

11. FULL APPLICATION - PROPOSED MANEGE, PEAR TREE COTTAGE MAIN STREET CALVER. (NP/DDD/0321/0241, BJT)

APPLICANT: Mr and Mrs Clayton

Summary

1. This application proposes the construction of a horse exercise manege for the private use of the owners of Pear Tree Cottage. The manege would be located in a well screened location and would not have a harmful impact on the character of the site and its setting, including Calver Conservation Area. There are no other concerns about the impact of the development, including the potential impact on drainage in the area. Consequently, the application is recommended for approval, subject to conditions.

Site and Surroundings

2. Pear Tree Cottage is a traditional two storey dwelling set hard up against the road off Main Street, Calver. A stone built stable is located to the rear of the property. Pedestrian and vehicular access is directly off Main Road along an unmade track. The track also serves other properties, in particular Woodland Cottage and Well Green Cottage. At the end of the track and beyond the rear garden boundary of the property, is a field gate accessing land owned by the applicant. The property and part of the land associated with the development is located within the Calver Conservation Area.

Proposal

3. Construction of a horse exercise manege, 40 metres by 20 metres. The manege would be used by the applicants, who own the property and live in Pear Tree Cottage. The supporting letters states that they require the manege to train and exercise the horses. It is for their private use only. The manege is to be surfaced with 'Flexiride' an all-weather grey coloured synthetic material. An existing stone wall adjacent to the proposed manege is to be removed. The existing track is only to be used for access by horses to the manege.
4. A limestone gabion wall would be erected as a retaining wall in the south-west corner of the site where the manege would be cut into the slope, with nearly a 2 metre difference in levels. The north-east corner would be roughly at ground level.

Planning History

- 2013: NP/DDD/0813/0712 - Extension and alterations to dwelling. Approved
- 2014: NP/DDD/02140106 - Erection of stables. Approved
- 2019: NP/DDD/0519/0483 Demolition of existing garage and erection of double garage with store. Approved
- 2019: NP/DDD/0519/0470 - Change of use of agricultural land for proposed manege and access track. Withdrawn following concerns over the proposed access track. The planning officer advised that there were no objections in principle to the manege but suggested that a visual impact study should be carried out.
- 2020: NP/DDD/0120/0096 - Proposed replacement store and change of use of agricultural land. Withdrawn

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1) **Statutory time limit for implementation**
- 2) **Development in accordance with the submitted plans and specifications, subject to the following conditions:**
- 3) **Submit sample/specifications of material to be used for surfacing**
- 4) **Carry out landscaping scheme within first planting season following commencement of the development**
- 5) **There shall be no new floodlighting or other external lighting whatsoever to the existing manège and to the extension hereby approved.**
- 6) **Use of the manège hereby permitted shall remain ancillary to Pear Tree Cottage for private use only by the occupants of Pear Tree Cottage.**
- 7) **At the time of erection the new fencing (and the existing fencing) shall be painted or stained dark brown.**
- 8) **Ecology conditions**

Key Issues

- Impact of the manège on the character and appearance of the site and the Conservation Area.
- Impact on the privacy and amenity of neighbouring properties.
- Impact on flooding.

Consultations

5. **Highway Authority:** Please see highway comments in connection with previous similar application at this site, under application reference NP/DDD/0519/0470.
6. **DCC Flood Risk:** As this is a minor application we will not be making a comment.
7. **District Council:** No reply
8. **Parish Council:** No reply
9. **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes and has no objection.
10. **Environment Agency:** The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site and therefore we have no further comment to make.
11. **Senior Archaeologist (PDNPA):** I have reviewed the application and the revised proposals, which remove the proposed access track arrangement from the earlier application, which is the element that impacted upon a historic building and the site of a possible historic mill pond, and I confirm that there are no archaeological comments on the revised proposals in this application
12. **Built Environment Officer (PDNPA):** The manège is much larger than that proposed on the previous (withdrawn) application (0519-0470). The HS states that it will not be visible from within the Calver Conservation Area (CA) or in views towards to CA (so will not impact on the setting of the designated heritage asset). However, a section of drystone boundary wall forming the southern boundary to the Calver Conservation Area is to be removed – it's not clear why this is to be removed (it was retained in the previous scheme). The boundary walling should be retained if possible.

If approved, the following details should be conditioned: • Groundworks • The gabion

retaining wall and any associated planting • Fencing • Landscaping • Lighting would not be acceptable

13. **Tree Officer (PDNPA):** No objection, subject to conditions. The proposed development will result in the loss of two Category 'C' ash trees, one semi-mature and one early-mature. It may also result in possible damage to a mature Category 'C' hawthorn hedgerow tree. Three 'Standard' oak trees will be planted to mitigate the loss of the two ash trees and possible damage to the hawthorn tree. This is considered to be an acceptable mitigation for the negative impact of the development on canopy cover and trees on site.
14. **Ecology (PDNPA):** No objection subject to conditions. There are two ash trees, a drystone wall and possibly a small amount of grassland / scrub to be removed from the proposed manege site which may possibly have some significance with regard to Great Crested Newts (GCN) and nesting birds. The proposed works needs to be undertaken between late spring to early autumn when any potential GCN in the area are most likely to be using the ponds and terrestrial habitat near to them and less likely to be using any habitat around the proposed manege. When the site is cleared the drystone wall and any features likely to be sheltering newts need to be carefully dismantled and checked to avoid crushing any that may be sheltering inside. Work associated with this removal needs to be completed within one or two days. Any GCN found during works must be carefully placed in a sheltered location within vegetation and Natural England should be contacted immediately.

Representations

A total of 11 objections have been received, objection on the following grounds (full responses are available on the web site):

- Increased flood risk: Existing soughs/tunnels are becoming increasingly inadequate in the face of increased rainfall. The safeguarding of dwellings in Well Green and Brookfield's estate from surface water flooding is in question. Concerned about the potential flooding hazard to properties downstream towards the river, should present drainage be disturbed. The tree survey specifically states that no drainage works are planned. It may well be that such substantial earthworks and level changes will have a further adverse impact.
- New or re-development should adopt source control SuDS techniques to reduce the risk of frequent low impact flooding due to post-development runoff. at an early stage to ensure surface water management is undertaken and that SuDS are promoted and implemented, designed in response to site characteristics and policy factors. It should be demonstrated that a proposed drainage scheme, site layout and design will prevent properties from flooding from surface water, allowing for climate change effects
- Traffic and Parking - there is already a large lorry / horsebox permanently parked at the entrance to this field on land that does not belong to the applicants. Whilst the applicants state that the facility is for their own use, it may well be used by other horse owners resulting in more unacceptable and unsightly parking of vehicles.
- Consider that the area at the bottom of Main Street near to the Village Hall is a very attractive part of the village. The proposed development, if it is given permission, should be adequately screened from view from here by natural vegetation.
- Design: It is noted that the substantial excavation is to be retained by a Gabion wall. Whilst this is an economic method, it is unsightly and not appropriate in the heart of the Peak District.
- The use of Flexiride as a surface material for the manege. This is well recognised product; however, care does need to be taken regarding drainage in the construction of any such site.
- If this development were approved, it should be screened from view by appropriate

planting and a clear condition imposed that the use would be for the owners only to avoid increased traffic of other horse boxes on Main Street. There is already one-horse box parked permanently at the entrance to the site which is unsightly.

- The environmental impact of disturbing such a large area will be enormous and local wildlife and biodiversity will also be severely compromised.
- Lack of information or incorrect information in the application.

Key Policies

15. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. It was last updated in February 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and those in the Development Management DPD adopted in May 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.
16. Paragraph 172 of the NPPF states that *"great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and the Broads."*

Development Plan

17. The main Development Plan policies which are relevant to this proposal are: Core Strategy policies: GSP1, GSP2, GSP3, L1, L2, L3 and CC1 and Development Management policies: DMC3, DMC8, DMC14, DMR4.
18. Core Strategy policies GSP1, GSP2 and GSP3 together say that all development in the National Park must be consistent with the National Park's legal purposes and duty and that the Sandford Principle will be applied where there is conflict. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon and development which would enhance the valued characteristics of the National Park will be permitted. Particular attention will be paid to impact on the character and setting of buildings, siting, landscaping and building materials, design in accordance with the Design Guide and the impact upon living conditions of local communities. Core Strategy policy GSP4 highlights that the National Park Authority will consider using planning conditions or obligations to secure the achievement of its spatial outcomes.
19. Policy GSP3 *Development Management Principles* sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
20. Core Strategy Policy L1 *Landscape character and valued characteristics* states that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural

Zone will not be permitted.

21. Core Strategy Policy L2 states that development must conserve and enhance any sites or features of geodiversity importance, and any sites, features or species of biodiversity importance and where appropriate their settings.
22. Core Strategy policy L3 provides core policy principles for cultural heritage assets and requires that all development conserves and where appropriate enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings. Development will not be permitted where there is harm to the significance of a heritage asset other than in exceptional circumstances.
23. Policy CC1 *Climate change and mitigation* requires that all development must build in resilience to and mitigate the causes of climate change.
24. Development Management policies
25. Development Management policy DMC3: *Siting, design, layout and landscaping* requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
26. Development Management policy DMC12 *Sites, features or species of wildlife, geological or geomorphological importance* states:
 - A. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
 - B. For sites, features or species of national importance, exceptional circumstances are those where development is essential:
 - i. for the management of those sites, features or species; or
 - ii. for the conservation and enhancement of the National Park's valued characteristics; or
 - iii. where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
 - C. For all other sites, features and species, development will only be permitted where:
 - i. significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and
 - ii. the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.
27. Development Management policy DMC14 addresses pollution and disturbance. It states that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits:
 - i. the amenity of neighbours and neighbouring uses; or
 - ii. the amenity, tranquility, biodiversity or other valued characteristics of the area; or
 - iii. existing recreation activities; or
 - iv. extensive land uses such as forestry and agriculture; or
 - v. ecosystem services including water supply, groundwater resources and

- the water environment; or vi. established businesses; or
- vi. potential future uses of the land; or
- vii. any nuisance.

28. Policy DMR4 allows for facilities for the keeping and riding of horses provided that the developments specifically designed to accommodate horses; does not detract from the landscape or valued characteristics of the area, is located adjacent to existing building or groups of building, is not likely to cause road safety problem.

Assessment

Principle of Development

29. Development Management policy DMR4 allows for facilities for the keeping and riding horses in principle subject to a number of criteria. In this case, the main issues are the visual impact of the proposed manege extension and impact on the amenity of nearby residential properties.

Impact of the manege on the character and appearance of the site and the Conservation Area

30. The application site is in an area of small fields and enclosures to the south of Pear Tree Cottage on Main Street Calver. The boundary of the application adjoins Calver Conservation Area. The manege would be sited in an area that is not readily visible from outside the site, even in longer distance views, because of the topography and screening. Whilst some of this may be removed as part of the development, additional planting is proposed. Although the manege looks relatively large on plan and will inevitably be an unnatural flat surface, the impact on the wider landscape setting would not be significant. This includes the impact from footpaths which cross the fields to the south of as the site is well screened from these and would sit in a hollow. The site would not be readily visible in views from the road running through Calver (Main Street) because it is set to the rear of existing trees and Pear Tree Cottage. The access track which was proposed to run through the open field from Main Street in the earlier, withdrawn, application has been omitted from this application.

31. In terms of the impact on the setting of the adjacent Conservation Area, this is assessed by the submitted Heritage Statement. The Conservation Area (CA), which lies immediately to the north of the site and analyses the impact of the development on its setting. The application site sits between the two CA character areas but is low lying and invisible in relation to views “into” and views “out of” the Conservation Area. The Heritage Statement concludes that to this extent the proposal will have no impact on character as described in the Area Appraisal It also notes that no designated buildings would be affected by the proposal. It acknowledges that the cluster of buildings identified around Well Green may be considered as “non designated” but are similarly unaffected due to natural topography and screening and will suffer no adverse visual impact on setting.

32. With regard to trees, a separate tree report has been submitted with the application. It states that two self-set ash trees are to be removed and are not large trees, and their loss to Ash Dieback disease would anyhow be very likely in the next few years. A hawthorn may be lost due to rooting area damage, though this is not certain - it may survive, and it will not be removed unless its condition deteriorates following the works. Three new sessile oaks are to be planted (*Quercus petraea*). The report also says that excavation for the gabion wall along the edge of the manege will in places be in close proximity to the base of the existing close-cropped semi-mature hawthorn hedge. The age and structure of this hedge is such that it will likely suffer little effect; any selective replanting if needed would be straightforward and satisfactory. Physical protection of the

relevant section of hedge during works is not practicable. Temporary tree protection fencing is specified where appropriate and practicable.

33. Subject to conditions, in particular to prevent any lighting and to implement a landscaping scheme, the proposal is considered to be acceptable.

Drainage Issues

34. Neighbours have raised concerns about the potential for increased flooding in the area as a result of the construction of the menage. Whilst no drainage details have been provided, the surface of the menage would be a porous material. In addition the area is in Flood Risk zone 1, that is those areas at least risk of flooding. The Environment Agency has not objected to the application and DCC Flood Risk team have offered no comment as they consider this to be a minor application (see consultation responses above). Whilst the local representations clearly reflect a concern about existing flood problems (the area below the site is low lying and has a stream running through it), there are no planning grounds for refusal as it is unlikely that the proposed development would cause any unacceptable risk of increased flooding from surface water run-off.

Amenity issues

35. Some of the representations received in respect of this application raise concerns about the impact of the use of the manege on neighbouring properties. The application says that vehicular and pedestrian access to the site is via the unadopted lane off Main Street and that only horses will use the field access now that the proposed track has been omitted. Some neighbours are concerned that the narrow lane serving the site and some adjacent properties cannot accommodate large commercial vehicles such as a horse box. They suggest that restrictions should be put in place in respect of the number, size and width of vehicles allowed to access via the unadopted lane. Given that this is currently the access to the site and the existing stables, officers consider that it would not be reasonable to impose these restrictions. However, it would be entirely reasonable and necessary to restrict the use of the manege to the personal use of the occupants of Pear Tree Cottage, as it suggested in the application.

Conclusion

36. Subject to conditions including to ensure private use only that an adequate planting scheme is implemented in a timely manner and no external floodlighting is installed, the proposed development would conserve the character of the site and its setting, including Calver Conservation Area and would not cause harm to the privacy and amenity of the neighbouring residential properties in accordance with policies GSP3, L3, DMR4 and DMC3. Based on the advice received, it is also not likely to exacerbate any existing flood problems. Consequently the application is recommended for conditional approval.

Human Rights

37. Any human rights issues have been considered and addressed in the preparation of this report.
38. List of Background Papers (not previously published)
39. Nil
40. Report author: Brian Taylor