

**5. CONSTRUCTION TO RE-ESTABLISH AN L SHAPED BUILDING INCLUDING LANDMARK EAST ELEVATION OF FORMER MARQUIS OF GRANBY TO PROVIDE 21 OPEN MARKET APARTMENTS WITH ASSOCIATED CAR PARKING AND LANDSCAPING WITH FINANCIAL CONTRIBUTION FOR OFF-SITE AFFORDABLE HOUSING. NP/HPK/1222/1543**

**AND**

**CONSTRUCTION TO RE-ESTABLISH AN L SHAPED BUILDING INCLUDING LANDMARK EAST ELEVATION OF FORMER MARQUIS OF GRANBY OF BUILDING TO PROVIDE 21 OPEN MARKET APARTMENTS AND CONSTRUCTION OF SEPARATE TERRACE OF 3 AFFORDABLE HOUSES WITH ASSOCIATED CAR PARKING AND LANDSCAPING NP/HPK/1222/1563**

**APPLICANT: MARQUIS OF GRANBY (PEAK PARK) LTD**

**Summary**

1. The site is located on Hathersage Road, approximately 1.1km south of the centre of Bamford.
2. The applications propose a major housing development comprising 21 open market apartments (15 x 2 bed apartments and 6 x 3 bed apartments) along with associated car parking and landscaping. And either a contribution of £100,000 towards off site affordable housing provision in application NP/HPK/1222/1543 or a terrace of 3 affordable dwellings (2 bed) in application NP/HPK/1222/1563. A late offer by the applicant includes an alternative of 3 plots for sale to a Registered Provider (RP) for £30,000 each.
3. The applications are brought to Planning Committee together in one report for ease of determination. The only difference between the applications is the provision of affordable housing either as a terrace of three properties or a financial contribution towards off site provision.
4. The development is major development within the National Park and therefore must deliver public interest to justify itself. The National Planning Policy Framework clearly sets out what the assessment criteria are to deliver public interest. The applications fail to demonstrate the development is in the public interest.
5. Enhancement opportunities through redevelopment and improving biodiversity are welcomed in part however, these are expected of all development proposals in the National Park.
6. The applications seek to maximise residential development on site by proposing a scale and massing comparable to the apart-hotel that was previously approved (NP/HPK/0821/0890). However, that approval, whilst of a larger footprint, was not as dominant on the road frontage, was for a different land use, and would have made a significant contribution to the local economy through employment opportunities.
7. The applicant has confirmed in correspondence that although the apart-hotel has commenced it is not viable.
8. Officers have previously tried to work with the applicant to develop a scheme that would respond to the landscape character type of this area of National Park and how the site originally developed over time from a farm to a hotel. However, the applicant seeks a scheme that is similar in scale to the development that was approved for an apart-hotel. Unfortunately, this type and design of development is not suitable for residential

development in this location. Although there is some reference to the former Marquis of Granby that is welcomed, the rest of the design does not relate to this landscape character area of the National Park and could be a scheme delivered in an urban area outside of the National Park. As such the design fails to accord with the Policy DMC3, and the the NPPF in this respect.

9. In accordance with NPPF para 65, major residential development is required to provide at least 10% of the development as affordable housing. This is a requirement of all major residential development across the country. The applicant has offered, due to site viability issues, either £100k (NP/HPK/1222/1543) or 3 shared ownership affordable dwellings where the owners can eventually buy the property outright (NP/HPK/1222/1563).
10. The Authority commissioned an independent financial viability appraisal review which concluded the development could afford a minimum of 5 turnkey social rented dwellings (3 terraced properties and 2 flats) provided on site. If the affordable housing were all shared ownership, there would be greater headroom in the profitability of the scheme to offer more affordable housing on site., however this raises further issues regarding the affordability of the homes and the over-development of the site.
11. However, the design of the scheme prohibits the provision of affordable housing as an integral part of the scheme owing to the size of the apartments (the smallest being 90sqm) and prohibitive service charges.. This prevents the development from maximising the number of affordable units on site. As a result, the development has failed to maximise the provision of affordable housing on site.
12. Officers in the Authority and High Peak Borough Council have been unable to find a suitable site to bring forward for affordable housing in the locality. As such there are significant material circumstances indicating the need to deliver affordable housing on site.
13. No evidence has been forthcoming about the transfer value of the shared ownership properties to the Registered Provider. As such the Authority is concerned the affordable dwellings would not remain affordable in perpetuity.
14. Whilst the use of natural materials is welcomed, the applicant could have proposed a mixture of design elements to help bring down the build cost and maximise affordable housing, for example smaller balconies, the use of some render on the south elevation, and alternative boundary treatments to dry stone walling, particularly on the west boundary. This would demonstrate a balance between using natural resources typical of the locality and the need to meet local affordable housing requirements. As such, the applicant has failed to maximise the provision of affordable housing on site.
15. The applications NP/HPK/122/1543 and NP/HPK/122/1563 are recommended for refusal.
16. Site and Surroundings
17. The site is located on Hathersage Road, approximately 1.1km south of St John the Baptist's church in Bamford.
18. The site was formerly occupied by the Marquis of Granby hotel. The former buildings have been demolished as part of works to commence re-development of the site to an apart-hotel.

19. Other works completed on site to date in relation to the development include the erection of a stone wall along part of the boundary to Hathersage Road and excavations in preparation for the approved apart-hotel development. There are mounds of spoil from the excavations on the east side of the site.
20. There are two access points onto the site from Hathersage Road, located on the west and east sides of the site respectively. The nearest neighbouring properties are Educational Planning Books Ltd and Sickleholme service station.
21. The site is adjacent to the River Derwent at Hathersage site of special scientific interest (SSSI). Parts of the site closest to the river are within flood zones 2 and 3.

## **22. Proposal**

23. The erection of 21 open market residential apartments (within use class C3) along with car park, landscaping and creation of woodland / grass area on the site.
24. Planning application NP/HPK/1222/1543 includes an off-site affordable housing contribution of £100,000 to be delivered within the local area.
25. Planning application NP/HPK/1222/1563 includes the development of 3, two bedroomed shared ownership affordable houses, of 70sqm each, located to the east of the main development (see amended plan 21265-SK170 P00, 20-04-2023). The properties would be built of natural gritstone and natural slate.
26. The plans show a main development for 21 open market residential apartments, comprising of a 'L-shaped' group of four linked, three-storey buildings located in the north-west corner of the site. The development is for a mix of 15 x 2 bedroom apartments and 6 x 3 bedroom apartments, varying in size between 90-158sqm.
27. The design of the building comprises four stone built elements with a mixture of pitched and flat roofs. These elements would be linked together with sections recessed from the main elevations. The easternmost part of the building has been designed to emulate the main former Marquis building. Additional storage for each apartment would be provided within a basement level.
28. The buildings would be constructed from natural gritstone with natural slate for the pitched roofs. Windows to the stone buildings would be timber within stone surrounds windows and doors within the linking structures would be aluminium. Full height glazing and balconies would be provided to the rear (south) elevation and full height glazing and Juliette balconies would be provided to the west elevation.
29. The existing access to the east, created as part of the approved apart-hotel re-development, is proposed to serve the development. The access point to the west boundary would also be retained for use by refuse and emergency vehicles exiting the site along with pedestrian access for disabled people. A 50 space car park would be created to the north of the building with bin stores to the west and north boundary.
30. A communal garden area for the apartments is proposed to the south of the building, which would be grass with a central pond, pathways and community orchard. An area of 'species rich grass' is proposed around the garden and access drive which would be enclosed by post and rail fencing. In the area beyond to the east of the building additional tree and shrub planting is proposed along with the creation of wildflower meadow and riparian woodland.

31. The scheme proposes the provision of air source heat pumps to provide heating and hot water along with primary and secondary ventilation to minimise energy consumption. The application documents refer to the potential to accommodate solar PV panels on the roof and a ground source heat pump but these are not shown on the submitted plans.

### **32. RECOMMENDATION:**

**That applications NP/HPK/1222/01543 and NP/HPK/1222/01563 be REFUSED for the following reasons:**

- 1. The development would not be in the public interest and exceptional circumstances do not exist to justify the proposed major housing development. The proposed development is contrary to Local Plan policies GSP1, GSP2, GSP3, DS1 and L1 and the National Planning Policy Framework.**
- 2. The development does not sufficiently address local need for affordable housing contrary to Local Plan policies GSP1, HC1, and DMH6, plus the National Planning Policy Framework, Planning Practice Guidance, and the National Parks and Broads: UK Government Vision and Circular (2010).**
- 3. The scale and character of the development would harm valued landscape character, as identified in the Landscape Strategy. The development is therefore contrary to policies GSP1, GSP2, GSP3, L1, DMC1, DMC3 and the National Planning Policy Framework.**

### **33. Key Issues**

34. Major development in the National Park
35. Principle of residential development
36. The provision of affordable housing
37. Viability
38. Is the development in the public interest?
39. Fall-back position
40. Sustainable building and climate change
41. Biodiversity
42. Flood risk and drainage
43. Transport and highway safety
44. Other issues

### **45. Relevant Planning History**

46. 2007: NP/HPK/0506/0454: Planning permission granted conditionally for redevelopment to 35 x 2 bed apartments, 9 x 1 bed apartments, 3 x single rooms with restaurant, bar, meeting room, leisure and service functions within a hotel. Creation of new vehicular and pedestrian access.

47. 2009: NP/HPK/0309/0245: Planning permission granted to vary conditions 2 and 4 to allow variation to letting room layout and revision of plan numbers.
48. 2013: NP/NMA/0113/0078: Non-material amendment to application NP/HPK/0309/0245 – alterations to entrance to site.
49. 2013: NP/NMA/0513/0341: Non-material amendment – change to roof plan to incorporate plant and escape hatch and changes to function entrance and windows to north elevation.
50. 2017: NP/NMA/0309/0245: Non-material amendment to NP/HPK/0309/0245 – conditions 2, 4 and 6. This approved reversion of layout to apartments and single rooms as originally approved by application NP/HPK/0506/0454.
51. 2018: ENQ32958: Pre-application enquiry about 30 apartments and 8 affordable houses.
52. NP/HPK/0821/0890 Re-establishing the Marquis of Granby, providing 21 open market apartments (Use Class C3) with car parking and landscaping, including circa 2.1 acres of woodland/grass area.
53. The application was refused for the following reasons:
  - The development would not be in the public interest and exceptional circumstances do not exist to justify the proposed major housing development. The proposed development is therefore contrary to policies GSP1, GSP2 and the National Planning Policy Framework.
  - The development does not address local need for affordable housing contrary to policies HC1, DMH6 and the National Planning Policy Framework.
  - The scale, design and character of the development would harm valued landscape character, as identified in the Landscape Strategy and Action Plan. The development is therefore contrary to policies L1, DMC1, DMC3 and the National Planning Policy Framework.
  - Insufficient information has been provided to assess the impact of the development upon protected species and their habitat in and around the site contrary to policies L2, DMC11 and DMC12 and the National Planning Policy Framework.

54. In refusing NP/HPK/0821/0890, Planning Committee members asked officers to work with the applicant to resolve the above issues. Officers met with the applicant and his architect on the 7<sup>th</sup> June 2022 and had a follow up meeting on the 8<sup>th</sup> August 2022. These were not formal pre-application meetings and therefore not subject to a fee and were not attended by officers from landscape, cultural heritage or policy. No formal pre-application was submitted after these meetings prior to the submission of the current planning applications. Below is a brief summary of those meetings.

#### **55. 7<sup>th</sup> June**

56. The Head of Planning met with the architect to go through various design options including both improvements to the design of the main block and to consider options to address the requirement for affordable housing as made clear by Planning committee members in their reasons for refusal. The Head of Planning expressed a preference for a grouping of affordable housing close to the main block with more of a terrace style approach leading up to the main block and largely leaving the remainder of the site as previously proposed for natural setting and ecological enhancements and avoiding landscape harm or ribbon development/sprawl down the Hope Valley road.

## **57. 8<sup>th</sup> August**

58. The Head of Planning and the Area Planning Team Manager met with the site owner and the architect, the meeting was focussed on the above discussion of the 7<sup>th</sup> June and the need to group the development together. There was some discussion regarding the access road and scale and positioning of the main development.

## **59. Consultations**

### **60. Bamford Parish Council (NP/HPK/1222/1563)**

61. The Council is broadly supportive of the application.
62. There is one aspect of the proposal which remains unsatisfactory however. The area has a need for affordable housing, yet this application proposes to provide only a very small amount of affordable housing in the mix. This is a lost opportunity to provide Bamford with more affordable homes, and we urge that PDNPA seeks from the applicant a higher number of affordable homes before approving the proposal.

### **63. Hathersage Parish Council**

64. Cllrs are concerned that the application only includes provision for 3 affordable homes which they feel is too low and insufficient to meet local need and they wish to communicate this detail to the PDNPA planning department. Hathersage Parish Council's Planning Committee unanimously agreed that the application - NP/HPK/1222/1563 - did not include sufficient provision for affordable housing as only three affordable homes will be built. The Committee agreed that given the size of the land being developed, together with local housing need and the excellent public transport links (bus and rail which reduce car usage for employment and leisure), more affordable housing should be included. In reaching this view, Cllrs were supportive of Bamford Parish Council's consultation feedback calling for more affordable housing in the area.
65. NP/HPK/1222/1543 Cllrs did not support the offer of a cash payment instead of building affordable homes and felt that the £100k being offered could be put towards the building of additional affordable homes on the site.

### **66. High Peak Borough Council Housing Officer**

67. April 2023: The above referenced proposal is similar to application NP/HPK/821/0890 and the Borough Council's comments regarding housing need remain largely unchanged.
68. A parish housing needs survey was undertaken by Peak District Rural Housing Association in 2015. Although the survey is over 5 years old, the Council still consider the information to be relevant and this can be backed up with further data from the Council housing register. There are currently 9 households who would meet the local connection criteria i.e. Currently resident in area for 10 years + or have a previous residence (10 out of the last 20 years) and have a housing need (bands A-C) an increase of 1 household since October 2021.
69. Although I note a financial viability assessment has been submitted by the applicant, to reduce the affordable housing provision on site or provide a financial off-site contribution, I would urge the Peak District National Park Authority to endeavour to secure as much on site affordable housing as possible.
70. June 2023: In addition, the information on housing need taken from Home Options which identified 9 households which would meet the 10-year local connection criteria. The recently published Housing and Economic Land Needs Assessment (HELNA)

specifically looked at levels of housing need within the PDNP area. The report concludes there is a net annual need of between 129 and 189 homes for affordable / social rent and a net annual need of between 81 and 99 affordable homes to purchase in the High Peak over the period 2021 to 2041. In the national park, the report concluded a net annual need of between 7 and 13 homes for affordable / social rent and 11 and 14 for affordable homes to purchase (intermediate housing including shared ownership).

71. We appointed consultants to prepare Developer Contributions SPD, part of this work including liaising with RP's on the amount they are able to pay developers for S106 units. The consultants concluded RPs typically paid 50% of OMV for affordable rent and 70% of OMV for shared ownership units which reflects the 'developer subsidy' element of affordable housing provision.

## **72. Environment Agency**

73. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included (see file).

## **74. Derbyshire County Council (Flood Risk Management)**

75. NP/HPK/1222/1563 (6/02/23) Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 22/12/2022. The LLFA has no objection subject to conditions.

76. A further consultation response was received with regards to the 3 affordable houses relocated closer to the main development.

77. (23/05/23) Having reviewed the Drawing 21265-SK700 Rev P001 and the Flood Risk update by "Haigh Huddleston & Associates", Reference 4125L003, dated 28 April 2023, it was noted the applicant assured to maintain the discharge at a rate of 14l/s as previously stated in the FRA despite a small increase in the permeable area on the proposal. I noted that a response has been prepared by a former colleague Mr James Browne and sent on 07 February 2023 that recommended conditions and are yet to be discharged. We would expect the applicant to address the additional surface runoff as a result of additional impermeable area in their application for discharging conditions.

78. NP/HPK/122/1543 (06/02/23) No objections subject to conditions.

## **79. Derbyshire County Council (Emergency Planner)**

80. The information provided in the Flood Risk Assessment states that in terms of fluvial flood risk to the site only part of the access road is at risk, but work to limit this will be carried out. It should be recommended that residents to sign up to the EA Flood Warning Service, to get advance warning of flooding and to be able to make informed decisions about the level of risk to the site and access. The risk of flooding from Reservoirs, identifies the site at being at significant risk from a breach, however the likelihood is very low, and more likely scenario, but still very low would allow sufficient time to evacuate if there was a potential risk to the dam. Any additional properties in the reservoir flood zone will be included in updates to the site specific reservoir plan for Derwent Valley, which includes details for evacuation purposes.

## **81. Derbyshire County Council (Highways)**

82. NP/HPK/1222/1543 and NP/HPK/1222/1563

83. The vehicular access to the proposed site is from A6187 Hathersage Road, a classified road subject to the National Speed limit. The site access junction with the right turn facility on A6187 Hathersage Road has already been constructed as per Section 278 agreement (Drawing Ref: 30832/010/G) for planning approval NP/HPK/0309/0245.
84. The pedestrian and cycle access to the site is provided via gated access opposite to the signalised junction A6187/Sicklehome junction. The signalised junction has toucan crossing facilities on all the arms. The shared existing footway/cycleway facility exists at the southern side of A6187, leading up to the site's access junction. The pedestrian/cycle link needs to be 3m wide from the site in the interest of enhancing connectivity of the site for both pedestrians and cyclists.
85. The advice has been sought from the Derbyshire County Council (DCC) Road Implementation section, and it has been confirmed that the internal layout is not adoptable and must remain private. The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the access intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts upon the northern boundary of A6187 Hathersage Road.
86. The proposed site has a total of 57 car parking spaces, including 9 visitors parking which appears adequate. The site would also provide a cycle parking storage area to accommodate parking for cyclists. In terms of traffic impact, it is noted that the latest proposals support a scheme for a 21 residential units & 3 affordable homes.
87. The Highway Authority is aware that planning permission has in the past been granted to redevelop the site to provide a scheme comprising 44 apartments and three single rooms, together with a restaurant, meeting room, and other leisure-based activities. The transport statement adds that there is existing planning consent for a 126-room hotel. Clearly, therefore, previous uses for the site has been well established. Access would be by means of the existing priority-controlled junction with right turn harbourage at the eastern extent of the site as approved under a previous consent. The TS includes a comparison of traffic that likely be generated by the proposals compared against the consented hotel scheme. The conventional residential dwellings net trip generation as indicated in the TS would be considerably less than that under the 126-room consented bed hotel scheme. The TS concludes that the proposed development would generate less traffic in both the morning and evening peak hours compared against consented use, so on this basis, the proposals are not predicted to have a material impact on the operation of the local highway network.
88. However, for the level of residential units proposed, a residential travel plan will be a requirement. Subject to the proposed details being modified where necessary in accordance with the above comments, and if your Authority is minded to approve the application, the following conditions being included in any consent.
89. Conditions were included in the consultation response.

## **90. Natural England**

91. NP/HPK/1222/1563 & NP/HPK/1222/1543 No Objection - subject to appropriate mitigation being secured.
92. River Derwent at Hathersage SSSI: The notified interest of this site thus lies within the river form itself, and not within the biology of the river. There is potential for the development to cause an adverse impact on the features of this site during construction, for example via bank erosion where heavy machinery is used close to the riverbank, or where large quantities of sediment are mobilised and discharged into the watercourse.



93. We recommend that a construction environment management plan (CEMP) is created and followed for the construction of the development, should it go ahead. The CEMP should include measures to prevent construction activities from encroaching close to the river bank. A buffer or at least 10m should be used, with appropriate signage and/or fencing used to prevent impacts. In addition, best practise measures should be used to prevent excessive sediment mobilisation during construction. The CEMP could be secured by way of a suitably worded planning condition.
94. SSSI Enhancement Footfall along the river bank is noted within the most recent condition assessment of the SSSI to be a potential threat to the SSSI condition. Positive management has occurred along some parts of the river to prevent access to within 5m of the River Bank, which has had a beneficial effect on the site. Through this development, due to the shared boundary with the SSSI, further access management measures could be put in place to benefit the SSSI.
95. We consider that without appropriate mitigation the application would:
- damage or destroy the interest features for which the River Derwent at Hathersage Site of Special Scientific Interest has been notified.
96. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured: Construction Environment Management Plan.
97. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
- 98. PDNPA Policy Officer**
99. Major Development. The planning statement submitted in support of the application states at para 5.8 that ‘it is considered that the scheme does not represent major development . . . due to the extant permission . . .’ The NPPF sets out at paragraph 177 and footnote 60 that whether a proposal is ‘major development’ is a matter for the decision-maker. Taking into account the nature, scale and setting of the proposal, I consider that it is major development. Therefore, permission should be refused unless there are exceptional circumstances and development is in the public interest. In determining whether exceptional circumstances exist, national housebuilding targets are not material.
100. Government guidance (English National Parks and the Broads UK Government Vision and Circular 2010) is clear that national parks are exempt from housing targets and that new housing should be focussed on meeting local affordable housing requirements. It is important to note that the provision of affordable housing is a requirement of any major housing development in accordance with the NPPF and as such the provision of affordable housing as part of a market housing scheme is not an exceptional circumstance to justify the proposal.
101. Public Interest. Major development in a national park should only be permitted if it is in the public interest. In a national park, the public interest relates to the purposes and duty of a national park: conservation and enhancement of natural beauty, wildlife and cultural heritage, opportunities for understanding and enjoyment, and the economic and social well-being of local communities. The public interest benefits of this proposal are limited.
102. Affordable housing. The inclusion of either 3 affordable dwellings or a financial contribution of £100,000 is an acknowledgement of the Authority’s position. An independent viability assessment will determine whether this is at an appropriate level. In any event however, the proposed location of the 3 affordable dwellings is unacceptable, being isolated from the main building.

### **103. PDNPA Transport Officer**

104. Concern has been expressed by some members of the public about the loss of part of the existing on-street parking lane along the frontage of the development. The A6187 is a wide and fast road approaching the site from the east, with relatively high levels of traffic at the weekends. The road is subject to the National Speed limit (60mph) at the eastern boundary of the site, dropping to 40mph at the western extent of the site. The route through the Hope Valley is extremely popular with road cyclists and carries a mix of resident, visitor business and heavy freight traffic. Therefore, we would wish to ensure the maintenance of the integrity of the existing cycle lane, in its entirety, along the frontage of the site.

### **105. PDNPA Tree Officer**

106. I am happy with the proposed works, they are not removing any mature trees, but replanting trees on the proposed site.

### **107. PDNPA Landscape Officer**

108. A local landscape character area has been defined – however, its value, susceptibility & sensitivity is defined as medium. While the area does contain existing built form, some dereliction and highway, it is still a generally attractive area within a National Park setting. The values as stated are thus too low.

109. For the site – value, susceptibility & sensitivity is defined as low. Again, I believe this is a judgment I disagree with. Judgements of receptor sensitivities are therefore too low within the assessment, which invalidates all subsequent judgments on importance/significance of effect. In terms of considering effects on landscape character, there are again significant issues with the judgements.

110. For the localised landscape character area: at year 1 a sensitivity of medium combined with a magnitude of small is considered to result in a significance / effect of neutral (balanced). At year 15, a magnitude of medium is considered to result in a significance / effect of minor beneficial. The Site: at year 1, a sensitivity of low combined with a magnitude of medium is considered to result in significance / effect of neutral (balanced). At year 15, a magnitude of medium is considered to result in a significance/effect of minor beneficial.

111. While it is appreciated that the process involves professional judgement (and that two professionals may come to differing judgments), these assessments are considerable under estimates in my view, and are not justified to any degree by the assessment.

112. In terms of visual effects, I believe that similar under-estimation has taken place. For example, in PV3 sensitivity is defined as low; while the susceptibility of road users may be low, the view value is not. In my view, the supplied LVA significantly under-estimates the importance of the landscape and visual effects which would result if the scheme was granted permission.

113. In terms of the supplied masterplan, the design objectives and detail of the design are also weak. For example, in terms of scheme design, the relationship of the building frontage to the A6187 is weak and the built form is too prominent. I would prefer to see a stronger 'landscape buffer' between the building and the A6187, with parking areas on the site frontage moved.

114. I therefore believe that the submitted scheme does not comply with L1.

### **115. PDNPA Ecology Officer (summarized)**

116. The Ecological appraisal undertaken by FPCR addresses the shortfall with respect to ecological assessments previously identified and details Water Vole, GCN and Bat surveys all undertaken in line with relevant guidance.
117. Although this [Biodiversity net gain] is not yet mandated, in terms of the application site, it is expected that the ecological surveyors would identify any potential degradation or clearance of site. The condition of the habitat appears to reflect that as described in the Ecological Appraisal by FPCR in 2021. Together with this and the PDNPA's knowledge of the site, it is considered that the submitted assessment (2022) is an acceptable representation of 'current' condition and habitats.
118. The existing ecological value of the site is calculated at 5.08 units. Both schemes will deliver significant improvements in regard to Biodiversity Net Gain, with Option 1 – 21 apartments delivering an uplift of 270% (18.79 Habitat Units) and Option 2 – 21 apartments with 3 affordable housing units delivering an uplift of 241% (17.20 Habitat Units). Both schemes would also deliver a further improvement of 611% (0.81 Habitat Units) in Hedgerow units. However, it should be noted that the projected biodiversity uplift is based on certain assumptions including that the created habitat will meet a certain condition achieved through appropriate management. Therefore, in order to achieve the stated Biodiversity uplift it is important to secure the delivery of a Landscape Management Plan and subsequent monitoring of the site. In particular, details of species mix and source for the wildflower meadow creation should be submitted and approved by the Authority, and the LMP should address long-term management of this habitat (including provision for appropriate aftergrazing following the July hay cut if possible).
119. The bat surveys recorded use of the River Derwent corridor by multiple bat species, many of which are light sensitive (such as brown long-eared bat and *Myotis* species). The retention and enhancement of the river and bankside vegetation is welcomed and should be secured by means of Landscape Management Plan. Suggestions for a wildlife-sensitive lighting scheme have been made (Section 4.45) and these need to be approved by the PDNPA. The inclusion of bat boxes is welcomed, but the incorporation of bat roosting opportunities within the building is preferred as these provide more permanent opportunities for bats.
120. As with bats, we would recommend the incorporation of nesting opportunities within any buildings, in particular for swifts and house martins. Riparian Species (Water Vole, Otter and Riparian Birds) The survey effort and justification for absence/presence is considered sufficient and adequate. If the construction of a new headwall is required, the Method Statement for Otter detailed in Appendix C of the Ecological Report by FPCR (2022) should be adhered to. The retention and enhancement of the river and bankside vegetation is welcomed and should be secured by means of a Landscape Environment Management Plan (LEMP) which will benefit all riparian species (including birds). Any removal of vegetation should be undertaken outside of bird breeding season (March – August inclusive) unless preceded by a nesting bird check conducted by an appropriately experienced ecologist. With regards to reptiles, the precautionary method of working detailed within an Ecological Construction Method Statement as detailed in Section 4.50 of the Ecological Appraisal is welcomed.
121. The drainage channels were evaluated for their suitability to support breeding Great Crested Newt (GCN) using the HSI scoring system developed by Oldham et al. The score was 'Poor'. Subsequent Environmental DNA (eDNA) sampling was undertaken of the drainage channels. The results were negative. No further recommendations were provided. If GCN are found during works, all work must stop and a suitably qualified ecologist contacted. Invasive Species The applicant has provided recommendations regarding invasive species to be included within an Ecological Construction Method Statement which is welcomed. The recommendations regarding invasive species to be

included within an Ecological Construction Method Statement as detailed in Section 4.58 of the Ecological Appraisal by FPCR. In addition, the invasive New Zealand Pygmy weed (*Crassula helmsii*) has been confirmed from the drainage channels. Due to the risk of spread during the construction phase, control measures to eradicate New Zealand Pygmy weed from the site should be undertaken by an appropriate and qualified contractor prior to any site works in the vicinity of the drainage channels.

122. Natural England responded to the consultation in respect to NP/HPK/1222/1563 and NP/HPK/1222/1543 with no objections subject to submission of a construction environment management plan (CEMP). We welcome the submission of a CEMP to include Natural England's advice- in particular to prevent construction activities within at least 10m of the river bank, with appropriate signage and/or fencing; and adoption of best practise measures to prevent excessive sediment mobilisation during construction. In addition, we concur with Natural England's advice dated 24th January 2023 regarding SSSI enhancement; specifically ensuring measures are in place to prevent access to 5 m of the River Bank. These details should be included within a LEMP.
123. We welcome the inclusion of native species within the development. The replacement of Babylon willow (*Salix babylonica*) with White willow (*S. alba*) and/or Crack willow (*S. fragilis*) would be preferred. The inclusion of a Sustainable Drainage Systems (SuDS) would likely change the BNG metric calculation. However, it is not anticipated that this would equate to a significant loss given that a SuDS system would provide opportunities to mitigate/enhance the site re. habitat and species diversity, and to offset the loss of damp habitat in the drainage channels which would be lost. However, we would advise an updated BNG metric to be submitted to reflect the provision of SuDS and to reflect approximately the same biodiversity gain that the applicant has submitted for the current scheme(s).

**124. Representations**

**125. Objections (5)**

126. I am concerned about the wording of the alterations to the white lines on the highway. Could you clarify that the existing cycle lines on the highway will stay. The Hope Valley road is used by many cyclists of all abilities and I would object if these lines are to be removed. Also, I would prefer to see 50% affordable housing in the proposed plans.
127. Reviewing the S278 Works - Proposed Highway Modifications, I see the drawing references "burn off existing cycle lane demarcation and pictograms". I see no reference to this in the transport statement. I also notice for instance for other lines there is "burn off existing southern white line, reposition and paint new southern white line....". To me this implies the cycle lane on the road is being removed! As a road cyclist and a mountain biker, I use both the road cycle lane and pavement cycle lane. I am totally against the road cycle lane being removed. I often cycle and up and down the valley. When coming from Hope on my road bike, I would never ride the pavement even if the road bike lane is removed. I would say 99% of road cyclists would do the same. This would be an issue for car drivers and probably would increase the amount of accidents at this junction. I know Hope Valley Climate Change and Hope Valley School are trying to promote cycling to school. I would advocate my children to use the cycle lane but for those coming from Hope/Brough, you have swerve onto the pavement and risk punctures from thorns from the bush that I hear other people moaning about. As for the building, I don't get involved with these decisions but I agree the valley needs more sheltered housing but is 2km from a village the right place for this?
128. As a parent of 4 children all currently wanting to stay in the area they grew up in, I am disappointed by what seems to be a disproportionate amount of affordable housing in what sounds like a brilliant new development.
129. I suggest that it be half affordable and half private. There is a genuine need in the area for more affordable housing.
130. There is a lack of affordable homes in the Valley and families are being dispersed due to this fact. My own family is now spread across the country due to the high cost of gaining a foot on any local property ladder - I am not alone with this. The open market properties will sell for a premium and will likely to be out of reach for local families. This will attract out of area wealthy investors looking for a second home or they will be used as holiday lets. Not ideal. It's a shame the site cannot be developed by a someone willing to run it as mixed social/affordable housing. 3 affordable homes I believe is more than required by local planning but is nowhere near enough. Priority needs to be given to the local needs.
131. Derwent Fly Fishing Club (summarised)
132. The nature of the design and construction of any headwall, located on my clients land and within a SSSI is not detailed anywhere in the application.
133. The applicant states 'No' to all questions under 'Biodiversity and Geological Conservation'....This understanding is incorrect. The applicant is proposing a new/varied drain and headwall located on, and discharging into, a Site of Special Scientific Interest (SSSI), something wholly omitted from the application.
134. The applicant suggests that there is an existing, historic surface water drainage system that is likely to require a new headwall. It should be highlighted that my client does not believe there to be an existing system.
135. Planting is proposed on my client's property, something they have not been consulted on or agreed to.

136. The Club are concerned about the high and steep riverbank posing a risk to persons living, working and visiting the site.

**137. General (5)**

138. 24 dwellings yet only 3 "affordable" houses is a disgrace. Chances are 21 dwellings will be bought as holiday lets/second homes. Born & bred Hope Valley young adults when wanting to leave their parental homes have little to no chance of purchasing affordable housing in the area(Hope Valley) they were raised. The Peak Park need to look after these local young adults first & foremost by only allowing ALL of this proposed development to consist of "affordable" housing to local people.

139. I am commenting as a recognised national expert (and Peak resident) on planning obligations including the supply of new affordable homes on new housing developments. These agreements between developers and planning authorities are now the principal means of supplying new affordable homes, with the costs of these contributions being reflected in lower land prices being paid for new developments. It should be noted that in the recent 'Parkhurst' decision the High Court decided that planning authority policy should prevail irrespective of occasions where developers may have paid too much for the land against a valuation related to adopted planning requirements. It seems to me that there is clarity in PNPA policy i.e. that there are few arguments to favour new market housing in the Peak (and as others have commented many might well become second homes not homes for local residents: that is until new promised gvt legislation prevents this use for newly built homes) Whilst I realise and sympathise with local residents' desires for the site to be redeveloped, the lack of affordable housing seems to be to be a major reason why the current proposals should be subject to further discussion/negotiation to raise the proportion of affordable housing to a much higher level given the acute shortage of affordable and key worker housing. I respectfully suggest that the viability study should look again at the levels of discounts to market value (i.e. what housing associations would pay to buy e.g. affordable rent or shared ownership homes on the site). There is good evidence available in a lot of recent monitoring studies done for DLUHC and other bodies. I trust this is helpful to my professional colleagues in PNPA.

140. In an area that has practically no affordable homes (such as could realistically be purchased by children of local families) it seems incongruous to only designate 12.5% of a significant development to affordable housing. To clarify I generally support the development of this site, but feel that the needs of local families are not being adequately addressed with this specific proposal . It seems more likely that the bulk of this development plan will attract affluent second home owners, investors and holiday rentals (ref Ladybower apartments at Yorkshire Bridge). Given that (quite rightly) so little new build is permitted in the Hope Valley, shouldn't a significant development such as this have a much more emphasis on the actual housing needs in the area? More affordable homes should be the priority.

141. I feel that the proportion (7:1) of open market to affordable housing should be changed to reflect the fact that, despite many efforts, there is very little affordable housing within the Hope Valley for the people who live and work here. I would prefer to see the ratio nearer to 50:50 and hope that the PDNPA will insist on a balance which is fairer to people who have grown up here.

142. 21 properties for sale on the open market potentially purchased by speculators/holiday lets living outside the area? Only 3 affordable properties? Apart from making the area look better how does this benefit the local area. I don't see anything that states priority will be given to local purchasers.

**143. Support (1)**

144. This is a very good proposal and provides much needed affordable homes for those in the valley who are limited in their options. The site has been an eyesore for too long and the redevelopment will enhance the location and general appeal of the Hope Valley.

**145. No objection (1)**

146. Absolutely needed for local people and families.

**147. Main Policies**

148. Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, CC1, CC5, HC1, T1, T2 and T7

149. Relevant Development management policies: DMC1, DMC3, DMC11, DMC12, DMC13, DMC14, DMH1, DMH2, DMH3, DMH6, DMH11, DMT8, DMU1

150. National Park purposes and duty

151. As set out in the Environment Act, 1995.

152. Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

153. Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

154. Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

155. National Planning Policy Framework

156. The National Planning Policy Framework (NPPF), July 2021 is a material consideration and can carry particular weight where a development plan is absent, silent or relevant policies are out of date.

157. Paragraph 176 states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

158. Paragraph 177 states that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

159. 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.

160. The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

161. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

162. Paragraph 65 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
  163. Provides solely for Build to Rent homes;
  164. Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  165. Is proposed to be development by people who wish to build or commission their own homes; or
  166. Is exclusively for affordable housing, an entry-level exception site or a rural exception site.
167. Paragraph 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
168. Paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
169. Paragraph 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  170. there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  171. the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  172. the development would re-use redundant or disused buildings and enhance its immediate setting;
  173. the development would involve the subdivision of an existing residential building; or
  174. the design is of exceptional quality, in that it:
    - a. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - b. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
175. Paragraph 92 states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places.



176. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
177. Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed land (except where this would conflict with other policies in the NPPF).
178. Paragraph 120 says that planning decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
179. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
180. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
181. Paragraph 167 says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
  182. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  183. the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  184. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  185. any residual risk can be safely managed; and
  186. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
187. English National Parks and the broads: UK Government Vision and Circular (2010)
188. Planning practice guidance (PPG) points to this document for '*Information about the National Parks and Broads and the government's priorities for these protected landscapes*'. The circular states that National Parks are not suitable locations for unrestricted housing. '*The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services. The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains so in the longer term.*'

189. National Design Guide (NDG) (2021 update)

190. The NDG forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. It is to be used by LPA planning officers to assess design and by planning committees in decision making.

191. The purpose of the NDG is to support paragraph 130 of the National Planning Policy Framework which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

192. Para 21. A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing.

193. Para 40. Well-designed places are: based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.

194. Well-designed places respond to existing local character and identity.

195. Para 53 Well-designed new development is influenced by: an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents; the characteristics of the existing built form; the elements of a place or local places that make it distinctive; and other features of the context that are particular to the area.

196. Para 111. Well-designed places have: a mix of uses including local services and facilities to support daily life; an integrated mix of housing tenures and types to suit people at all stages of life; and well-integrated housing and other facilities that are designed to be tenure neutral and socially inclusive.

197. Peak District National Park Core Strategy

198. Policy DS1 sets out the Development Strategy for the National Park. Policy DS1.E. states that 'Where there is pressure for development and the National Park Authority is uncertain about the capacity for this in a named settlement, an assessment of site alternatives will be required to demonstrate the extent of development which may be permitted. This process should involve the Parish Council or Parish Meeting and demonstrate that the proposed development complements:

- the settlement's overall pattern of development;
- the character and setting of nearby buildings and structures; and
- the character of the landscape in which the settlement sits.'

199. Policy GSP1 requires all development to be consistent with the National Park's legal purposes and duty. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.

200. GSP1. E says that in securing national park purposes major development should not take place other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy. GSP1. F says that where a proposal for major development can demonstrate a significant net benefit to the national park, every effort to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics would be expected to be secured.

201. GSP2 says that opportunities for enhancing the national park will be identified and acted upon. Proposals must demonstrate that they offer significant overall net benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other core policies.
202. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide, impact on living conditions of communities, impact on access and traffic levels and use of sustainable modes of transport.
203. L1 says that development must conserve 'and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
204. L2 says that development must conserve or enhance any sites, features or species of biodiversity or geodiversity importance and where appropriate their setting. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity or geodiversity importance.
205. CC1 says that in order to build in resilience to and mitigate the causes of climate change all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and reduce overall risk from flooding; achieve the highest possible standards of carbon reductions and water efficiency.
206. CC5. C says that development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.
207. HC1 says that provision will not be made for housing solely to meet open market demand. Housing land will not be allocated in the development plan. Exceptionally, new housing can be accepted where:
208. It addresses eligible local needs:
209. For homes that remain affordable with occupation restricted to local people in perpetuity; or
210. For aged persons' assisted accommodation including residential institutions offering care, where adequate care or assistance cannot be provided within the existing housing stock. In such cases, sufficient flexibility will be allowed in determining the local residential qualification to take into account their short-term business needs whilst maintaining local residency restrictions for the long term.
211. It provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2.
212. In accordance with core policies GSP1 and GSP2:
  - a. It is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or
  - b. It is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

- c. Any scheme proposed under C1 or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:
  - d. It is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
  - e. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution will be required towards affordable housing needed elsewhere in the National Park.
213. T1 aims to reduce the general need to travel within the National Park and encourage sustainable transport. T2. C says that modal shift to sustainable transport will be encouraged. T2. E says that impacts of traffic within environmentally sensitive locations will be minimised. T2. F says that sustainable access for the quiet enjoyment of the National Park, that does not cause harm to the valued characteristics, will be promoted.
214. T2. F says that sustainable transport patterns will be sought that complement the development strategy. Travel plans will be used to encourage behavioural change to achieve a reduction in the need to travel, and to change public attitudes toward car usage and public transport, walking and cycling. Travel plans to reduce traffic movements and safeguard transport infrastructure will be required on appropriate new developments and encouraged on existing developments.
215. T7. B says that residential parking and operational parking for service and delivery vehicles will be the minimum required for operational purposes, taking into account environmental constraints and future requirements.
216. Development Management Policies
217. DMC1. A says that in countryside beyond the edge of designated settlements any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account: the overall strategy for the relevant Landscape Strategy and Action Plan area, any cumulative impact and the effect of the proposal on the landscape.
218. Policy DMC3. A says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
219. Policy DMC3. B sets out various aspects that particular attention will be paid to including: siting, scale, form, mass, levels, height and orientation, settlement form and character, landscape, details, materials and finishes landscaping, access, utilities and parking, amenity, accessibility and the principles embedded in the design related SPD and the technical guide.
220. Policy DMC11. A says that proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss.

221. DMC11. B says details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by the development must be provided, in line with the Biodiversity Action Plan and any action plan for geodiversity sites, including provision for the beneficial future management of the interests. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:
  222. an assessment of the nature conservation importance of the site; and
  223. adequate information about the special interests of the site; and
  224. an assessment of the direct and indirect effects of the development; and
  225. details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
  226. details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.
227. DMC11. C says that for all sites features and species development proposals must also consider cumulative impacts and the setting of the development in relation to other features of importance, taking into account historic, cultural and other landscape context.
228. DMC12. A says that 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.
229. DMC12. B says that for sites, features or species of national importance, exceptional circumstances are where the development is essential for the management of those sites, features or species; or for the conservation and enhancement of the National Park's valued characteristics; or 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.
230. DMC12. C says that for all other sites, features and species, development will only be permitted where significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.
231. Policy DMC13 says that planning applications should provide sufficient information to enable impact on trees, woodlands and other landscape features to be properly considered. Development should incorporate existing trees and hedgerows which positively contribute which should be protected during the course of the development.
232. Policy DMC14 says 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.
233. Policy DMH6 states that re-development of previously developed land for housing will be permitted provided that:
  234. the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site; and

235. where the land is inside or on the edge of a Core Strategy policy DS1 settlement, and subject to viability, an element of the housing addresses local need for affordable housing potentially including starter home or custom or self-build housing provision.
236. Policy DMH1 supports the provision of affordable housing subject to proven need and restricts the size of affordable housing as a measure to ensure it remains affordable in perpetuity.
237. Policy DMH2 requires the first person who occupies a new affordable house to have a local connection or be a caregiver to someone in the locality with a local connection.
238. Policy DMH3 sets out the occupancy cascade for second and subsequent occupancy to ensure that those with a local connection residing in the local parish/s are considered first and then the property is made available to residents in the wider National Park who have a local connection.
239. Policy DMH11.A on affordable housing subject to S106 agreements, states that the occupancy of all affordable housing will be restricted in line with DMH1,2 and 3. And that any subsequent development will be restricted to ensure the properties remain affordable in perpetuity.
240. Policy DMT3. B says that development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality and where possible enhances it.
241. Policy DMT8. A states that off-street car parking for residential development should be provided unless it can be demonstrated that on-street parking meets highway standards and does not negatively impact on the visual and other amenity of the local community. This should be either within the curtilage of the property or allocated elsewhere. DMT8. C says that the design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area.
242. DMU1 says that new or upgraded service infrastructure for new development will be permitted subject to the requirement that full details are provided in the planning application and it: does not adversely affect the valued characteristics of the area; and any new land use does not commence prior to the appropriate delivery of the services.
243. Supplementary planning documents (SPD) and other material considerations
244. The adopted climate change and sustainable building SPD provides detailed guidance on construction methods and renewable technologies along with a framework for how development can demonstrate compliance with policy CC1.
245. The adopted design guide SPD and supporting building design guide provides detailed guidance on the local building tradition within the National Park and how this should be utilised to inform high quality new design that conserves and enhances the National Park.
246. The adopted transport design guide SPD provides detailed guidance on the design of transport infrastructure including access layouts, parking and future technology such as electric vehicle charge points and autonomous vehicles.

## **Assessment**

247. The former hotel buildings were demolished between 2009 and 2011 following the grant of planning permission for redevelopment of the site for an hotel (see planning history). Works to implement the planning permission for the hotel have been started, including the excavations of part of the site to formation level, completion of the northern roadside boundary wall and return on the western side of the site, works to services and completion of the new layby and access.
248. The general condition of the site has remained largely unchanged over the past ten years. Nevertheless, the planning permission for redevelopment of the site for a hotel has commenced and remains extant. The site falls within the definition of previously developed land.
249. The main differences in these planning applications in comparison to planning application NP/HPK/0821/0890 are:
- 1) The applicant has offered either 3 affordable houses OR £100,000 contribution to affordable housing in the locality.
  - 2) New pitched roofs have been added to the northern elevation of the middle section to break up the massing of the building.

**250. Major development in a National Park**

251. It is considered the proposal is major development in the National Park for the following reasons.
252. The NPPF, footnote 55 to para. 172 says ‘major development’ is “a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”
253. The number of dwellings is one factor in determining whether the scheme is major development but also the characteristics of the site and the impact on the local area are factors too.
254. The site is currently a cleared site, therefore any new development on the site will have impact.
255. The proposal is a three-story development of 21 apartments, that extends approximately 59 metres along the A6187 Hathersage Road. With a further 2 storey development of 3 terraced dwellings, extending approximately a further 17m along the road frontage. The main development is set down and set back from the road behind a 1.85m high wall.
256. In an area characterised by fields and one and two storey sporadic farm buildings/businesses, the scale and massing of a three-storey development for 21 units will be a significant visual impact on the local area when travelling along the A6187. In particular, the urban design and form is not characteristic of this part of the National Park. Whilst there a reference to the former Marquis of Granby building that was previously present on site, the rest of the proposed development is more urban in form and scale resulting in a much greater visual impact within the landscape, and not reflective of local character.
257. Taking into account the number of units proposed, the scale and massing of the development, and the impact on the landscape, the proposal is considered to be major development and as such the tests set out in para 177 of the NPPF apply.

**258. The principle of housing development on the site**

259. The member discussion at Planning Committee on the 11<sup>th</sup> February 2022 relating to planning application NP/HPK/0821/0890 is relevant.
260. Officers' previous planning judgement of the site location was that it was detached from Bamford and that the application of policy should focus upon this being major development in the open countryside
261. Nevertheless, Members considered the site to have a close relationship with Bamford, which is a policy DS1 settlement. In making that judgement they considered policy HC1 relevant and that for housing to be supported on the site, a proportion of the housing should be affordable housing to meet identified eligible local need.
262. Members also considered the need for affordable housing in the local area was a material consideration that was given significant weight in supporting the principle of residential development on this site.
263. DS1 part B states that the majority of new development (including about 80 to 90% of new homes) will be directed into Bakewell and named settlements (including Bamford and Hathersage), with the remainder occurring in other settlements and the rest of the countryside. The basic intent of DS1 is to achieve a more sustainable pattern of development which promotes social networks, close access to services and reduces the need to travel. In the process the policy directs and contains development in the settlements of the National Park thus conserving the undeveloped and natural character of the surrounding landscapes.
264. Other core policies work alongside this principle, e.g. policies HC1 and then DMH6 for housing including that on brownfield sites which similarly aim to realise provision in or on the edge of settlements.
265. Without the provision of settlement boundaries, it is necessary to exercise some judgement on the matter of development being in or on the edge of a settlement. The strategic intent remains to locate development close to settlement in order to promote sustainable development. In this case members have already considered that the site has a close relationship to Bamford, and is within walking distance of rail and bus services. It is also between 2 named settlements in our Core Strategy which have outstanding and unmet affordable housing needs. Moreover, the inability to bring forward sites without harm to the National Park is an ongoing challenge and frustration to the wider plan objective of addressing local affordable housing need.
266. Therefore, when placed against the major development tests in the NPPF, which seek a rigorous assessment of the need for development and for benefits to be in the public interest, officers believe a residential scheme on this site should design-in affordable homes which address the needs of the local communities in this location, specifically Bamford and Hathersage. Moreover, that such houses should be genuinely affordable to those on low to moderate income and should remain available in perpetuity to underpin the needs and sustainability of the area.
267. It is important to note that the principle of housing does not include the consideration of the scale of development proposed.

**268. Affordable Housing**

269. For all major development, the NPPF, para 65 states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership'.



270. The National Parks circular (2010), is a material consideration and referenced in the Planning Policy Guidance. It clearly states that national parks 'are not suitable locations for unrestricted housing and [the government] does not therefore provide general housing targets for them. This is reflected in policy HC1, which states that HC1 says that provision will not be made for housing solely to meet open market demand. The circular goes on to state that 'The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services'. These are material considerations for this application and as such it is an acceptable approach to expect more than 10% affordable housing.
271. A further material consideration is policy DS1.E. It states that 'Where there is pressure for development and the National Park Authority is uncertain about the capacity for this in a named settlement, an assessment of site alternatives will be required to demonstrate the extent of development which may be permitted. This process should involve the Parish Council or Parish Meeting and demonstrate that the proposed development complements:
- the settlement's overall pattern of development;
  - the character and setting of nearby buildings and structures; and
  - the character of the landscape in which the settlement sits.'
272. The Authority and a Registered Provider have carried out site searches in consultation with Bamford Parish Council and have been unable to find a suitable exception or enhancement site within or on the edge of Bamford for local needs affordable housing.
273. The Planning Committee, in determining planning application NP/HPK/0821/0890 took this position into consideration and, together with the application site's relationship to Bamford and its sustainable location, considered it a suitable location for residential development that could help meet the affordable housing needs of Bamford and the surrounding area. Both Bamford and Hathersage Parish Councils have written in support of affordable housing provision on the application site to help meet the identified eligible local need.
274. The Bamford Local Needs Housing Survey, 2015 together with Home Options data is considered to be a material consideration and this view is supported by the Local Housing Authority. It identifies a need for 9 households that would meet the local connection criteria and be in housing need (Bands A –C). In addition to this, the recently published Housing and Economic Land Needs Assessment (HELNA) for High Peak Borough Council (note the PDNPA contributed towards this assessment for the area that covers the National Park) specifically looked at levels of housing need within the PDNPA area of High Peak Borough Council. In the National Park, the report concluded a net annual need of between 7 and 13 homes for affordable / social rent and between 11 and 14 for affordable homes to purchase (intermediate housing including shared ownership) over the period 2021 to 2041.
275. The Hathersage Local Needs Housing Survey (2016), identified a need for 48 households that met the local connection and be in housing need (Bands A-C). This document remains relevant. Hathersage Parish Council having been working with the Derbyshire Dales DC Rural Housing Enabler to find appropriate sites for over 10 years. Such a high level of need would be expected to be delivered over a number of sites. So far, not one site has come forward for affordable housing.
276. Both Local Needs Housing Surveys and the High Peak Borough Council HELNA are material considerations in understanding the need for affordable housing in the area.
277. Policy GSP1 on securing national park purposes and duty states that decisions must accord with the legal purposes and duty of the National Park. Given the high level of need for affordable housing in the area and the lack of opportunities to deliver it, seeking

to maximise the provision of affordable housing on enhancement sites is within the spirit of delivering the duty of fostering the social and economic wellbeing of the local communities within the National Park in pursuit of purposes.

278. Core Strategy para 12.7 states that 'policy now aims to maximise delivery of affordable housing in all cases apart from changes of use (e.g. of a barn) to a single home where affordable housing is not normally viable'.
279. The applications propose £100,000 off-site financial contribution towards affordable housing in the locality (NP/HPK/1222/1543) or 3 affordable dwellings built on-site which equates to 13% affordable housing (NP/HPK/1222/1563). Whether this provision maximises the amount of affordable housing on site in the interests of the local community is considered in the section on viability.

## **280. Viability**

281. The PPG states that 'The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.'
282. It goes on further to state that 'In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.'
283. The previous planning application for housing on the site (NP/HPK/0821/0890) was refused, in part, on the failure to address local need for affordable housing. The applicant has submitted a Financial Viability Assessment (FVA) to accompany the applications. This demonstrates that the development is only just viable. However, despite this the applicant is offering 3 terraced affordable dwellings to be sold at 80% open market value to a shared housing provider or an off-site financial contribution of £100,000.
284. In accordance with the PPG, the PDNPA appointed a consultant to conduct an independent review of the FVA. The consultant is MRICS and has no conflict of interest. The PDNPA consultant met the professional requirements to carry out the independent review and has experience of carrying out similar work for constituent and nearby local planning authorities.
285. The PDNPA consultant has advised the Authority in the FVA Review that based on the information submitted in the FVA, the development is viable and could accommodate 5 affordable dwellings for social rent consisting of the 3 terraced properties and 2 apartments (which could be reconfigured to 3 apartments in total) and an off-site financial contribution of £50,500. This allows for a developer profit of between 15-20%.
286. The PDNPA consultant tested the FVA with no affordable units, which would give a headroom of £750,400 or with 3 terraced affordable units which would give a headroom of £790,000 (the headroom is higher with the 3 affordable units as the developer would make a profit on the affordable dwellings as proposed to be for shared ownership).
287. The applicant's consultant refuted this advice in their rebuttal and provided further information to support their position. It should be noted the need for transparency of assumptions behind evidence submitted should be the starting position for the applicant's FVA in accordance with the PPG.

288. The PDNPA consultant took into account the further evidence provided by the applicant's consultant. The position remained that the development would still be viable with a developer profit of between 15-20% and an affordable housing provision of 5 social rented affordable housing units and an off-site financial contribution of £50,500.

289. It should be noted that whilst the FVA review did not test how many shared ownership properties could be provided, it would be more in number than social rented housing as the transfer value to a 'profit making' RP is significantly more than a transfer value for social rented housing. As such there would be greater headroom to the development to provide more shared ownership properties, even after the developer has taken their 15-20% profit.

#### **290. Conclusion on viability based on the findings of the FVA Review**

291. Planning application NP/HPK/0122/1543 offer of £100,000 off-site contribution to affordable housing is significantly lower than the FVA Review headroom findings of £750,400. The planning application could not be made acceptable with an off-site contribution as evidence demonstrates there are no other suitable sites in the locality that are suitable and could be brought forward within a suitable timeframe.

292. Planning application NP/HPK/0122/1563 could come forward for development with an on-site affordable housing contribution of at least 5 social rented houses and a developer contribution. A greater number of shared ownership dwellings could come forward as the transfer value would be much higher.

293. Based on the findings of the FVA Review, the development does not sufficiently address local need for affordable housing contrary to Local Plan policies GSP1, the National Planning Policy Framework, Planning Practice Guidance, and the National Parks and Broads: UK Government Vision and Circular (2010).

#### **294. Further viability considerations**

295. Since the FVA Review was completed the applicant has submitted further evidence. In submitting further evidence, the applicant is seeking to demonstrate the scheme cannot viably support more affordable housing.

296. They have also offered an alternative proposal of 3 plots for £30k each for a Registered Provider to develop out themselves. No further information has been submitted regarding this and this offer can be given little weight at this stage.

297. The key issue is that the FVA Review demonstrates both planning applications are viable and whilst the constraints of the development are noted, they have been considered by the PDNPA consultant. The development proposals are still considered to be viable and could provide more affordable housing than is being offered. This position remains unchanged.

298. It is up to the decision maker to determine the amount of weight given to a viability appraisal. Even if the Authority were to give some weight to the FVA it would still demonstrate that the development put forward is not appropriate for this site within the National Park as it is not in the public interest and is not of a design that is respectful of the local landscape character. It would still fail the test of major development within a National Park as set out in the NPPF.

299. For information, areas in which there is no agreement between the consultants are set out in the PDNPA Consultant - Porter PE Technical Note. The table below summarises, where possible, the areas of dispute.

	Peter Milner Rebuttal	Porter PE
Abnormal costs	<p>£639,881</p> <p>Porter PE para 6.50 accepts the revised cost of £150,000 for the substation but fails to amend his FVA accordingly. PE attempts to validate his assumption in para 6.17 and the three examples he highlights in his Appendix F follows the requirements and protocols of BCIS for the submission of tender analysis. BCIS require a complete breakdown of submitted “winning” tenders to then re-evaluate to a consistent Base Line. This removes site specific variations such as piling or other abnormalities. Also states that there is a lack of evidence for Porter PE to concede 50% of the piling cost as are the semantics of “abnormal cost” or “extra-over”, and it should be discounted. It is also noted that the cost of the ring beams and cross beams for the apartment scheme are included in the BCIS base cost rate as they are considered equal to the cost of “standard” foundations.</p>	<p>£135,410</p> <p>The revised cost of £150,000 for the substation has been included in full in the Porter PE Viability Review Report Appendix G: Revised FVAs of the Proposed Application Scheme rows 4.3.2.1 Site abnormalities (additional costs for piling, balconies and onsite sub-station). 5. Regarding the Applicant’s Rebuttal point about piling being removed in BCIS average build costs because they are site specific variations, we have not been provided or seen any evidence about this being the case, nor could we find this evidence when looking on the BCIS website. In our Review work, we also compromised by allowing for 50% of the additional piling costs to be beyond average build costs for flatted developments between 3 and 5 storey in height.</p>
Development period	44 months	33 months
Affordable housing sales yield		
Base build Cost Open Market Dwellings	£1815psqm.	<p>Disagree with this figure as it uses future values at 3Q 2023 which is inappropriate. Current values should be used.</p> <p>For information...</p> <p><i>The test for viability is that the evidence indicates that the current cost of building out the entire site (at today’s prices) is at a level that would enable the developer to sell all the market units on the site (in today’s market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner. Section 2, para 10</i></p>

		of DCLG S106 Affordable Housing Requirements.
Base build Cost Affordable Housing Dwellings	Porter PE tests a build cost of £1757 using the BCIS rate for terraced affordable housing. The three AH properties comprise two semi-detached and one inner terraced. Further he fails to add the allowance for externals.	The proposal is for three terraced houses and has been costed as three terraced houses, not a pair of semi's and a terraced house. The extra cost of building two semi-detached and one terraced unit based on the BCIS difference between a semi-detached build cost at £1,874 psm and a terraced dwelling build cost at £1,761 psm would total around £17,000. This additional cost would fall within the identified positive headroom of £50,500 after allowing for the affordable housing contribution that the Porter PE Viability Review identified
Site Preparation	Porter PE fails to acknowledge the state and condition of the site, the degree of fill required, and the raising of the finished site area to accord with the flood defence measures.	Allowances have been made for the above site works, as is reflected in the Porter PE Viability Review Report Appendix G: FVAs of the Proposed Application Scheme at rows 4.3.2.1 Site abnormalities (Foul drainage/pump) and 4.3.2.1 Site abnormalities (additional costs for piling, balconies and on-site sub-station), in addition to the costs for externals (at 14.4%). As the Applicant notes concerning these tested Externals in their previous Rebuttal Review Statement at heading 2.2 Sunk costs, Point 9: 'Preparing the land for development that is allowances for DVA All of these additional development costs are fully reflected in the submitted FVA – and the total is less than PE's own 12% allowance for external works (which will increase once the PE Gross DV is recalculated).'
Externals	Porter PE fails to acknowledge that the Milner FVA has been approached with identified cost items.	No evidence was submitted in the FVA to substantiate these costs. In such cases, our purpose is to provide a professional judgement based on standard ready reckoners for such cost assumptions to

		ascertain if we consider that the costs being identified without evidence seem reasonable. 3. We would also note that all of the Applicant's stated costs for externals, including the Applicant's costs that cover the state and condition of the site, the degree of fill required, and the raising of the finished site area to accord with the flood defence measures, have been included in the Porter PE Viability Review Report Appendix G: FVAs of the Proposed Application Scheme under Externals. The total of these costs amounts to c.£840,700, which is 14.4% of the build costs.
Site visit	The PDNPA consultant has not visited the site.	A visit to the site would be at the applicant's expense and this has not been forthcoming. Mr Porter has used mapping tools and available data to assess the site.
Value rates	The applicant has used future value rates (3Q 2023).	Disagree with using future value rates. <i>The test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner. Section 2, para 10 of DCLG S106 Affordable Housing Requirements.</i>
Balconies	The balconies are site specific variations. balconies can be incorporated into the BCIS cost tone but the scale should be re-adjusted to reflect the fact. States that the Applicant's FVA is a more pragmatic and open approach – choosing a fair baseline scale and making specific adjustments to reflect the specific scheme,	No reasoning or costs were provided as part of the FVA and was requested in the Review. This would provide transparency.



	thereby following the RICS requirement of transparency.	
Total Extra Over Build Costs	Despite Porter PE’s various contentions, the Milner FVA is £114,243 LESS than PE – a differential of -7.91%.	If the Applicant’s extra-over costs are £114,243 less than those assumed in the Porter PE assessment and appraisal, then this would imply that the Applicant will have more financial headroom in the delivery of the proposed scheme with the six affordable units that were concluded in the Porter PE Viability Review Report.
Development Profit	Funders expect to see a minimum gross margin of 20% for a development scheme before they will consider approving a loan. That margin is now increasing due to rising commercial interest rates and funders becoming nervous (well documented in the national media).	It is common for flatted developments in areas of high housing demand to be sold off plan. Given the site’s location within the Peak District, which is a hotspot desirable location for buyers seeking a home in the Peak District, either as their principal residence or as a second residence, as well as the identified shortage of homes for residents that is identified by the Council’s housing need study work, then we would expect buyers to secure reservations of these homes through off-plan incremental payments. Regarding the higher level of profit for securing investment loans, we disagree that 20% is the minimum, and would need to be shown evidence to support this.
Risks	No one has ever built out a scheme like this in the Peak Park – such schemes that have been built have all been in a village or town location. It therefore carries a risk that the expected returns cannot be achieved and margins will be squeezed as sale prices are adjusted as an “attractor”.	Following our assessment of local sales values and comparables, we have tested the same values that the Applicant uses.
Sales Fees	Milner FVA provides an elemental cost breakdown and therefore each element is relevant and allowable.	As noted in the Porter PE Review Report, we accepted the Applicant’s sales fee costs but we disagree with including a Build Contract & Warranty package since this is normally treated as being covered by Professional Fees allowances. We see no further reason to amend this review

		point just because a value specified for this fee (but no other PFs) has been provided in the Applicant's rebuttal.
Benchmark Land Value and Sunk Costs	<p>The fees relate to the securing of the existing planning consent as well as the works undertaken to date.</p> <p>They also relate to the cost of the planning application and associated fees and reporting.</p> <p>The fees also relate to dry stone walling of a value of £51,356.</p>	<p>The planning fees for securing existing planning consent should be taken as part of the BLV in terms of what the site is worth in its existing, or rather in this case, its alternative use state. The list of other fees being incurred is what is normally assumed to be a factor of the professional fees allowance, which in this case is based on the Applicant's provided fee costs, which are taken to be 5.5%.</p> <p>The cost of dry stone walling is new information, however allowances within externals cover items such as boundary walls and fences. This may be a more expensive form of walling but the Applicant's cost figure would need to be discounted to reduce allowances already assumed for boundary fences/walls in the allowance for Externals. As such, we would expect the additional costs to be able to be accommodated within the identified positive headroom of £50,500 after allowing for the affordable housing contribution that the Porter PE Viability Review identified.</p>
Timings	<p>In the case of an apartment scheme, Legal Completion of Sales cannot commence until the envelope and the majority of the externals are complete and individual units fitted out.</p>	<p>It is for the Applicant to provide evidence to support their claim for this abnormality.</p> <p>See Development Profit on selling off plan.</p> <p>Also, the affordable units can be sold before they are built under a 'golden brick' arrangement with registered providers. This too is likely to generate revenue before the site and dwellings are completed for occupation</p>
Estimating Construction Costs	<p>Quantity Surveyor will provide both for project risk and likely cost changes between preparation of the Cost Plan and acceptance of a tender/start on site date. I am not re-basing (i.e. to</p>	<p>The FVA should use current building costs and sales values.</p> <p><i>The test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is</i></p>



	<p>current build costs, which also match current sales values) beyond the assumed project start.</p>	<p><i>at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner. Section 2, para 10 of DCLG S106 Affordable Housing Requirements.</i></p>
<p>Tenure mixing</p>	<p>Porter PE does not reflect in his various "Tests" the impact of mixing AH units into the OM scheme on the realisable value of the OM units – which would be profound.</p>	<p>This is an unacceptable and unprofessional statement to make.</p> <p>It is neither good nor standard practice to "Test" the impact of mixing AH units into the OM scheme on the realisable value of the OM units. Also, all dwellings should normally be provided tenure blind. 16. The unit size of all the apartments, which are very large compared with most standard developments. It is the total dwelling size that is valued and costed, and the size of the proposed apartments should therefore be able to meet the AH space standards sizes. 17. The Porter PE appraisal includes a much lower (c.30%) transfer value in the viability testing that identified the proposed scheme is able to afford to deliver five affordable units on site and still leave a positive headroom of £50,500.</p>

### 300. Design

301. The NPPF para 176 states that *'The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*
302. Policy DMC3 clearly states that *'Where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.'*
303. It goes on to state that *'Particular attention will be paid to: (i) siting, scale, form, mass, levels, height and orientation in relation to existing buildings, settlement form and character, including impact on open spaces, landscape features and the wider landscape*

*setting which contribute to the valued character and appearance of the area; and (ii) the degree to which buildings and their design, details, materials and finishes reflect or complement the style and traditions of the locality as well as other valued characteristics of the area such as the character of the historic landscape and varied biodiversity assets...'*

304. Whilst the Design Guide refers to large buildings in para 3.10, it is rare that a development of the type, design, size and location proposed comes forward in the National Park. As such, the examples given in the guide are of mill buildings or businesses within Bakewell, both very different building and landscapes to the proposed development.
305. We can supplement the Local Plan policy DMC3 with the National Design Guide (2022) which is a material consideration. It sets out the 10 characteristics of good design. Of particular note are the points on responding to existing local character and identity and creating well integrated housing.
306. Many of the design issues raised in planning application NP/HPK/0821/0890 are still relevant and are included below.
307. The former hotel buildings have been completely demolished and the site is beginning to green over behind the stone boundary wall and hedging which runs approximately two thirds along the length of the main road. From the road and in the wider landscape the spoil piles to the east of the site and beyond the hedge are the only obvious indications that development has commenced.
308. The landscape around the application site reflects this identified character. The former Marquis hotel was developed historically from a farmhouse and this reflected established landscape character for settlement here. Historically larger settlements have formed outside the meadow away from the river. What further development there has been has been more recent, for example, the houses north of Shatton, along Saltergate Lane and at Mytham Bridge. These inter-war and post war housing developments have ultimately undermined what is now valued landscape character within the National Park and therefore these developments do not provide justification for further development, which could exacerbate this pattern and impact.
309. The proposed development includes the 'reinstatement' of the Marquis building on the site which is welcomed as are the use of local materials and traditional fenestration on the main elevations.
310. However, the reinstatement of the Marquis building is not tempered by lower storey buildings to support it as the main, dominant building. The former layout of the site was of a farm that developed over time into a hotel, with the main Marquis of Granby three storey building and a mix of single and two storey buildings, including converted barns. The site developed over time becoming more prominent on the road frontage to reflect its change in status from a farm to a hotel. There was clear variety in scale and massing with the Marquis of Granby building remaining as the dominant building tempered by one and two storey buildings. This reflected the character of the area that is of a farming landscape with dispersed farmsteads and small settlements.
311. Adjacent to the reinstated Marquis building, the proposed development continues at three storey and would present a scale and character of development would not reflect valued landscape character, settlement pattern or the historic uses of this site. Whilst officers raised concerns about the urban character and lack of local character referencing in the previous scheme, the applicant has chosen to retain the majority of the design as previously proposed but reduced the visual dominance of the central two buildings by introducing hipped roofs. It is still a substantial residential apartment block on the site and presents a continuous three storey development along the road frontage, unlike any

other type of residential development seen in the landscape. The proposed development does not seek to reflect the historical pattern of development, but instead seeks to maximise the three-storey aspect of the Marquis building and assume this is an acceptable scale of development for the rest of the site. In doing so, the proposed development fails to accord with policy DMC3.

312. As stated above, and was stated in the previous planning application, this is a farming landscape with dispersed farmsteads and small settlements, the development would be out of place within this part of the National Park because the development would be incompatible with established landscape character contrary to policies L1 and DMC1.
313. The National Design Guide provides further advice which is relevant. In particular para 53 on responding to existing local character and identity. Whilst the design has some understanding of vernacular representative of the National Park the scale and massing bears no relationship to residential development in the locality and therefore the development as a whole looks alien in this location. The scale, massing and treatment of the two central blocks are very urban in form and would not look out of place in a suburban location in a nearby city.
314. The design of the apartment block is of large open market apartments of 90sqm or more with a communal garden and service charges. The affordable dwellings are the row of terraces set apart from the development. The viability review demonstrates the scheme could provide more affordable dwellings but the design of the development makes it difficult to integrate further affordable housing and the applicant has been unwilling to negotiate on further provision.
315. The development has been designed to deliver open market apartments and the affordable housing appears as an afterthought to the side. The layout of the scheme offers no flexibility in providing more affordable housing and the applicant has refused to negotiate on delivering more. This design approach is poor as it is not tenure neutral or socially inclusive which is a requirement of para 111 of the National Design Guide.
316. The application is supported by a Landscape and Visual Impact Assessment (LVA) as required by policy DMC1. We have consulted our Landscape Officer who considers that the site has a high susceptibility to the proposed development and raises significant issues about how the LVA has been carried out, its conclusions along with providing comments on the proposed landscaping.
317. We recognise that the implementation of landscape works such as the proposed wildflower meadows and tree and hedge planting would have the potential to enhance the character of the site. However, these works would not outweigh or offset the impact of the overall development.
318. Therefore, we disagree with the conclusions of the submitted LVA and consider that the development would have a significant adverse impact upon the character and appearance of the site and upon landscape character from nearby vantage points and from a range of viewpoints in the wider landscape.
319. The design of the development does not respond to the landscape character area and undermines the achievement of other National Park policies, contrary to policies GSP1,2,3, L1, the National Planning Policy Framework and the National Design Guide.

**320. Is the development in the public interest?**

321. The NPPF para 177 states that permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

322. This approach is supported by Core Strategy policy GSP1.E and GSP1.F which state that 'in securing national park purposes major development should not take place within the Peak District National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy'. And that 'where a proposal for major development can demonstrate a significant net benefit to the National Park, every effort to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics would be expected to be secured.'
323. The NPPF para 177 states that the consideration of major applications in a National Park should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
324. In addressing the NPPF para 177:
- (a) Is the development needed?
325. The national considerations for the National Park are set out in the purposes and duty and the National Parks Circular 2010. The site is considered to be an enhancement site and would benefit from development to enhance the site. However, the design proposed for 21 open market dwellings with 3 affordable dwellings is not of an appropriate scale and design that would enhance the site as it fails to take account of the buildings that were historically on the site and local character. Moreover, the scale of development proposed has gone beyond enhancement and would have an adverse impact on the surrounding landscape.
324. The NPPF para 177 states that major development should be in the public interest. Maximising the amount of affordable housing on site in an area that has seen persistent under delivery is in the public interest and in accordance with the National Park duty 'to seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes'. The Core Strategy supports this approach in policy GSP1. This approach is further supported by the Government guidance (English National Parks and the Broads UK Government Vision and Circular 2010), which states that new housing should be focussed on meeting local affordable housing requirements.
325. In the last ten years there have been no development in the HPBC area of the National Park that has delivered affordable housing. This FVA Review concludes the site could accommodate more affordable housing on site than what is offered and in an area of acute need delivering as much as is viably possible is a material consideration and in the public interest.
326. We do not know what the transfer value to the RP would be for the shared ownership affordable housing(no evidence submitted). Based on this, the Authority is not satisfied that the affordable housing would be affordable in the locality and could remain affordable in perpetuity. It is in the public interest and policy DMH11 that affordable housing be affordable in perpetuity.
327. To conclude, this development, in the way that it has been presented, is not needed.
328. There would be no long-lasting impact on the economy in either permitting or refusing the development in relation to public interest to justify the development.

- (b) These are large, exclusive apartments that the majority of local people could not afford and could be delivered outside of the National Park. The delivery of 3 shared ownership affordable dwellings is not sufficient to justify the majority of the development which is for open market housing.
- (c) The site in its current state could benefit from enhancement. However, the scale and form of the development proposed is extensive and urbanising in character which is not reflective of the type and scale of development in the locality.
329. The PDNPA landscape officer has objected to the scheme on the basis that the Landscape Visual Impact Assessment in that it significantly underestimates the impact the development would have on the landscape character of the area and does not accord with policy L1. The landscape officer requested improvements to the scheme to reduce the dominance of the development on the A6187 and to introduce more planting to soften the appearance (see above consultation response). A revised LVIA which aligned with the conclusions of the landscape officer and resulted in further improvements to the proposal, could reduce the detrimental effect on the environment to an acceptable level.
330. To conclude, the assessment required by the NPPF para 177, the development would not be in the public interest and exceptional circumstances do not exist to justify the proposed major housing development. The proposed development is contrary to Local Plan policies GSP1, GSP2, DS1 and L1 and the National Planning Policy Framework.
- 331. Extant planning permission for a hotel as a fall-back position**
332. The application site benefits from an extant planning permission for a hotel. Since planning permission was granted the former hotel buildings have been demolished and the development implemented, but construction works have since stalled. The applicant has stated that the approved hotel is not viable. However, this application makes the case that there is an extant permission for and that the erection of the approved hotel development is a fall-back position available to the applicant, which is therefore a material consideration in the determination of the current application.
333. The Authority made the decision to approve planning permission for the hotel scheme on its own merits. The redevelopment and expansion of a hotel on this site was acceptable in the context of the historic use of the site and the desire to restore the buildings. It was considered that the redevelopment would provide additional visitor accommodation and employment on an important gateway site in the valley and that any additional landscape impact could be mitigated by the design. The socioeconomic duty to support local communities was a material consideration in this decision.
334. This application is for a different type of development, which raises materially different planning issues and must be considered now on its own merits. Based on the this and the fact that the owner has confirmed a hotel on this site is not viable, the fall-back position of a hotel should be given very little weight in the consideration of this application.
- 335. Sustainable building and climate change**
336. The application is supported by a sustainable construction and energy statement. This proposes a strategy to maximise carbon savings includes highly efficient building fabric, low energy lighting, air source heat pumps for heating and hot water, ground source heat pumps, mechanical ventilation, provision of roof-mounted solar photovoltaics and inclusion of electric vehicle charging.
337. These proposals are welcomed in principle and if implemented would significant reduce energy consumption in accordance with policy CC1. If permission were granted, we

would recommend planning conditions requiring the approval of details and then implementation of heat pumps, mechanical ventilation, solar photovoltaics and electric vehicle charging points in accordance with the submitted statement.

338. The application does not address the need to minimise water consumption, which is an equally important requirement of CC1. The statement rules out grey and rainwater harvesting on the basis that there is 'very limited' space to incorporate this and little in the way of fixtures or fittings that would facilitate such a system. It is unclear what the reference to fixtures or fittings means or what assessment led to the conclusion on the lack of space.
339. There would appear to be ample space on site for storage tanks and any plant required for either grey water or rainwater storage. The apartments would also appear to have use for such systems to reduce water consumption on site (for example use for flushing toilets, external cleaning or watering communal areas). Therefore, the application does not demonstrate that the development would reduce water consumption and therefore this element of policy CC1 is not met.

#### **340. Biodiversity**

341. The development has the potential to impact upon local biodiversity interest due to its proximity to the River Derwent, which runs just beyond the southern boundary of the site and the associated habitats within the river and on the riverbank. There are also a number of trees and hedges along the river and within the site likely to be of interest or provide habitat. The River Derwent at Hathersage Site of Special Scientific Interest (SSSI) also runs alongside the majority of the site.
342. The application is supported by an ecological appraisal. The site is located some 1.8km from the South Pennine Moors/Peak District Moors Special Area of Conservation (SAC) and Special Protection Area (SPA). Given the distance and scale of the proposals, we agree that the development would not be likely to have any significant impact upon the SAC or SPA.
343. Natural England raise no objection to the proposed development subject to a Construction Environment Management Plan. In addition to this a Sustainable Drainage System (SuDS) should be implemented and incorporate sediment removal. SuDS are recommended for all major development proposals in accordance with the NPPF para 169 unless there is clear evidence that they would be inappropriate. This SSSI is notified for its active fluvial geomorphology features and one of the main potential impacts on the fluvial geomorphology of watercourses are increases in fine sediment. These planning conditions would be reasonable and necessary to conserve the interest features of the River Derwent SSSI in accordance with policy L2 and DMC11.
344. The submitted ecological appraisal identifies the River Derwent as a potential constraint along with hedgerows and broadleaved woodland at the peripheries of the site. An ecological protection zone is proposed around retained trees and vegetation along the riverbank along with general measures to prevent pollution during construction. The report recommends that these be delivered through an Ecological Construction Method Statement (ECMS).
345. The development would result in the total loss of the grassland and bare ground on the remainder of the site. However, these are considered to be of limited ecological value and would be enhanced by creation of mixed scrub planting along the woodland corridor, creation of additional native hedgerows along the northern boundary, planting of trees within the site and the creation of a neutral grassland meadow in the remainder of the site as shown on the submitted landscaping scheme.

346. The existing ecological value of the site is calculated at 5.08 units. Both schemes will deliver significant improvements in regard to Biodiversity Net Gain, of between 270% (18.79 Habitat Units) and 241% (17.20 Habitat Units). Both schemes would also deliver a further improvement of 611% (0.81 Habitat Units) in Hedgerow units. However, it should be noted that the projected biodiversity uplift is based on certain assumptions including that the created habitat will meet a certain condition achieved through appropriate management. Therefore, in order to achieve the stated Biodiversity uplift it is important to secure the delivery of a Landscape Management Plan and subsequent monitoring of the site. In particular, details of species mix and source for the wildflower meadow creation should be submitted and approved by the Authority, and the LMP should address long-term management of this habitat (including provision for appropriate after grazing following the July hay cut if possible).
347. This would represent a significant net gain to biodiversity in accordance with policies DMC11 and DMC12.
348. The habitat assessment has considered the presence of bats, birds, riparian species, reptiles and amphibians. The assessment is acceptable subject to conditions, including a Landscape Management Plan, a Construction Environment Management Plan, a wildlife sensitivity lighting scheme, the incorporation of bat roosting opportunities within the building, method statement for Otter, ecological construction method statement and Sustainable Drainage Systems (SuDS).
349. An updated BNG metric should be provided to reflect the inclusion of SuDS, which seeks to maintain the approximate biodiversity uplift of the current application(s).

**350. Flood risk and drainage**

351. The application site falls within Flood Zones 1, 2 and 3. Zones 2 and 3 are at a higher risk of flooding related to the River Derwent. The NPPF and policy CC5 require development to be sited to avoid, where possible, flood risk to people and property and to avoid increasing flood risk elsewhere. Paragraph 167 of the NPPF requires applications to be supported by a site-specific flood risk assessment and development to be sited in areas of lowest flood risk, be designed to be flood resistant and resilient incorporating sustainable drainage systems and safe access and escape routes.
352. The Environment Agency and the Lead Local Flood Authority raise no objection to the development subject to conditions related to approval of: detailed design and associated management and maintenance plan of the surface water drainage for the site; details that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance, details indicating how additional surface water run-off from the site will be avoided during the construction phase; the applicant can demonstrate that the drainage system has been constructed as per the agreed scheme
353. Paragraph 159 of the NPPF states we should avoid inappropriate development in areas at risk of flooding by directing such development away from areas at highest risk. Paragraphs 161 and 162 says we should apply a sequential test to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites for the proposed development in areas with a lower risk of flooding.
354. This application is for a major housing development. There is no provision for market housing in the National Park unless there are exceptional circumstances. There are many sites outside of the National Park where open market housing is allocated and approved which would contribute to the national need for new housing. Therefore, unless there are exceptional circumstances to approve the development new housing on this site would not meet the sequential test.



355. However, if it were accepted that there are exceptional circumstances to justify this major development in accordance with policies then the sequential test would be met because there would be no other sites at a lower risk of flooding where development could achieve the same benefits. The submitted FRA demonstrates that the development would be safe for its lifetime and that subject to conditions to secure appropriate drainage that the development will not increase flood risk elsewhere. Therefore, in these circumstances the development would also meet the exception test set out in paragraphs 163 and 164 of the NPPF.
356. The new buildings have been sited to avoid the parts of the site at a higher risk from flooding from the river (flood zones 2 and 3). Open areas within the site (for example the proposed shared garden and wildflower meadow) do fall within flood zone 2 but there are no proposed change in levels (once the current excavations on site are restored). The application proposes to mitigate risk of overland floodwater by providing a route through the site for floodwater away from the proposed apartments. Finished floor levels have been set taking into account flood risk and flood resilient construction techniques are proposed.
357. The issue of flooding in the event of reservoir failure has been addressed through consultation with the Emergency Planning Team who advise that residents to sign up to the EA Flood Warning Service, to get advance warning of flooding and to be able to make informed decisions about the level of risk to the site and access.
358. Therefore, if the proposed major development is considered to be justified and in the public interest, we consider that the development would meet the sequential and exception tests. The development has been sited in areas of lowest flood risk on the site and subject to conditions, has been designed to be flood resistant and resilient.

**359. Transport and highway safety**

360. A transport statement has been submitted to support the application. The transport statement recognises that the site is in a relatively sustainable location and in walking distance of the convenience store at the nearby garage and facilities in Bamford. Nearby settlements within the Hope Valley are also potentially accessible by foot or cycle.
361. The nearest bus stops are located beside the main entrance into the site and at the bus turnaround facility approximately 250m north of the site. Three bus services and two school bus services stop here and destinations served include Sheffield, Bakewell, Castleton, Hathersage, Bradwell, Baslow and Grindleford. Bamford station is located 300m north of the site and provides regular services between Manchester and Sheffield in both directions.
362. The development would utilise the vehicular access created for the approved hotel onto Hathersage Road and seeks to retain an access point at the north-west entrance. The north-west entrance would be used by refuse vehicles, emergency vehicles and occasionally large delivery vehicles. Residents would be prevented from using the north-west entrance and would exclusively use the main entrance to the east.
363. A total of 50 car parking spaces are proposed equating to two spaces per dwelling and eight spaces for visitors. Storage would be provided within the basement for each dwelling which could be utilised for cycles and cycle hoops would be provided outside each entrance for visitors.
364. The vehicular access to the proposed site is from A6187 Hathersage Road, a classified road subject to the National Speed limit. The site access junction with the right turn facility on A6187 Hathersage Road has already been constructed as per Section 278 agreement (Drawing Ref: 30832/010/G) for planning approval NP/HPK/0309/0245. The



pedestrian and cycle access to the site is provided via gated access opposite to the signalised junction A6187/Sicklehome junction. The signalised junction has toucan crossing facilities on all the arms.

365. The shared existing footway/cycleway facility exists at the southern side of A6187, leading up to the site's access junction. The pedestrian/cycle link needs to be 3m wide from the site in the interest of enhancing connectivity of the site for both pedestrians and cyclists.
366. The Highway Authority raised no objection, subject to addressing the pedestrian/cycle link mentioned above, standard conditions and a residential travel plan.
367. The PDNPA Transport Officer also raised no objection but recommended that we ensure that cycle parking and EV charge points are provided and that a travel plan is incorporated. He also responded to representation concerns about the cycle lane set out below.
368. Concern has been expressed by some members of the public about the loss of part of the existing on-street parking lane along the frontage of the development. The A6187 is a wide and fast road approaching the site from the east, with relatively high levels of traffic at the weekends. The road is subject to the National Speed limit (60mph) at the eastern boundary of the site, dropping to 40mph at the western extent of the site. The route through the Hope Valley is extremely popular with road cyclists and carries a mix of resident, visitor business and heavy freight traffic. Therefore, we would wish to ensure the maintenance of the integrity of the existing cycle lane, in its entirety, along the frontage of the site.
369. The development would be provided with an appropriate level of parking in accordance with our local standards. The scheme does incorporate cycle parking facilities, which along with EV charge points could be secured by planning conditions. Our policies do require the provision of a travel plan to encourage use of sustainable travel modes and this could be secured by planning condition.
370. Therefore, subject to conditions we consider that the development would be located close to local facilities and residents would have a range of sustainable travel options available. Traffic generated by the development would not harm the local road network or amenity. The development would be served by safe access and adequate parking. Therefore, there is no objection to the development on the grounds of transport or highway safety.

### **371. Other issues**

372. Given the distance of the proposed development from neighbours and the layout of the apartments there are no concerns that the development would harm the amenity, security or privacy of any neighbouring property. All occupants of the apartments would also have a sufficient level of amenity and would be provided with a communal garden within the site.
373. The issue of public safety has been raised in representations in relation to the proximity of the river. The site is adjacent to the river where there is a steep bank down. This would represent a potential danger for residents especially children. However, the edge of the communal gardens is set above the bank with fencing and planting between. The communal gardens would also be overlooked by all the apartments. It would be possible to design a secure boundary here to prevent access to the riverbank and therefore the proximity to the river does not represent reasons for refusal in terms of public safety.

**374. Overall conclusion**

375. Planning applications NP/HPK/1222/1643 and NP/HPK/1222/1653 have seen an improvement in the design of the main apartment block in that the scale and massing has been reduced. However, the fact remains this is still a large three storey development of considerable presence that does not satisfactorily respond well enough to the landscape character of this part of the National Park.
376. The FVA to accompany the applications seeks to demonstrate the proposals cannot viably support the provision of affordable housing and that it is provided as a 'gift' by the applicant. This can only be given very little weight as the lack in viability does not make the applications policy compliant. They still represent major development in the National Park and are unable to satisfy the requirements of NPPF para 177. Building large scale open market housing that does not respond appropriately to the landscape character is not in the public interest and can be delivered outside of the National Park. Whilst we would like to see this enhancement site redeveloped, the applications submitted are not appropriate for this site for the reasons set out in the report and there are no exceptional circumstances or other significant material considerations that outweigh the policy requirements.

**377. Human Rights**

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

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