As with the previous proposal in 2012, Officers consider that it is highly unlikely that an employment use would reoccupy the existing factory buildings and bring them back into productive use due to the site constraints that now exist in terms of access to the road network and lack of reliable telecommunications infrastructure (e.g. broadband and reliable mobile phone reception). It is accepted that the site was marketed for sale once production at the factory ceased, and that no interest was expressed by any party who intended to reuse the site for employment purposes. No evidence has been provided to the contrary. In this respect, the principle of a reuse for affordable housing or community uses is acceptable under policy E1D.

It should also be noted that when the cheese factory was operational, it is stated via a statutory declaration in the application documents (made by the previous site owners), that only 5% of the workforce resided in Hartington.

In terms of national policy guidance in the Framework and Core Strategy policy E1, there is support for the reuse of traditional buildings in rural areas for employment purposes. In this respect, the proposal to reuse the stone buildings on the site for employment purposes as proposed under the previous 2012 application was considered to be a more proportionate and sustainable offer than seeking to find a general industrial end-user to revive industrial processes

at the whole site. The current scheme, however, proposes to convert these buildings to open-market dwellings. Given the proximity of the buildings to the proposed residential development, officers now consider that the loss of this employment space element from the scheme is not significant enough to warrant refusal of the scheme on these grounds.

An increased residential population if the site is redeveloped has the potential to bring benefits to the local economy as new residents would be likely to access and support local shops, pubs and other community facilities within the village.

Officers therefore conclude that the redevelopment of the cheese factory site would be consistent with Core Strategy policy E1D, and reuse of the whole factory site for industrial purposes would not necessarily be desirable in any event. The increased population has the potential to support and benefit the local economy consistent with the first test for major development in PPS7.

### *Need*

National Planning Policy Framework states that major developments in National Parks should only be considered in exceptional circumstances and only then if there is a demonstrable need for the development (including national need), if the development could not be accommodated elsewhere, and if there are no significant effects on the environment, landscape, and recreational opportunities resulting from the development.

Firstly, there is no pressing national need for this development as would be the case with a strategic infrastructure or defence project, for example. However, the National Park is a national asset and the protection of the landscape is the Park's first statutory purpose. In that sense, there may be national benefits to redeveloping the site.

Officers consider that, in landscape terms, there is a need to remove the existing factory buildings because of the detrimental effect they have on the landscape in this area of the National Park. The factory buildings are clearly visible from both long and close range vantage points, particularly because of the massing of the factory buildings and the tall chimney. Although some people may accept the buildings in their setting, it is clear that they do not preserve or enhance the setting of the Hartington Conservation Area or the landscape of the National Park. This view was endorsed by the Planning Inspector at the appeal.

The proposed development has the potential to offer significant landscape enhancement over and above the existing situation. This is consistent with policy E1D of the Core Strategy. The numbers and massing of the buildings and area of land-take as now amended will be significantly reduced from that previously proposed in 2012. The current scheme (as amended) now omits the 8 dwellings and car parking area for the business units proposed in the field to the east of the main complex, reduces significantly the incursion of the dwellings and associated garden areas into the field to the north, and returns a significant part of the site at the western end to green field. Additionally, there are no recreational facilities proposed in the field to the south of Stonewell Lane. Whilst it is now proposed to use this field to provide the relocated flood attenuation measures, this will appear as an open brook in the field, which subject to being designed sensitively would not detract from the landscape character of the area. Officers consider that the proposed scheme addresses the concerns raised by the Planning Inspector in respect of the previous scheme that this part of the village would lose its present agrarian character and become too suburban in nature.

Rather than deterring tourism as is suggested by some representations, the beneficial landscape effect proposed by the current scheme is more likely to increase the attractiveness of the area for recreational opportunities, improving the sustainability of the local tourist economy.

In terms of the 'need' for the development, therefore, the proposals in principle accord with the National Park's first statutory purpose and offer the opportunity to significantly enhance the landscape of the National Park. In this respect, the proposals accord with national policy guidance in the Framework, and Core Strategy policies GSP1, GSP2, L1, L3, E1D and Local Plan policy LC5.

Second, it must also be considered that the great majority of the proposed development site is located on previously developed or 'brownfield' land and the parameters of the proposed built development are directly related to the boundary of that brownfield land. In national policy terms, the reuse of this land for development is prioritised. The scale of the development is felt to be appropriate because it efficiently reuses land that has been despoiled by previous uses (the issue of encroachment into greenfield areas is discussed in detail below). The development of this site potentially protects undeveloped land elsewhere in the National Park. In this respect, there is no need to assess whether or not it would best be provided outside of the Park. This is a windfall site, the development of which accords with the thrust of national policy and has the potential to enhance the landscape of the National Park.

In strict terms, previous national guidance under PPS3, suggested that a site of this size (circa 4.5 ha) should accommodate somewhere in the region of 135 units rather than the 26 units proposed. However, due to its location in the National Park and to ensure that the proposals blend with the existing form of development in Hartington, it is felt that the proposals offer a more appropriate scale of built development.

In terms of the third 'test' in the Framework, the potential impacts of the development on the environment are considered in later sections of this report.

#### *Development of Greenfield Land*

The majority of the proposed development site is now located on brownfield land that has previously been used in association with cheese production. This brownfield land is not restricted to the footprint of the buildings but also includes former car parks, the sewage treatment plant and storage areas. However, officers acknowledge a small part of the development, i.e. the flood attenuation swale, is now proposed on greenfield land which has a lower priority for development.

As originally submitted the current proposal omitted the proposed residential development of the present field to the east of the DDS factory complex, but still proposed the remodelling of this field to accommodate flood attenuation measures. These measures proposed the creation of a dry basin designed to collect and regulate the flows of water run-off from the village during adverse rainfall events, thereby protecting existing properties in the locality and the proposed new residential development. These flood attenuation measures would have adversely changed the character and form of the present field, which has a well-used public footpath running along its western edge. Representations have been received about the changes to the field, particularly as there are known to be some archaeological remains on the site in the form of ridge and furrow earthworks. The flood attenuation measures for the current scheme have now been amended, omitting any changes to this field and thereby preserving the enjoyment of users of the public footpath that runs through the field.

Therefore, the current scheme as amended now excludes any greenfield land, save for the flood attenuation measures now proposed in the field to the south of Stonewell Lane. However, these comprise the formation of an open brook in this field, which if designed and implemented sympathetically would not 'read' as part of or an extension of the residential development proposed on the brownfield site of the DDS complex on the other side of Stonewell Lane.

Officers acknowledge that the current scheme still occupies brownfield land that was not occupied by factory buildings, but nevertheless this land is still classified as brownfield land. It should also be acknowledged that significant parts of the present brownfield land to the north and south-western corner of the brownfield land, previously proposed for dwellings and gardens in the 2012 scheme are now to be returned to green fields.

On balance, and given the Planning Inspector's views together with subsequent representations received in respect of the development of the field to the east of, officers now consider it appropriate to concentrate the residential development within the extent of the brownfield factory site. The development would then 'read' as a closely associated outlying cluster of properties separated by the existing field, thus minimising the impact on the setting of the main village and the Conservation Area and avoiding the previously stated concerns that its physical connection to the village would create an anomalous limb to the western edge of the village. This approach would also reflect similar situations in other villages elsewhere in the National Park, which have the main body of the village, but with nearby clusters of residential development that are physically and visually separated, but are close enough to be socially related to the main village.

The established tree planting alongside the western edge of this field would also serve to mitigate the impact of the residential development beyond to the west, when seen from the closest viewpoint from the section of Stonewell Lane from the village proper and along the existing public footpath through the field.

National planning policy does not preclude the development of greenfield land where it can be justified but it does sequentially prioritise the redevelopment of brownfield land. In this case, it is considered that the successful redevelopment of the brownfield site depends upon a small greenfield incursion into the field to the south of Stonewell Lane in order to provide appropriate flood mitigation measures, and that this element of the proposal is therefore justified. It is also notable that the Authority's archaeologists have no specific objection to the development of this site subject to archaeological monitoring which can be controlled by condition. In this respect, the proposals accord with PPS5, Core Strategy policy L3 and Local Plan policy LC16.

Moreover, it is considered that this relatively minor change to the character of the green field to the south of Stonewell Lane this should be balanced against the improvement to the character of the wider area and therefore the 'visitor experience' as a whole.

On balance, officers consider that there are significant benefits to be gained by developing the greenfield area as shown on the indicative plan. This development is justified in social, functional and design terms and is therefore compliant with policies in the Framework and Core Strategy policies GSP1, GSP2, GSP3, L1 and L3.

#### *Conclusion Relating to the Principle of Development*

The foregoing assessment has demonstrated that the principle of the redevelopment of this site is acceptable, accepting that it is 'major' development. There is a clear need to improve the landscape character of the local area, the site is previously developed, the use of a small section greenfield land can be justified, the reuse of the entire site for employment uses is no longer appropriate, and there are unlikely to be significantly negative economic impacts as a result of allowing the proposed redevelopment. It is therefore necessary to consider whether the proposed number of units and the ratio of affordable housing provision can be justified under policy HC1 of the Core Strategy.

#### **Viability**

Policy HC1 of the Core Strategy states that new housing may be allowed in exceptional circumstances where it is required in order to achieve the conservation and/or enhancement of



non-conforming uses in settlements listed in policy DS1. It has already been established that Hartington is a DS1 settlement, that the current factory represents a non-conforming use and that the proposed scheme would, in principle, offer significant landscape enhancement.

There is, however, an expectation under policy HC1 that, if greater than one unit, the development must also address identified local need and be affordable and policy E1D requires former employment sites to be redeveloped for community benefits such as affordable housing.

In the case of Hartington, a housing needs survey carried out by the District Council's Rural Housing Enabler in April 2014 identified 19 households in need of affordable housing across the parishes of Hartington Town Quarter, Hartington Nether Quarter and Hartington Middle Quarter. Therefore, the expectation that the developer provide affordable houses on the cheese factory site is justified by identified local need as well as by the requirements of policy E1D.

The use of open market units to cross-subsidise the provision of affordable housing is suggested by the Core Strategy and the Framework, i.e. using open market houses as 'enabling development'. Policy HC1 makes it clear that if open market housing is to be allowed, the corresponding level of affordable housing provision must be fully justified by a viability assessment (Development Appraisal).

As there is a strong presumption against the development of open market housing in the National Park, there is an assumption that the level of any open market 'enabling development' permitted will be sufficient to fund the provision of affordable housing and any other benefits, and achieve an acceptable level of profit for the developer only. The developer must be allowed to make some profit in order to incentivise the provision of community benefits, to enable a high standard of design and materials, and ensure that the proposals have a reasonable chance of being brought forward. However, the developer's profit must not be out of proportion to the facilities being provided and must recognise the policy concessions being made by allowing development in the National Park.

In the previous scheme in 2012, it was considered that the balance between the social, community and landscape benefits and the level of profit for the developer was disproportionate in favour of the developer and this view was endorsed by the Inspector at the subsequent appeal. In discussions with the Authority's officers it has been agreed with the developer that the maximum yield he should expect from the development should not exceed 15%. This return is considerably below what would be expected by a developer approaching the project for the first time, which is expected to be in the range of 20% to 25% measured against sales yield). Given the omission of the community recreation facilities proposed under the previous proposal, a return of 15% is considered to be an appropriate level of return for the present scheme, which still includes provision for four affordable local needs housing units, albeit this represents a reduction of two local need units as previously proposed.

A Development Appraisal and summary of the development costs accompanies this proposal. This has been submitted openly with the application documents to demonstrate, from the applicant's perspective, that the number of open market houses proposed is directly proportionate to the costs of providing 4 affordable housing units, associated site infrastructure as well as the costs incurred by removing the existing factory structures and remediating site conditions. This Development Appraisal has been assessed by the Authority's officers without reference to any outside financial consultants, but is assessed with reference to the findings of the independent financial consultant employed by the Authority on a recent proposal in Bakewell.

Unlike the previous 2012 proposal, this current scheme is a full application and therefore more accurate assumptions can be made in respect of the total build costs, given that the size of the dwelling and building materials are known.

The submitted summary of development costs show that the total cost of the development including the site acquisition costs/construction costs/professional fees/planning consultant fees/planning and building regulation fees/estate agent and marketing @1.25%/legal fees @ 0.25%/marketing/interest ~ 2 years @8%, is £7,923,145.

The expected income from the sale of the houses is £9,071,400, which achieves an overall yield of £1,148,255 or 14.5%. Representations from the Parish Council and other third party representations have disputed these costings, particularly in respect of the building construction costs, which they have doubled from the figures given in the development appraisal which accompanied the previous proposal.

The average build cost for the houses on the current scheme amounts to around £1491.00m<sup>2</sup>. Whilst the build costs in the current application are around double those quoted in the previous 2012 proposal, these reflect current market values, which are in the region of £1350m<sup>2</sup>. The applicant has confirmed that this higher build cost figure reflects the high standard of construction and materials and also has a contingency of around 5% built into these costs

Given that in most schemes of this type a yield of 20%-25% is considered to be appropriate in relation to the risks involved in proceeding with such development, officers consider that the scheme, which is projected to give a 15% yield is of an appropriate scale and the minimum that is required to ensure that the development would be able to proceed.

The proposed development will also provide four affordable local needs units and the applicant has confirmed that there is no viability barrier to the inclusion of the four local needs units within the scheme. Given the proposed siting of the local need units within the middle of the development, however, it may prove difficult to ensure that these are constructed in phase one of the development, as was envisaged with the previous 2012 scheme. Consequently, the provision of the local needs housing needs to be carefully controlled to ensure that they are provided before the bulk of the open-market housing is occupied. It is considered essential that this requirement for the timing/phasing of the building of the local needs housing is incorporated into the Section 106 legal agreement.

Whilst concerns have been raised in respect of the small proportion of local needs housing in relation to the number of open-market dwellings proposed, the submitted development appraisal demonstrates that the viability of the scheme involves tight financial margins. Additionally, the DDDC rural housing enabler has confirmed that four units is an appropriate number for Hartington Town Quarter, with the possibility of further local need dwellings being provided in Hartington Nether Quarter parish at Biggin.

In conclusion, the submitted development appraisal is considered to be acceptable and, given the normal expected yields on development such as this, has demonstrated that a development of this scale is required in order to enable the redevelopment of the site. As submitted, the proposed development shows viability, albeit marginal, when compared to normal expected yield. Consequently, the proposed ratio of local needs housing to open market units is therefore justified and to reduce the level of open market housing or increase the ratio of local needs housing would probably render the scheme unviable. The local needs housing will be provided before the completion of the whole development and their provision can be controlled by S106 agreement. The application therefore complies with Core Strategy policy HC1.

#### *Occupancy of Affordable Housing Units*

The affordable housing units would be occupied by people who have a local qualification. The policy section of this report sets out the restrictions on occupancy imposed by policies LH1 and LH2 of the Local Plan and the Affordable Housing SPG. These restrictions are translated into legal (S106 obligations) which the eventual site owner (in this case a Registered Social Landlord)

will be bound by. This means that the units will always be occupied by individuals in housing need from within parishes that fall within the National Park's boundary. As there is an identified local need within the Hartington Town Quarter backed up by current 'Home Options' information from the District Housing Authority, it is more likely that the final occupants will be from either the parish or adjoining parishes. In the unlikely event that there was any occupancy in breach of these obligations, it would be unlawful and would be enforced against.

Whilst it is acknowledged that the open-market dwellings are of a size and type that would not be within easy reach of young local residents in particular, the proposed local needs housing element will address this issue by providing four modest-sized housing units whose purchase price will be reduced by around 25%-30% in relation to equivalent open-market values in the locality, and will be controlled in perpetuity through the Section 106 legal agreement.

#### *Time Limit for Development*

Detailed applications generally allow a three year period for the implementation of the consent. For proposals that involve the erection of local needs housing, this period is reduced to two years to ensure that the local need housing is provided on the basis of the current expressed need for local housing. In this case, because the acceptability of the scheme is based on meeting a current need for affordable housing and a viability assessment undertaken in current market conditions, officers recommend that this timescale should be reduced to a period of two years in this instance. This will ensure that the proposals continue to meet identified need and current policy considerations at the time they are implemented.

#### **Potential Environmental Impacts**

Although the application does not require a full Environmental Impact Assessment, the application is accompanied by a comprehensive package reports assessing the potential environmental impacts of the development. The findings of these accompanying assessments have been reviewed by statutory consultees.

#### *Traffic and Transport*

The submitted Traffic and Transport Assessment has been revised to accommodate the reduced scale of the scheme now proposed, which the omission of the community recreational facilities on the south side of Stonewell Lane and the proposed public car park. This demonstrates that as with the previous proposal in 2012, there will be no significant increase in peak time movements from the site when compared to its former use as a factory. The impact of the development on local traffic issues is not therefore considered to be significant.

The executive summary in the Transport Assessment also refers to the fact that highway matters did not form part of the Authority's case in respect of the Public Inquiry on the previous application and that, given the reduced scale of the present scheme and the omission of the community facilities, it concludes that any highway impacts would be reduced as a consequence.

The Highway Authority has responded to this by accepting the general conclusions relating to vehicle movements, but has raised several concerns about the detailed layout of the estate roads, particularly in respect of visibility sightlines and the provision of appropriate swept paths vehicle at junctions and bends in the estate road, the provision of appropriate visibility sightlines from individual accesses and also the need to restrict road widths to provide traffic calming measures within the estate. Further discussions have taken place with the Highway Authority and amended plans have been submitted by the agent in order to address these issues. The Highway Authority has given initial comments that these amended proposals appear to meet their concerns, subject to some slight setting back of the dwellings on plots 9, 10, 12, 15, 20 and 24. Most of these set-backs would be in the region of 1.0m – 1.5m. It is considered that these

matters can be dealt with by the attaching of appropriate highway conditions.

They have also asked that the applicant consider the future maintenance of road surfaces should they be in 'non-standard' materials, and the provision of a sum of money to install pedestrian safety features post-development should it be found that they are necessary. They also recommend liaison with the local refuse collection services and a change in priority at one of the proposed road junctions. These matters can be dealt with by condition.

In respect of the previous proposal in 2012 the issue of a £10,000 contribution to the Highway Authority to allow for pedestrian safety works to be implemented (should they be found to be necessary) was suggested by the Highway Authority and they have re-iterated this request in the current proposal. At the Public Inquiry in respect of the 2012 application, the Planning Inspector did not consider that a financial contribution was required given that the Highway Authority raised no objections and were unable to determine the need and scope of such works.

Whilst the Highway Authority acknowledges that this is a reduced scheme with fewer likely pedestrian movements because of the omission of the community recreational facilities and the public car park, they still maintain that the proposal would be likely to result in an increase in pedestrian activity along lengths of Stonewell Lane without any segregated pedestrian facilities. In respect of pedestrian safety. The Highway Authority therefore still recommends the funding of £10,000 be secured under a S.106 for a monitoring period of up to 5 years post full occupation of the development. This would enable any issues to be identified and mitigation works to be investigated and implemented should these be deemed necessary. Given these circumstances, officers consider, on balance, that it would be appropriate to require a financial contribution from the applicant in respect of this current scheme.

In terms of traffic and transport, many objectors have raised the issue of likely future occupants being commuters, travelling to and from work by private car. As there is only a limited range of local employment opportunities, this is likely to be the case. Public transport links through the village are poor and would not be a viable option for commuters. In this sense, an increase in the population of the site as a result of its redevelopment would not be compliant with the Framework which seeks to reduce carbon emissions, or Core Strategy policy T1 which encourages more sustainable forms of transport.

This lack of compliance with national and local policy in terms of travel and transport must, however, be balanced against the fact that the site could be reused for B2 uses which would experience similar unsustainable transport issues, and the scheme's more general compliance with the thrust of other national and local policy considerations.

Objectors have referred to the impact that the site's redevelopment may have upon the existing farm access to the west of the application site. The indicative plans show that a right of way across the site will be retained as a part of its redevelopment. Any issues concerning private rights of access are a civil matter and do not fall under the control of the planning process.

### *Ecology*

The ecological assessment as originally submitted consist of a Bat Survey Report and a Badger Survey Report undertaken in August 2014, together with reference to previous survey reports and desk studies and surveys carried out in 2011. These reports focussed on a review of the habitat potential of the dairy site, the stone barns, the woodland buffer and the agricultural fields and existing drainage ditch. The potential for bats, breeding birds, another protected species and water vole was assessed in particular. The report concluded that there was the potential for bats, birds, another protected species, and water voles to be present on the site due to the existence of some suitable habitat; however the likelihood of this was assessed as being low.

The updated 2014 bat survey found that there is direct evidence of brown long-eared bats in the northernmost traditional barn (B3), which is considered likely to be a summer roost. There was also evidence of some bat activity in the southernmost barn (B4), however, this was considered to be transient rather than a regular roosting site. No evidence of roosting bats was discovered in any other building, although the stone building adjacent to Stonewell Lane was considered to be suitable for brown long-eared bats or *Myotis sp.* bat species.

The conversion of the northernmost barn was, therefore, considered to present potential ecological impacts, which would be an offence under the Conservation of Habitats and Species Regulations 2010 (as amended). These potential impacts include, disturbance of bats within a roost, destruction of a bat roost and causing harm to individual bats. Additionally these impacts may also apply to the other buildings in the traditional barn complex, the stone building adjacent Stonewell Lane and two mature trees along the field boundary to the south of the factory complex.

Although no evidence of nesting birds during the 2014 season was observed, there was evidence to suggest that birds had nested at the site before and these had been identified in the 2011 survey. It is therefore considered that birds have nested at the site in previous years and may therefore use it for nesting again in future seasons.

The bat survey report recommends that further dusk and/or dawn surveys are required for these buildings in order to better inform the nature and scale of the mitigation/compensation measures that may be required. In respect of mitigation the bat survey recommends the provision of alternative roost provision for brown long-eared bats for that which would be lost by the potential brown long-eared bat roost in the roof void of the northern most traditional stone building (B3).

Other mitigation measures include the careful stripping of roof tiles during the construction works to avoid any risk of causing harm to bats, and the scheduling of such works for early spring or late summer/early autumn, when bats are least likely to be present. A range of ecological enhancement measures are also suggested which include provision of bat-friendly soft landscaping, installation of bat roost features on new buildings (bat boxes, raised ridge tiles, and bird boxes). The recommendations in relation to birds consist of the undertaking of works outside the main bird nesting season. To this end, demolition and vegetation removal should be undertaken between September and February inclusive. If such works do occur during the bird nesting season, initial checks should be undertaken by an ecologist to check for the presence of any active nests.

In respect of another protected species, evidence of this was discovered within the bunded woodland area to the north-west of the building complex, which is proposed for removal as part of the proposed development. There was, however, very little evidence of recent activity. Based on the survey results, the site is considered to be within the territory of this protected species. The report concludes that this does not pose any constraint to the works, however it should be noted that this protected species may re-occupy the site at any time. If this was subsequently found to be active then it should be retained and protected during the construction works. The Authority's ecologist recommends that further clarity and discussions on this issue are required.

Consequently, the report recommends the following measures:

- A pre-construction survey for other protected species to be carried out prior to the commencement of the works.
- Any new mammal holes that are discovered at that stage or subsequently during the works, then work in that area to cease and the ecological consultants contacted for advice to ensure that no offences in relation to protected species are committed.
- In the event that the protected species is found to be present at the time that works need to be carried out the provision of exclusion zones would be necessary.

- Any additional constraints deemed necessary following the findings of the pre-construction survey.

The Authority's Ecologist acknowledges the recommendations in the submitted bat report, particularly in respect of the need to undertake further bat activity surveys in order to assess the nature and extent of the brown long-eared bat roost.

Natural England have been consulted on the development proposal, which is in close proximity to the Hamps and Manifold Valleys and the Long Dale Hartington Sites of Special Scientific Interest (SSSI). These SSSI's form part of the Peak District Dales Special Area of Conservation (SAC). They have confirmed that they are not likely to have any significant effect on the interest features for which the SSSI's SAC have been classified. Consequently, Natural England have advised that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

Natural England also comment that the application may provide opportunities for biodiversity enhancements in accordance with Paragraph 118 of the National Planning Policy Framework, together with opportunities to enhance the character and local distinctiveness of the surrounding built and natural environment.

In respect of the impacts of the proposed development on protected species, Natural England refer to their Standing Advice and the advice from the Authority's ecologist. The Authority's ecologist acknowledges the recommendations in the submitted bat report, particularly in respect of the need to undertake further bat activity surveys in order to assess the nature and extent of the brown long-eared bat roost. The information from these surveys can then inform any detailed mitigation/compensation strategy that will be required. The Authority's ecologist states that these surveys are required before the planning application is determined. Based on this survey work, appropriate consideration needs to be given to the surrounding design proposals such as the retention of trees, new planting and consideration given to lighting impacts. Two trees were also identified as having high potential for roosting bats. If works are required to these trees then further survey should be carried out to confirm the presence or likely absence of roosting bats. These survey works cannot be carried out until May to June.

A pre-cautionary condition is also recommended to protect nesting birds.

It is therefore considered that insufficient information and survey work has been provided to demonstrate that any potential threat to protected species as a result of the site's redevelopment would not present a risk to locally or regionally significant populations of protected species. In the absence of the emergent surveys, therefore, it is not possible to conclude at this time that appropriate mitigation has been proposed where any potential impact may be likely. Officers therefore recommend the addition of conditions such that detailed protected species surveys should be undertaken prior to the commencement of the development and that any necessary mitigation can then be designed into the scheme and subsequently carried out on the site.

The Authority's ecologist also states that this scheme provides an opportunity to provide significant biodiversity enhancements as encouraged in the National Planning Policy Framework and Core Strategy policies GSP2 and L2.

Whilst not specifically designed with wildlife in mind, the flood attenuation swale and re-opened culvert will provide a beneficial habitat feature in its own right. Moreover, there is great scope for wildlife enhancement than has currently been explored and proposed in the current scheme. For example, the Authority's ecologist recommends that the reinstated grassland area on the former car park (south of Plot 1) could be conditioned to be managed as a hay meadow.

There is also scope for inclusion of features suitable for bat use in some of the building beyond that which is required for mitigation of existing use, and inclusion of bird boxes, such as communal nest boxes for house sparrow.

It is considered that these additional biodiversity enhancements could be achieved through the attaching of appropriate planning conditions.

### *Ground Contamination*

The applicants have submitted a Phase 1 Preliminary Risk assessment prepared by Cathelco Group (dated 2011), which was prepared in connection with the previous application in 2012. The report is a desk study covering the past uses of the site and the surrounding land.

This identifies that storage of fuels and other chemicals has taken place on the site in the past. This could have led to local contamination around storage locations. In particular, there is evidence of hydrocarbons being stored on the site in bunds and there is staining around these bunds. There may also be localised areas of contamination which may not be visible at the surface.

Overall, risks to human health for future users of the site are considered high in areas where contaminants have been observed. Risks to groundwater and surface in the vicinity of the site are considered to be moderate and moderate/low respectively. It is recommended that further intrusive investigations and surveys are carried out to fully identify the extent of contamination prior to development of the site. This work will be secured by way of planning conditions. Relevant conditions have been suggested by the District Council's Environmental Health team.

If further investigations are carried out, it is concluded that the proposed development will not result in the spread of any contamination. The redevelopment is likely to have a positive impact on the site and surrounding area as contaminants will be removed and/or treated. The proposals are therefore consistent with guidance in paragraph 121 of the Framework.

### *Trees*

This application is accompanied by the detailed arboricultural survey dated February 2011, which was submitted in connection with the previous proposal, but with an addendum dated August 2014, which confirms that with a few minor exceptions there were no significant changes in tree cover or conditions of the trees since the 2011 survey, other than the increase in tree sizes appropriate to the three-year time span that has elapsed between the two surveys. The arboricultural survey identifies approximately 12 trees on the site greater than 40 years old. There are about 60 younger individual trees and about 0.5ha of woodland belts.

Belts of trees were planted to the west, north and east of the factory about 25 years ago, together with some individual trees close to field boundaries to the north and south. The tree belts planted 25 years ago include some belts 200m further north, at the northern edge of two fields, which are under the same ownership. The planting in these belts appears to have varied slightly from one area to another, but is based on a mixture of native tree and shrub species including alder, ash and sycamore, with a few Scots pine, larch, lime and beech, with field maple, hazel, hawthorn and blackthorn at the edges

The arboricultural survey, which accompanied the 2012 proposal initially recommended that most of the trees could be retained on site and that the woodland belts around the factory site could be thinned and retained if properly managed. It is believed that the woodland has been unmanaged since being planted 25 years ago. A detailed programme of management over a ten year period was recommended for the woodland to the west with continued management on a five year cycle after the initial ten years. 30% of the woodland to the north was proposed for removal to allow

the development to blend with the surrounding landscape more effectively.

This report then refers to changes to this tree retention and management strategy and a change in the proposals, which involved the removal of the western banded planting, with some new planting of individual trees in its place, together with the complete removal of the banded northern tree planting belt. The tree planting on the eastern side was to be retained.

The current scheme proposes the complete removal of the northern and western banded tree belts, but the retention of the eastern tree belt, although this may require some supplementary replacement planting to strengthen the existing tree planting belt. The northern and western tree banded belts were designed specifically to mitigate against the adverse impacts of the factory building complex and the associated infrastructure, such as the sewage works and parking areas at the western end of the site. These existing tree belts are now up 16m in height in some places and have not been thinned since planting. Consequently, the majority of these trees are poor individual specimens and have a spindly appearance. No effective management of these tree belts has been undertaken since they were planted. The 2014 re-survey identified trees which had now outgrown their original tree protection boxes, which was now restricting their growth and damaging the trees.

Given that the proposed scheme intends to assimilate significant areas of the land to the north and west of the site back into the adjacent farmland, the complete removal of the incongruous tree bunding is considered to be appropriate. The submitted scheme proposes new areas of tree planting within and around the perimeter of the housing development, but with appreciable gaps to allow views both into and out of the site. Whilst this is considered to be an acceptable approach, it is considered that additional tree planting is required, particularly along the western side of the western section of the estate road, where a single row of trees would serve to soften the edge of the built development.

The existing tree planting on the eastern side of the site is to be retained along with other substantial areas of tree planting further to the east, north and south along Stonewell Lane. Whilst these areas of tree planting are within the applicant's ownership, some of them are situated outside the current red line application site boundary. These retention and future management of these adjacent tree belts and planting, particularly the trees along the southern side of Stonewell Lane are considered to be essential in helping to assimilate and mitigate the proposed housing development into the surrounding landscape. As they lie outside the application site boundary, it is considered that their subsequent retention and future management should be controlled through the adoption of a landscape management plan to be secured via a Section 106 legal agreement.

### *Archaeology*

The site has been the subject of detailed pre-application archaeological evaluation in relation to the previous application for the development of the site. This involved desk-based assessment and walk-over survey, geophysical survey and trial trenching of the geophysical anomalies. The assessment concluded that there is low probability that the remains of the original dairy buildings have survived beneath the more modern factory structures. However, if they do remain, they will be of regional/local significance.

The ridge and furrow earthworks identified within the site boundary are of medium local significance. The initial survey recommended further, detailed survey work to establish the significance of certain features.

The proposals were recognised as having the potential to impact upon the setting of six listed buildings. However, the impact was considered to be negligible when compared with the existing factory site.



The later 'Geo-Physics and Site Investigation Report' was reviewed by the Authority's archaeologist who was satisfied with its findings at that stage, which collaborated the findings of the desk based assessment. Conditions were recommended should planning permission be granted, to ensure that the development complied the then with PPS5, Core Strategy policy L3 and Local Plan policy LC16.

The trenching associated with the previous archaeological evaluation was largely undertaken in areas of land, which are largely outside the area of the current application, but within farmland on the southern side of Stonewell Lane in which it is proposed to create the relocated flood alleviation swale (open watercourse), which is to be the subject of a separate planning application.

Results from these investigations/trenching works, included the identification of sub-surface evidence of ridge and furrow ploughing, boundary ditches and drains, a possible pond feature and a wide spread of clay, which is indicative of the land being waterlogged in the past. Most of the remains found, reflect past agricultural management, medieval field systems and subsequent enclosure. A find of a piece of worked flint indicated the potential for the presence of prehistoric settlement within the vicinity of the site.

As this detailed archaeological assessment is already provided, the Authority's Archaeologist does not require any further pre-application determination archaeological works to be undertaken in connection with the current application.

Should the development proceed, however, the Authority's Archaeologist would have the following requirements, which would be accommodated by the attaching of planning conditions covering the following:

- Archaeological monitoring of any soil stripping and ground preparation within the current application site area.
- The field to the east of the development site not to be used for storage of materials, spoil or for builders compounds. This land has slight remains of ridge and furrow earthworks, which could be damage or destroyed by any such use.
- The cheese factory itself to be the subject of a detailed photographic survey. Its origins were in the 1870's and in the 19<sup>th</sup> century it was owned by one of the most famous producers of stilton cheese. In more recent times, the site was key to the production of stilton on an international scale, including local varieties such as Dovedale and Buxton Blue. The site is therefore of historical significance to Hartington village. It is also important that a full record be made of the factory buildings, surviving machinery and fittings, before any development takes place. This is so that the record can contribute to a full understanding of the technology of the operations that took place here, and how they fit into the history of the development of creameries in this country.
- No demolition or development to take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the Authority in writing.

It is considered, therefore, that the archaeological impacts of the proposed development as far as they affect the current application site, have been satisfactorily addressed, subject to the attaching of appropriate archaeological conditions to ensure that the development complies the then with the National Planning Policy Framework, Core Strategy policy L3 and Local Plan policy LC16.

#### *Flood Risk*

As with the previous application in 2012, the submitted Flood Risk Assessment provides evidence that the redevelopment site actually lies within Environment Agency Flood Risk Zone 1

(low risk of flooding), rather than its original categorisation as Zone 3 (high risk of flooding). The Environment Agency has accepted this conclusion. With adequate mitigation (including the provision of a swale), the site will be at low risk of flooding.

In the previous application this flood alleviation/mitigation was addressed through the provision of a swale, an open watercourse, within the field to the south of Stonewell Lane designed to control and deflect surface water run-off from the village along Stonewell Lane towards the application site, thereby eliminating any possibility of the housing development being flooded. This approach was accepted by the Environment Agency and was acknowledged by the Planning Inspector at the subsequent appeal that the provision of the swale would result in the betterment of upstream flows within and through Hartington, in accordance with the aims of CS policy CC5 and LP policy LC22.

In respect of the current scheme, however, the FRA as originally submitted, proposed the relocation of the swale into the field to the east of the factory complex. This would require the remodelling of the contours of the field to create a shallow basin, which would be used to capture and regulate the surface-water run-off from the village in adverse weather conditions.

Following consultation with the Environment Agency, however, they objected to this method of providing the required flood alleviation measures. Further discussions have since taken place between the applicant's flood risk consultants and the Environment Agency and the applicant has now decided to revert back to the originally proposed scheme to locate the swale in the field to the south of Stonewell Lane. This has the appearance of an open watercourse which flows in an east-west direction towards the northern side of the field, before returning to the existing laneside stream and culvert at the western end of the application site.

The Environment Agency has been reconsulted on this revised scheme and has indicated that this will be acceptable; however, a formal response is awaited.

The relocation of the swale back to its originally intended position is considered to be acceptable and is beneficial to the proposed scheme in three respects. Firstly, it avoids the remodelling of the existing field to the east of the complex, thereby retaining its character and appearance, which is important to the setting of the village and also provides a popular route for users of the public footpaths up to the hills to the west. Secondly, it retains features of archaeological interest that may be present within the field. Thirdly, the character and appearance of the open watercourse within the field to the south of Stonewell Lane will, if sympathetically designed, appear as a natural watercourse feature that will be appropriate in landscape terms.

However, as the proposed relocated swale lies outside the red line application site boundary of the current application it cannot be determined as part of the current application. Given that this flood alleviation measure was considered to be acceptable to the Authority, the Environment Agency and the Planning Inspector when considering the previous application, it is considered that should the application be approved, a planning condition should be imposed requiring that no development shall take place until a planning application has been submitted and subsequently approved for the swale. Officers consider that this form of condition, commonly referred to as a Grampian or negative condition, would enable consideration of the present proposal without the need for a deferral or resubmission of the whole application.

Subject to the attaching of this condition, it is concluded that the redevelopment will not lead to a net loss in floodplain storage, will not impede water flows, and will not increase flood risk elsewhere. As such the development is compliant with the National Planning Policy Framework and Core Strategy policies CC1 and CC5. The Environment Agency has recommended conditions to ensure that the recommendations within the flood risk assessment are carried out.

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## **Issue 2 - The landscape impact of the proposed development.**

### *Visual Impact*

A comprehensive landscape and visual assessment accompanies the proposed scheme. This identifies the existing factory as a discordant feature in the landscape, at odds with the surrounding meadows. The capacity of the site to absorb development was judged to be high as it contains few distinctive landscape features characteristic of the surrounding landscape.

The visual appraisal demonstrates that the existing factory chimney can be seen from 1km away and the factory's form appears discordant with the appearance of Hartington and the Conservation Area.

The site sits in a valley surrounded by gently undulating landform and areas of high, undulating, in places steeply sloping hills typical of the limestone scenery of the Peak District. The land cover is primarily agricultural and pastoral, with frequent hedgerows, mature trees and linear woodland associated with the river course and property boundaries. Scattered trees along hedgerows, around settlements and aligned to streams creates a well vegetated and structured character to the landscape.

The hub at the village centre comprises the village church, village green, larger houses and school etc. Larger farm buildings are typically located to the edge of the village with other uses, such as the DDS site to the west, the Youth Hostel to the east and large farm north and east.

The DDS site area is 25,605m<sup>2</sup> in size and is currently occupied by the large disused factory cheese factory buildings and some smaller vernacular stone buildings located on the eastern side. The factory buildings have associated hardstandings and low concrete tanks to the western side of the site. The buildings occupy an area of 8,581m<sup>2</sup> and the tanks 979m<sup>2</sup>. Grassland is located to the east of the site whilst the hardstanding to the north is regenerating to grassland. A public footpath runs north-south through the field to the east of the DDS complex before turning in a north-westerly direction towards the much higher ground to 600m to the north-west from where distant views of the DDS site and its relationship to Hartington village can be achieved.

There is some intervisibility from surrounding countryside south of the site, which is partially screened by a single row of mature tree planting lining Stonewell Lane. There is some intervisibility between areas of Hartington south and south-west of the site into the grassland and eastern part of the site.

The northern section of the site is hard landscape regenerating to grassland. The built form and screen planting creates a high level of containment and enclosure on three sides and contrasts with the open context of the surrounding farmland. Whilst the site is heavily developed, the character and function of the surrounding landscape is tranquil. Views of the central part of the site are predominantly enclosed by a combination of built structures and dense belts of vegetation to the west, south and north. Filtered views to the south are possible from the access road and Stonewell Lane, through a line of trees following south of the road.

In view of the above baseline assessment, a judgement can be made as to the overall sensitivity of the landscape to the specific changes posed by the proposed housing development, within the Upland Valley Pastures landscape character.

This landscape is currently settled with dispersed farmsteads and loose clusters of dwellings and is characterised by scattered trees and vegetation around settlements. There is scope for a development of a similar scale, pattern and vernacular style to be successfully assimilated with the lower valley landscape with limited adverse effects on the landscape character.

In terms of planning context, whilst the National Park generally has a high inherent sensitivity to new housing development, Hartington has been identified as a settlement to accommodate some small scale development. It is considered, therefore, that the Upland Valleys Pasture is considered to have a medium inherent sensitivity to a small scale housing development.

The development as proposed, albeit significantly reduced in numbers and building footprint from the previous scheme, still represents a significant medium scale housing development, in relation to the normal scale of housing developments associated with villages such as Hartington. Officers consider, therefore that the proposed development represents a medium-high inherent sensitivity in landscape impact terms.

The area contained within the red line boundary of the application site amounts to 25,605m<sup>2</sup>. The existing developed footprint within the application site boundary amounts to 8,581.93m<sup>2</sup> (Buildings) and 979.72m<sup>2</sup> (Tanks), giving a total of 9561.65m<sup>2</sup>, which equates to 33% of the redline application site boundary.

The total floor area/footprints of the new housing, including the buildings being retained and converted, amounts to 2962.94m<sup>2</sup>, or 11% of the site.

In respect of the changes in the landscape character of the site itself, these comprise the following:

- 71m of existing drystone walls retained, 91m being removed and 712m of new drystone walling being constructed.
- 0.52 hectares of existing factory footprint being returned to greenfield.
- The design of the proposed housing and layout being informed directly by observation of the character and materials of the area .
- Planting schemes to be consistent with local landscape characteristics and their setting. Two of the small traditional stone office buildings will be retained to the eastern part of the site.
- Retention of the grassland to the eastern part of the site is intended to maintain a buffer to Hartington Conservation Area and safeguard the characteristic of the agricultural setting to the village. The land south of Stonewell Lane remains undeveloped, except for the relocated swale now proposed.
- Restoration of pasture land to the south-east and northern parts of the site designed to minimise the encroachment of the development into the landscape.
- Boundary edges of the site are to be drystone-walled and new specimen planting to reflect the pattern of the village as currently seen from its approaches.
- The existing earth bunds and incongruous belts of trees to the west and north boundaries to be removed and replaced with informal groups of native trees that is in a more consistent pattern with the local landscape character.
- The proposed development proposal seeks to follow the same guiding principles of road pattern and character. Road and pedestrian surfaces are predominantly shared surfaces to reflect the village character. Grass verges will be introduced that are typical of the village character.
- Streetlighting to be kept to a minimum.
- Car parking to be provided within the dwelling curtilages in order to minimise adverse impacts of parked cars on the character of the site.

Following an assessment of the landscape and visual impact assessment officers, including the Authority's Landscape Architect comments on the key landscape impacts are as follows:

The main landscape impacts of the development when viewed from surrounding vantage points are considered to be the views from the public footpath to the east of the site, particularly when it turns in a north-westerly direction towards the much higher ground to the west. The views from

this footpath, which cuts diagonally across the field will be of the housing on the northern side of the development. Whilst a significant area of the factory footprint will be returned to field and the northern boundary of the housing development will be bounded by a drystone wall and some tree planting, there will be clear views into the estate from this vantage point, particularly whilst any new tree planting becomes established. The present views are of the bunded tree planting belt with glimpses of the factory building behind. This is considered to be the key close viewpoint where the presence of the estate can be clearly seen.

Another key vantage point is from the footpath as it reaches the higher ground to the west and north-west of the site. From this vantage point, due to the significant difference in ground levels, the position of the existing factory complex and its relationship to Hartington village can easily be appreciated. Due to the foreshortening of the perspective from such a distance, however, the separation of the factory from the main village is hardly discernible; however, this accentuates the incongruous scale and nature of the present complex. Whilst the proposed new housing estate will clearly be seen from such a viewpoint, the scale and massing of the housing units, together with the new tree planting (once established) will to some extent mitigate the inevitable landscape impact. Moreover, from such a distance the separation of the site from the village, that is more evident from close quarters along Stonewell Lane will not be perceived and it will read as an extension to the village. The main adverse impact from such vantage points is considered to be the proposed large house on the western edge of the proposed housing layout. Whilst an amended scheme for this house has now been submitted, it is still considered that its footprint is too large and the over-wide gable widths exacerbate its overall height and massing in comparison to the housing on the remainder of the estate.

Whilst it would be preferable to omit this housing plot, the applicant maintains that it is essential to ensure the viability of the scheme. This proposed housing plot has been the subject of strong representations from the Parish Council and third party representations. The Authority's Conservation Architect and Landscape Architect also consider this to be inappropriate and if the intention is to create a farmhouse with attached farm buildings, it needs to be scaled back to more reasonable proportions. Planning Officers consider that, on balance, the retention of this dwelling plot is acceptable in landscape terms, subject to a revised design for the dwelling reducing its footprint and height, and the provision of additional tree planting along the boundary. It should also be noted that the proposed dwelling site is on brownfield land that is presently occupied by the sewage treatment plant and that the remainder of the adjacent the brownfield land, formerly used for car parking, to the south of this proposed dwelling plot is to be returned to green field. The Authority's Landscape Architect has also suggested that further tree planting should be introduced along the western edge of the main housing estate in order to partially screen this side of the estate and also to provide a more distinct boundary between the housing estate and the restored farmland to the west.

Whilst the westernmost dwelling plot will be visible from the viewpoints from the higher ground, from this viewpoint it will be closely associated and in seen in context with the remainder the estate. Furthermore, its impact in viewpoints from the village or footpaths on the lower ground levels will be mitigated by the remainder of the housing estate, the new tree planting and the intervening existing tree planting.

The estate will be visible from the relatively short section of Stonewell Lane, when approaching the site from the village, however, these views are mitigated by existing the tree planting along the eastern boundary of the factory complex and the tree planting along Stonewell Lane. Further distant viewpoints to the south from Mill Lane and the intervening footpath will be mitigated by the existing planting along Stonewell Lane. The topography of the land between Mill Lane and the site also restricts full-height views of the site; however, glimpses of the housing will be achieved through the gaps in the trees alongside Stonewell Lane. It is not considered that there will be a significant adverse impact on the landscape from these viewpoints.

Views from the centre of the main village will also be largely screened by the existing properties and the intervening tree planting. Views will be more evident from the upper floors of existing properties, particularly those on the north-western edge of the village, and on the higher ground on the eastern side of the village, however, these will be mitigated by the retained intervening belts of tree planting on the eastern side of the site and along Stonewell Lane.

In the previous submission the development of the field on the eastern side of the village for housing was considered by officers to be appropriate in order to assimilate the proposed development in to the village, so that it could be 'read' as an organic extension of the village. On reflection, however, and following consideration of the Planning Inspector's comments and previous and current third party objections, officers now consider that the retention of this field and the concentration of the housing development solely on the brownfield land of the factory complex has some merit in landscape and townscape terms.

The development as now currently proposed would then 'read' as a closely associated outlying cluster of properties separated by the existing field, thus minimising the impact on the setting of the main village and the Conservation Area and avoiding the previously stated concerns that its physical connection to the village would create an anomalous limb to the western edge of the village. This approach would also reflect similar situations in other villages elsewhere in the National Park, which have the main body of the village, but with nearby clusters of residential development that are physically and visually separated, but are close enough to be socially related to the main village.

In landscape terms, this physical separation is only readily apparent when approaching the site along the relatively short section of Stonewell Lane. It is considered that the retention of this field will, therefore, preserve the existing agricultural setting of the main village and consequently, minimise the impact of the proposed housing development on the character and setting of the main village and the Conservation Area.

Moreover, the relocation of the proposed swale from this field will retain its existing character and appearance and preserve any features of archaeological interest that may be contained in the field. Furthermore, in order to strengthen and reinforce the existing tree screening on the western boundary of the field, it is considered that supplementary tree planting would be appropriate, to ensure that a permanent tree screen is retained.

In conclusion, therefore, it is acknowledged that there will be some adverse landscape impact, particularly when the housing is newly built and before any of the proposed replacement tree planting becomes established. Given the fairly limited impacts on the character and setting of the main village, except when viewed from Stonewell Lane, a section of the public footpath to the north and the more distant views to the west, it is considered that the reduced area covered by the housing development is of an appropriate scale that will bring about an overall significant enhancement in the landscape, given the significant adverse impact of the present factory complex.

### **Issue 3 - Detailed Layout and Design Issues.**

#### *Housing Layout*

The proposed layout broadly follows the same guiding principles of road pattern and character as the previous scheme, but it reduces the overall development footprint by omitting the previously proposed housing on the intervening field to the east and on the former car parking area on the western edge of the complex. The extent of the housing and associated gardens is also reduced on the northern side of the site, allowing a significant part of the brownfield land covered by the factory complex to be returned back to field. The road layout itself comprises the main estate road, which cuts diagonally across the site with a short section of private drive serving the

retained traditional stone buildings to the north-east of the site and retention of the existing section of road on the western edge of the site, which connect into Stonewell Lane.

The proposed road layout follows discussions with officers on alternative road layouts, which had more regimented patterns and which were not considered to be as 'organic' and representative of the more informal pattern within Hartington village itself. The road layout also retains existing rights of access to farmers with land and farm holdings beyond the site to the west and north-west. Concerns have been raised that the road layout will hamper access to these outlying farms, however, the width of the roads are sufficient to accommodate the widest of farm vehicles. The Highway Authority has advised that they are now generally satisfied with the road layout, subject to some minor changes that would not fundamentally change the road layout as now amended.

The design approach for the housing layout for the smaller social housing to be grouped within the centre of the development with the larger open-market housing with a greater area of garden spread less densely away to the northern and western outer reaches of the site. The largest house is situated at the north-western corner and is now the only property that is to be located beyond the main body of the housing development on the western side of the estate road.

This housing plot (Plot SP1) has been the subject of particular concerns from the Parish Council, third party representations and also the Authority's Conservation Officer and Landscape Architect. These concerns are that this plot will be intrusive in the landscape and extends on to land that was not formerly occupied by buildings and that due to the loss of the bunded tree planting that currently encloses the north and west sides of the present factory complex, this particular plot will become a more significant intrusion in the landscape. Concerns were also raised at the size and massing of the three-storey 'manor house' scale and appearance of the proposed dwelling, which would further exacerbate its intrusion into the landscape. Amended plans have now been submitted following discussions with officers. The amended design is intended to represent the massing and form of a traditional farmhouse with lower 'barn-like' building attached with a traditional 'L-Plan' form and footprint. Whilst this design approach is considered generally to be an improvement, the size, scale and massing of the proposed dwelling is still considered to be excessive. It is considered, however, that these issues can be resolved by attaching a planning condition requiring the submission of amended design for the dwelling of a reduced size, height and massing.

The Authority's Conservation Architect recommends refusal of the housing scheme as submitted and considers that it is an inappropriate development in both townscape and architectural terms, due to its lack of connection and cohesion with the existing built form of the village. He considers that the new development would appear as a separate enclave quarantined from the village. He would prefer to see no gap between the existing and proposed housing and ideally be erected on both sides of Stonewell Lane. The density of the development needs to be reduced. He also considers that Plot 1 is unacceptable as it is a pastiche of C17 Derbyshire Hall which devalues the originals in the National Park. Only a few of the proposed dwellings have vernacular proportions (gable width and eaves height). Detailing throughout the entire scheme represents C18.

No objections are raised in respect of the conversion scheme for the existing traditional buildings on the eastern edge of the site.

The Authority's Conservation Officer considers that overall, the scheme resembles an estate of executive houses rather than a natural extension to Hartington which will be clearly visible in the landscape.

Notwithstanding these comments, Planning officers consider that a reasonable balance has to be struck between the ideal scale and density of the development and that which is required to

enable the site to be developed in manner that would be financially viable, within acceptable parameters that would not significantly or adversely impact on the village, the landscape character of the area and the National Park. In Issue 1 of this report, officers conclude that this scale and density of development is required to achieve and enable the redevelopment of this inappropriate factory complex.

Moreover, the submitted layout reflects the previous concerns expressed by the Parish Council, third party representations and the Planning Inspector in relation to the 2012 proposal, in that it is now restricted to the brownfield land; it retains the agricultural setting of the village thereby minimising any impacts upon the character and setting of the Conservation Area; retains the agricultural character of the field on the southern side of Stonewell Lane and returns a significant proportion of the existing brownfield land back to field.

Consequently, it is considered that the housing layout as now proposed is of an acceptable form and scale, with the exception of the submission of an amended design for the largest dwelling, proposed on plot SP1, subject to the attaching of appropriate conditions to reflect the outstanding comments expressed by the highway authority.

#### *Individual House Designs and Materials*

The proposed house types are as follows:

- A : 5-Bed (6 no.)
- B : 4-Bed (6 no.)
- D : 3-Bed (3 no.)
- E (Affordable) : 2-Bed (2 no.)
- F (Affordable) : 3-Bed (1 no.)
- G (Affordable Bungalow) : 2-Bed (1 no.)
- SP1 : 6-Bed (1 no.)
- SP2 : 5-Bed (1 no.)
- SP3 : 5-Bed (1 no.)
- SP4 : 4-Bed (2 no.)
- Barn Conversions : 2-Bed (2 no.)

Concerns have been raised at the ratio of smaller properties in relation to the excessive number of larger properties. As can be seen from the above table, the scheme proposes six 2-3 bedroomed properties, whilst the remaining 20 properties having 4-6 bedrooms. The applicant states that this is required in order to make the scheme viable and if smaller dwellings were proposed, this would increase the number of dwellings required to make the development viable. On balance, officers consider that the number of dwellings now proposed is appropriate. The availability of the larger dwellings, may also help to free up the availability some of the existing smaller 2-3 bedroomed dwellings in the village

The housing types are mixed amongst the estate with generally the semi-detached/linked housing at the eastern end and northern sides of the main spine road and the larger detached dwellings on the western side and along Stonewell Lane, save for the affordable housing units, which are situated within the centre of the housing development, between the southern side of the spine road and Stonewell Lane. The positioning of the affordable housing was specifically chosen following pre-application consultation that the social housing should be incorporated within the estate design rather than being separated and located on the edge of the development.

Generally, officers consider that the general disposition and layout of the housing, particularly the linked housing either side of the spine road and the creation of a wider central section in the centre, together with shared vehicle/pedestrian surfaces, drystone boundary walling and tree planting/landscaping, will create a pleasant streetscene, that reflects the character of parts of the



existing village, especially when the landscaping and tree planting becomes established.

The house styles vary in form and height with the with gable widths , except for the largest house on plot 1, varying from 5.35m – 8.0m and the ridge heights from 5.5m – 9.0m. The largest house on plot 1 has a gable width of 9.9m and a ridge height of 10.5m. The majority of the gable widths, excluding plot 1, are in the range of 7.75m – 8.0m, which apply to 15 of the 26 houses. The remaining 10 houses have varying gable widths between 5.5m – 7.5m. Concerns have been raised in respect of the size of the gable widths and the overall ridge heights, the majority of which, excluding plot 1 range between 8.15m – 9.0m and applies to 15 of the house. The ridge heights of the remaining houses 10 range between 5.5- 8.0m. Most of the houses have steep roof pitches of around 42°. The accompanying design and access statement states that the form and massing of the houses is based on the 18th century housing in the village centre and it acknowledged that many of the existing properties have wide gables and steep roof pitches.

Given the location of the proposed housing development, however, it is considered that the impact of the housing could be further minimised by reducing the roof pitches to 35°, which in some cases could reduce the overall ridge heights by between 0.5 and 0.75 of a metre, without unduly affecting the character and form of the houses. It is therefore considered that a planning condition be attached securing the reduction in roof pitches.

Subject to the reduction in ridge heights, it is considered that there is sufficient variety in the gable forms of the proposed housing and whilst concerns have been raised that the ridge heights either match or are greater than those of some of the buildings in the factory complex, the form and massing of the roofs of the existing factory building have a significantly greater impact. The proposed housing is therefore considered to be of an appropriate size, massing and detailing, subject to the reduction in the roof pitches

Officers have discussed the design and size of the largest house on plot 1 with the applicant's architect. The amended design, whilst reflecting a more appropriate farmhouse design, is still considered to be too large in respect of its overall footprint size and the excessive gable width (9.9m) and resultant ridge height (10.5), which remains at odds with remainder of the housing development. It is recommended that a condition be imposed requiring the submission of an amended scheme that reduces the gable width significantly and reduces the footprint size by raising the eaves height of the subsidiary wing building to create usable habitable floor space on the first floor of the building.

In respect of materials, the proposed walling of the dwellings is predominantly natural random-coursed limestone, with the use of render to some elevations. A mix of roof coverings is proposed, generally roofs will be clad with Staffordshire Blue natural plain clay tiles, but interspersed with some red natural plain clay tiles and natural blue slate, to reflect the diversity of natural roof coverings in the existing village and to afford some variety to the street scene.

The detailing of the dwellings incorporates many interesting traditional features, including coped gables, quoinwork, full surrounds. These features are used on some houses and others are treated more simply to give variety and interest to the streetscene as would be appreciated in a traditional village setting. The cohesion of the housing development is also reinforced by the provision of significant sections of drystone walling and tree planting.

It is considered, therefore that the housing layout and dwelling designs are appropriate and reflect the character of Hartington village. This is subject to the attaching of appropriate design conditions, including the reduction in the roof pitches and a more restrained design for the largest house on the westernmost plot.

### *Environmental Management Measures*

No specific environmental management measures accompany the application, but it is considered that such issues can be resolved through the attaching of a planning condition requiring the submission and implementation of appropriate management measure to meet the terms of Core strategy CC1. Conditions are therefore proposed such that the development will seek to achieve Code for Sustainable Homes and that a scheme for the utilisation of appropriate renewable energy technologies shall be agreed before development commences and subsequently implemented. A scheme for sustainable drainage will also be required by condition.

### **Conclusion**

Despite a significant amount of local objection to the submitted scheme, which officers have fully considered, the applicant has demonstrated that these detailed proposals comply with planning policy at a national, regional and local level. Hartington is a settlement identified by policy DS1 of the Core Strategy where development may be considered acceptable subject to other policy considerations.

Officers consider that the reuse of the factory site for employment purposes is unviable and may actually be undesirable in terms of protecting residential amenity in the village. The existing factory site has a damaging impact on the landscape of the National Park and its continued disuse will not contribute to a vibrant local economy. Under Core Strategy E1D, therefore, the principle of the site's redevelopment is acceptable.

Under policies E1D and HC1, the site should be redeveloped for community facilities (including affordable housing) unless this is shown to be unviable. By submitting a full development appraisal, the applicant has demonstrated that a level of 'enabling development' is required in the form of open market houses. In compliance with Core Strategy HC1, the applicant has also demonstrated that the level of open market housing provision is proportionate to the cost of providing four affordable housing units. The provision of these benefits can be controlled by S106 agreement so that they are brought forward at defined stages of the development process. In this way, the community benefits can be 'front loaded' onto the scheme.

However, as this is a major development in a National Park the benefits of redevelopment must outweigh any potential harm. Under the National Planning Policy Framework, the proposed development must meet the three tests relating to need, ability to provide the development elsewhere, and environmental impacts. In this case, the need is derived from the need to improve the landscape of this area of the National Park and the potential benefits that can be brought to the local economy. These benefits would not be achieved if the development were to be directed elsewhere.

The whole of the site to be developed with housing is now on brownfield land. Its redevelopment therefore complies with national policy prioritising the reuse of previously developed land. It is also considered that the reduced scale of the development, the restoration of significant areas of brownfield land back to field, the omission of any developments on the south side of Stonewell Lane, other than the open watercourse, and the preservation of the character and setting of the main village and the Conservation Area satisfactorily address the concern raised by the Planning Inspector in the previous scheme.

### **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