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**FULL APPLICATION – 42 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT LAND OFF YELD CLOSE, BAKEWELL (NP/DDD/0225/0128) AM**

**APPLICANT: MYPAD**

**Summary**

1. This application seeks full planning permission for the erection of 42 dwelling houses with associated infrastructure.
2. The proposed dwellings would all be affordable and to meet eligible local need. The applicant is the developer who would deliver the scheme in partnership with Nottingham Community Housing Association, a Registered Provider.
3. Officers have carried out negotiations with the applicant to secure amended plans and further information. Amended plans have been submitted which have undergone further public consultation.
4. The applicant is seeking to amend the Authority's adopted Mortgage in Possession Clause (MIP) as an exception to policy which seeks to safeguard affordable housing in perpetuity.
5. The development would be acceptable in principle and can be accommodated without harm to the landscape or biodiversity of the National Park. The development would result in harm to archaeology on site and the setting of Stoney Closes Farm, both non-designated heritage, assets. Officers consider that this harm is outweighed by the benefits of the development.
6. The development is considered to be acceptable in all other respects and therefore is recommended for approval subject to prior entry into a S.106 planning obligation and subject to planning conditions.

**Site and Surroundings**

7. The application site comprises just over 1Ha of agricultural fields located on the southern edge of Bakewell bounded by drystone walls and accessed from Stoney Close.
8. To the north of the site are residential dwellings on Yeld Close with further residential development to the west. To the East is Bakewell Methodist Junior School. The farmstead associated with Stoney Closes Farm including farmhouse and range of farm buildings is located adjacent to the South East of the site.
9. The majority of the site is located within the Bakewell Development Boundary (BDB). The proposed pond and pumping station are located outside of the BDB. The site is located within Flood Zone 1. The site is located within the Limestone village farmlands Landscape Character Type (LCT).

**Proposal**

10. This application seeks full planning permission for the erection of 42 dwelling houses with associated infrastructure. Amended plans have been submitted and further public consultation carried out following negotiations with Officers.
11. The proposed dwellings would all be affordable and to meet eligible local need. The applicant is the developer who would deliver the scheme in partnership with Nottingham Community Housing Association (NCHA) a Registered Provider (RP). The applicant

would be responsible for building the homes but NCHA would own the homes and be responsible for their management and letting.

12. The majority of the proposed dwellings (35) would be for Social Rent where the rent is set in accordance with the Government's rent policy for Social Rent. The remaining 7 dwellings would be shared ownership.
13. The proposed dwellings would be sited on the northern part of the site with access from Yeld Close. The plans show that there would be pedestrian access to the existing footpath to the North of the site and to Stoney Close to the East.
14. The dwellings would be a mixture of 2 storey and single storey buildings clad in a mixture of natural limestone, natural gritstone and traditional wet dash render under pitched natural slate roofs. The dwellings would comprise the following mix:
  - 4 x 1 bedroom flats
  - 12 x 1 bedroom houses
  - 16 x 2 bedroom houses
  - 8 x 3 bedroom houses
  - 2 x 4 bedroom houses
15. The dwellings would be provided with private gardens, storage sheds, bin storage areas and off street parking. No solar panels or heat pumps are shown on the submitted plans, however, the applicant intends to install these technologies to comply with the requirements of building regulations. The applicant proposes that a scheme to secure this is secured by planning condition so that the best available technologies can be specified at the time the development commences.
16. Landscaping would be a mixture of stone walling and hedge planting with timber fencing proposed to the internal garden areas.
17. To the southern part of the site a pond is proposed to provide storage for the proposed Sustainable Urban Drainage System (SuDS) and biodiversity enhancement for statutory Biodiversity Net Gain (BNG). A pumping station is proposed adjacent to the pond to pump foul waste to the existing main sewer system. Surface water drainage from the site would be to a water course to the south west of the site.

#### **RECOMMENDATION:**

18. That the application be **APPROVED** subject to prior entry into a S.106 planning obligation to secure the affordable housing and monitoring fees for BNG and subject to the following conditions:
  1. Statutory time limit for implementation
  2. In accordance with specified approved amended plans
  3. Submission, approval and implementation of Archaeological Written Scheme of Investigation
  4. Submission, approval and implementation of scheme to deal with ground contamination
  5. Submission, approval and implementation of scheme for mitigation and control of noise during construction period

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- 6. Submission, approval and implementation of surface water drainage scheme**
  - 7. Submission, approval and implementation of surface water drainage scheme during construction period**
  - 8. Submission, approval and implementation of Arboricultural Method Statement and Tree Protection Plan**
  - 9. Submission, approval and implementation of monitoring and site supervision of Arboricultural measures**
  - 10. Submission, approval and implementation of Construction Management Plan**
  - 11. Submission, approval and implementation of Construction Environment Management Plan**
  - 12. Submission, approval and implementation of Habitat Management and Monitoring Plan**
  - 13. Submission, approval and implementation of finished ground and floor levels**
  - 14. Submission, approval and implementation of scheme of enhancement measures for bats, birds and hedgehogs**
  - 15. Submission, approval and implementation of scheme of measures to mitigate the effects of and adapt to climate change**
  - 16. Submission, approval and implementation of detailed landscaping scheme**
  - 17. Submission, approval and implementation of Travel Plan and residential welcome pack.**
  - 18. Submission, approval and implementation of secure bicycle parking and bin storage areas**
  - 19. Implementation of access, parking and turning facilities**
  - 20. Approve samples of external materials**
  - 21. Approve sample panels of limestone, gritstone and render walling**
  - 22. Approve details of windows and doors**
  - 23. Approve details of any external meter boxes**
  - 24. Rainwater goods and verge details**
  - 25. Window to north elevation of plot 1 to be obscure glazed at time of installation and permanently so maintained.**
  - 26. Specify hours of operation for machinery, plant and deliveries during the construction period.**
  - 27. No external lighting (either during construction or occupation) other than in accordance with approved Environmental Impact Assessment (EclA) or in accordance with alternative approved details.**

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## **28. Remove permitted development rights for alterations, extensions, hard surfaces, means of enclosure and solar panels.**

### **Key Issues**

- Whether the development is acceptable in principle
- S.106 planning obligation
- Landscape impact
- Impact upon biodiversity
- Impact upon cultural heritage
- Layout, design and amenity
- Transport and highway safety
- Flood risk and drainage

### **History**

19. 2025: NP/DDD/1024/1112: Planning application for renovation of existing farmhouse and conversion of derelict farm buildings to provide a total of 6 domestic properties. Withdrawn prior to determination.
20. 2024: NP/DDD/0823/0891: Planning application for renovation of existing farmhouse and conversion of derelict farm buildings to provide a total of 6 domestic properties. Refused.
21. 2024: ENQ/49010: Erection of 42 affordable dwellings at the application site.
22. Officers gave pre-application advice to the applicant that development of affordable housing on this site to meet identified need in Bakewell would be welcomed in principle. The main issues identified were design and layout, impact on the adjacent historic farmstead, impact upon neighbouring properties and detailed design matters. Officers also gave advice on what information was required to support a planning application and encouraged the applicant to engage with the local community and Town Council.
23. 2023: NP/DDD/1222/1591: Planning application for renovation of existing farmhouse and conversion of derelict farm buildings to provide a total of 7 domestic properties. Withdrawn prior to determination.

### **Consultations**

24. Where applicable, comments on the application as originally submitted and as amended are referred to. Comments are summarised and can be read in full on the Authority's website.
25. Bakewell Town Council:  
  
As submitted: No objection and recommend that the "Derbyshire Clause" is invoked. It is recommended that during construction site access from Stoney Close should be prohibited.  
  
As amended: Re-iterate previous comments adding highway issues including traffic generation, vehicle access and road safety in the wider area including Yeld Road, Monyash Road, King Street and Shutts Lane; the areas were currently congested in particular around school start and finish times.
26. DDDC Planning: No response to date.

27. DDDC Environmental Health: No objections subject to planning conditions in regard to remediation of contaminated land and control over hours of operation and noise during construction.

28. Highway Authority: No objection, subject to planning conditions.

Whilst the submitted information is generally acceptable in highway safety terms there are a number of issues that would require further input before the proposals would be fully acceptable in terms of highway adoption. It is considered that the remaining issues may be addressed by appropriate planning conditions / informatives.

The Highway Authority recommends conditions to require the access, parking and turning facilities to be provided, to require secure bicycle parking to be provided, submission and implementation of a Travel Plan, submission and implementation of a Construction Management Plan, submission and implementation of proposed street tree planting and a residential welcome pack promoting sustainable form of access.

The Highway Authority recommends informatives in regard to separate consents required by the Highway Authority, street trees and public rights of way.

29. Lead Local Flood Authority: No objection subject to conditions.

30. NHS Primary Care Estates Team: No comments, our current threshold for contributions is 50 dwellings and over.

31. Derbyshire Constabulary:

As submitted:

There are no objections to the principle of residential development on this site from a community safety perspective, but the design proposed in our view requires amending to achieve an acceptable level of practical public safety.

The footpath link running through the centre of the development from opposite 33 Yeld Close to the attenuation basin is a probable generator of crime and nuisance problems, and in context seen as unsafe, and unnecessary for convenient circulation. It would link to the existing footpath which runs across the backs of 25-51 Yeld Close at a right angle, and as a consequence of the site boundary fencing would have no views of the connection on approach from any direction.

This existing footpath further connects into poorly sited garage courts via narrow and unsupervised footpath connections. These existing features are very much of their time, and would not be considered as suitable for development which meets modern design standards, so to provide a further link into the proposed development is inadvisable.

Given the marginal gains made available by the link, we would advise taking all access via a single main route, between 51 and 59 Yeld Close for the currently proposed layout, making the site generally secured, with consequential improvements in territoriality and wider site ownership. With the link removed, the continued footpath to the attenuation basin would not be needed, and could be absorbed into private curtilage.

Whilst on the topic of site enclosure, the outer private boundaries for the two type A blocks between 24 Yeld Close and Stoney Closes Farm are shown as a four-bar ranch fence, which is not secure, so unsuitable for private gardens in this instance. If a view is

seen as desirable for this location, a close boarded fence with an upper section of engineered trellis would be more suitable.

The shared access route for the 4 G type terraced block will need to be secured at its point of origin with a communal gate which is key lockable from both faces, to enable both practical and secure use. On a general note, secure gating for each individual plots garden should be shown on boundary plans.

This provision, or any form of garden access is not apparent for a number of central plots. It's not clear what the purpose is of the narrow section of enclosed land between blocks F and C facing the parking court and basin. On face value all of the housing around this strip of land could be provided with gated garden access from their own front boundaries.

Approval should be conditional upon a street lighting scheme which includes the longer shared parking areas opposite the attenuation basin.

As amended:

The most problematic element we saw in the previous layout revision, that of connectivity to the existing northern edge footpath, has been retained, and compounded by the addition of two further footpath links on the site periphery, one close to the original, next to plot 20, and one to the eastern edge of the site in front of plot 24. From a community safety perspective this arrangement makes the development over permeable, facilitates the searching behaviour which enables crime and nuisance, and weakens resident territoriality.

Layering this over permeability with the poor aspect of connections to the existing north edge footpath raised in our previous response, takes the design further away from what should be considered as a safe development, out of step with design guidance and overarching policy.

From our perspective the link between plots 17 and 18 should again be removed, and the link next to plot 20 removed. Safe and convenient circulation can be achieved via the main road entrance and path in front of plot 24 (noting that the front curtilage of plot 24 will need boundary definition). The footpath link to the side of plots 34 and 42 is superfluous within the revised road scheme, and as another potential problem generating feature, should be removed.

Gating for the securing of private garden space is not indicated, and in certain cases will need multiple units for the extended enclosed pathways for plots 2, 13, 16, 22, 24 and 41. Plot 6, which is a type C house has no side treatment along the approach road. The addition of a dining room window would improve the street-scene and provide supervision of the road/path at this key corner.

Previous comments with respect to a street lighting scheme still apply.

32. Derbyshire Fire and Rescue Service: No objection.

33. Environment Agency: No comment.

34. Natural England: No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

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35. PDNPA Archaeology:

The site of the proposed housing development is outside the historic core of Bakewell, but in much closer proximity to the deserted medieval field system of Burton. The earthwork and buried remains of the settlement lie in the small valley to the south.

The proposed development is located within the area of the former field system associated with this lost medieval settlement. The area formed part of the Wyn Field or Winlands, the most northerly of the former open fields associated with Burton. The area was already enclosed prior to the earlier map evidence of the area (dated 1796).

The present date field boundaries have their origin in the post-medieval period, based on their form and shape, but within them the earthwork remains of former field boundaries, strip lynchets and ridge and furrow that relate to the pre-enclosure field system survive. These were identified in the 2002 Bakewell Archaeological Survey project but analysis of available LiDAR data demonstrates that they do still survive. Buried remains associated with the earthworks are considered likely, even in parts of the site where earthworks do not survive.

Such remains are considered to be non-designated heritage assets of historic and archaeological interest (buried remains) but are likely to be of no more than local interest.

A 1948 RAF aerial photograph depicts a cropmark of a possible rectangular enclosure that falls partially under the northern part of the site. Its sharp edges would suggest a more modern origin, but it could be of archaeological origin. Nothing is apparent or visible in other sources. The character and significance of this is currently unknown, but it is unlikely to be of high significance.

The groundworks associated with the proposed development, including but not limited to foundation trenches, new access routes, turning areas, landscaping, new drainage, services and the attenuation pond will likely result in the truncation, damage, disturbance or complete destruction of any surviving archaeological remains that survive at this site – these are likely to be related to medieval and post- medieval agricultural activity and be of local significance only.

This would result in harm or the complete loss of their significance with the footprint of the development.

The significance of and harm to non-designated heritage assets of archaeological significance identified above needs to be taken in to account as a balanced planning decision is made. If the planning balance is favourable, I recommend that a condition is attached to the decision notice for a scheme of archaeological works.

36. PDNPA Ecology: No objection subject to conditions

37. PDNPA Tree Conservation Officer:

The developments' main residential road (extension of Yeld Close) passes through the tree root protection area (RPA) - extending across up to two-thirds of the proposed driving and pedestrian surface at its widest.

The amount of RPA incursion is acceptable, provided that road and pavement construction are appropriate to avoiding harm to the tree's roots and overall health. This can be achieved using methods described in BS5837:2012.

It will be important also to ensure that trenched services/utilities are entirely outside of the RPA. Planning conditions are recommended to secure the submission and implementation of an Arboricultural Method Statement and Tree Protection Plan and a programme of monitoring and site supervision of Arboricultural measures.

38. PDNPA Landscape:

I agree with the Landscape Visual Impact Assessment (LVIA) that the key landscape and visual characteristics of the site in relation to the wider landscape setting will remain intact. As shown in the LVIA views from the wider landscape are limited due to topography and existing vegetation and in views where it will be visible the development will be seen as part of the existing fabric of residential housing set on the edge of open countryside. I would not object to the principle of development for affordable housing here on landscape grounds.

Makes detailed comments in regard to parking, bin storage, cycle storage, layout, planting relationship with neighbouring properties and boundary treatments.

39. PDNPA Transport:

Based on our minimum standards, the delivery of 42 houses would equate to 70 spaces for the residential properties, plus 8 spaces for visitors. The maximum standard would be 112 spaces for the residential properties, plus 8 spaces for visitors. The proposed 80 parking spaces is acceptable.

Parking standards do not include a standard for cycle parking. However, we would support the provision of one cycle parking space per household where a garage or shed are not supplied.

The Transport Statement refers to the use of TRICS Land Use 'Category A Houses Privately Owned' as this will present a worst case scenario compared with affordable housing, which the proposed development comprises. This approach is acknowledged, along with the recognition that the scheme does not appear to generate a significant number of new traffic movements. As such it will not negatively impact on the local road network, even during peak hours.

## **Representations**

40. The Authority has received 33 letters of objection to date. The material planning reasons given are summarised below. The letters can be read in full on the Authority's website.

- Insufficient infrastructure within Bakewell to support proposed development.
- Lack of need for the proposed development.
- The proposed development would not meet local need for affordable housing.
- Development of housing should take place outside of the National Park.
- Development of housing within the National Park should take place on brownfield sites.
- There are more appropriate sites within Bakewell for housing development.
- The PDNPA are at fault for allowing takeover of holiday lets.
- The development will harm highway safety.
- The proposed access point is dangerous.
- The development will result in traffic which will cause significant congestion to the local road network.
- The local road network is congested particularly when children are dropped off and picked up from local schools.
- Emergency services will have difficulty accessing the site at busy times.
- The development will harm the character and appearance of the local area.

- The development will harm the landscape.
- The development will harm the setting of Stoney Closes Farm.
- The development will harm trees on and adjacent to the site.
- The development will harm protected species and biodiversity.
- The development will harm archaeology on the site.
- The field currently captures carbon.
- This land could be used for a development for Bakewell Town Football Club.
- The development will result in noise during construction.
- Construction traffic and parking will harm highway safety and cause congestion on the local road network.
- The development will be overbearing and result in overshadowing of neighbouring properties.
- Light and noise from the development will harm the amenity of neighbouring properties.
- If allowed the development should incorporate solar panels and heat pumps.
- The development would overload the sewage system.
- The development does not incorporate play areas.
- The development is for too many houses on the site.

### **Main Policies**

41. Relevant Core Strategy policies: GSP1, GSP3, GSP4, DS1, L1, L2, L3, CC1, CC5, HC1, T2, T3 & T7
42. Relevant Development Management policies: DM1, DMC1, DMC3, DMC5, DMC7, DMC11, DMC12, DMC13, DMC14, DMC15, DMH1, DMH2, DMH3, DMH11, DMB1, DMT3, DMT5, DMT8 & DMU1
43. Supplementary Planning Documents:  
  
Climate Change and Sustainable Building (2013)  
Design Guide (2007)  
Building Design Guide (1987)

### **Wider Policy Context**

44. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
  1. Conserve and enhance the natural beauty, wildlife and cultural heritage
  2. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

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

### **National Planning Policy Framework (NPPF)**

45. In the National Park the Development Plan comprises the Authority's Core Strategy 2011 and the Peak District National Park Development Management Policies document 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. There is no significant conflict between policies in the Development Plan and the NPPF.

46. Paragraph 189 of the NPPF states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. 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.
47. Paragraph 190 states: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
48. Whether a proposal is '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.

#### Peak District National Park Core Strategy

49. GSP1: Securing national park purposes and sustainable development
- A. All policies must be read in combination.
  - B. All development shall be consistent with the National Park's legal purposes and duty.
  - C. 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.
  - D. Where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.
  - E. 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.
  - F. 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.

50. GSP3: Development management principles

All development must conform to the following principles:

Development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Particular attention will be paid to:

- A. impact on the character and setting of buildings
- B. scale of development appropriate to the character and appearance of the National Park
- C. siting, landscaping and building materials
- D. design in accordance with the National Park Authority Design Guide
- E. form and intensity of proposed use or activity
- F. impact on living conditions of communities
- G. impact on access and traffic levels
- H. use of sustainable modes of transport
- I. use of sustainable building techniques
- J. ground conditions including any land instability from former mining, quarrying or industrial uses
- K. adapting to and mitigating the impact of climate change, particularly in respect of carbon emissions, energy and water demand

51. GSP4: Planning conditions and legal agreements

- A. To aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
- B. The National Park Authority's use of broader mechanisms will pay close regard to the advice of County and District Councils and other relevant service and infrastructure providers in each part of the National Park.

52. DS1: Development strategy

- A. To promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park, the following principles will be applied to determine proposals for new development. These principles must be considered in relation to the specific core policies in this plan and the subsequent Development Management Policies DPD.
- B. The majority of new development (including about 80 to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.
- C. In all settlements and in the countryside outside the Natural Zone the following forms of development will be acceptable in principle (where permission is required):
  - agriculture, forestry, and other rural enterprises requiring a rural location, including farm diversification;
  - extensions to existing buildings;

- recreation and tourism;
  - mineral working;
  - conversion or change of use for housing, community facilities and business use including visitor accommodation, preferably by re-use of traditional buildings;
  - renewable energy infrastructure;
  - utilities infrastructure;
  - other development and alternative uses needed to secure effective conservation and enhancement.
- D. In Bakewell and the following named settlements there is additional scope to maintain and improve the sustainability and vitality of communities across the National Park. In or on the edge of these settlements new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises. Other than in Bakewell, no development boundaries will be drawn.

53. L1: Landscape character and valued characteristics

- A. Development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
- B. Other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted.

54. L2: Sites of biodiversity or geodiversity importance

- A. Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.
- B. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
- C. Development must conserve and enhance any sites or features of geodiversity importance and where appropriate their setting.
- D. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on any sites or features of geodiversity importance or their setting that have statutory designation or are of international or national importance for their geodiversity.

55. L3: Cultural heritage assets of archaeological, architectural, artistic or historic significance

- A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;
- B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;
- C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive

to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

56. CC1: Climate change mitigation and adaptation

In order to build in resilience to and mitigate the causes of climate change all development must:

- A. Make the most efficient and sustainable use of land, buildings and natural resources.
- B. Take account of the energy hierarchy by:
  - I. reducing the need for energy;
  - II. using energy more efficiently;
  - III. supplying energy efficiently; and
  - IV. using low carbon and renewable energy.
- C. Be directed away from flood risk areas, and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.
- D. Achieve the highest possible standards of carbon reductions.
- E. Achieve the highest possible standards of water efficiency.

In all new and replacement housing, other than affordable housing of less than 3 units, a minimum sustainability standard, equivalent to that required by the government of affordable housing, shall be achieved unless the applicant provides evidence to demonstrate that it is not viable for a particular development.

Non-residential major development above 1000m<sup>2</sup> floorspace must achieve a Buildings Emissions Rate at least 10% less than the Target Emissions Rate.

57. CC5: Flood risk and water conservation

- A. Development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.
- B. Where flood management schemes are proposed to reduce the risk of flooding to established material assets, they should wherever possible secure wider benefits for the natural environment, such as habitat creation or landscape enhancement.
- C. 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.
- D. New development must allow an appropriate set-back distance for adequate maintenance of watercourses.

58. HC1: New housing

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 (whether newly built or from re-use of an existing building) can be accepted where:

A. It addresses eligible local needs:

- I. for homes that remain affordable with occupation restricted to local people in perpetuity; or
- II. 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.

B. It provides for key workers in agriculture, forestry or other rural enterprises in accordance with core policy HC2.

C. In accordance with core policies GSP1 and GSP2:

- I. it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings; or
- II. it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

Any scheme proposed under CI or CII that is able to accommodate more than one dwelling unit, must also address identified eligible local need and be affordable with occupation restricted to local people in perpetuity, unless:

- III. it is not financially viable, although the intention will still be to maximise the proportion of affordable homes within viability constraints; or
- IV. it would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future: in which case (also subject to viability considerations), a financial contribution<sup>102</sup> will be required towards affordable housing needed elsewhere in the National Park.

59. T2: Reducing and directing traffic

- A. Transport developments, including traffic management schemes, which reduce the amount of cross-Park traffic, will be supported if they can be accommodated without adverse impact on the National Park's valued characteristics. Transport developments which increase the amount of cross-Park traffic or have other adverse effects on its setting and character, amenity and enjoyment will be opposed.
- B. In exceptional circumstances, transport developments (including expansion of capacity, widening or a new route) that increase the amount of cross-Park traffic may be accepted where: there is a demonstrable long term net environmental benefit within the National Park;
- C. No new road schemes will be permitted unless they provide access to new businesses or housing development or there are exceptional circumstances. Those road schemes (including improvements) that fall outside of the Planning Authority's direct jurisdiction will be strongly resisted except in exceptional circumstances.
- D. For spatial planning purposes, the road hierarchy will comprise:
  - I. the Strategic Road Network, including the majority of A class roads;

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- II. the Secondary Network: including links between the Strategic Road Network and industrial sites, settlements and recreation areas; and
  - III. all other roads.
- E. Road traffic which must enter or cross the National Park will be directed first towards the Strategic Road Network, and only to the other two levels of the hierarchy as required locally. The third level of the hierarchy will be only for light traffic.
- F. Sustainable transport patterns will be sought that complement the development strategy (DS1). 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.
60. T3: Design of transport infrastructure
- A. Transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, will be carefully designed and maintained to take full account of the valued characteristics of the National Park.
  - B. Particular attention will be given to using the minimum infrastructure necessary and also to make transport interchanges welcoming and safe.
  - C. Mitigation measures will be provided where transport infrastructure severs wildlife routes.
61. T7: Minimising the adverse impact of motor vehicles and managing the demand for car and coach parks
- A. Existing traffic management schemes will be reviewed in partnership with the relevant Highway Authorities, to ensure that they accord with policy T1, encouraging a modal shift away from motor vehicles. Within environmentally sensitive locations, additional traffic management schemes will be undertaken where there is a demonstrable need.
  - B. 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.
  - C. Non-residential parking will be restricted in order to discourage car use, and will be managed to ensure that the location and nature of car and coach parking does not exceed environmental capacity. New non-operational parking will normally be matched by a reduction of related parking spaces elsewhere, and wherever possible it will be made available for public use.
  - D. Park and ride schemes will be encouraged to the main visitor areas, where they can be accommodated without harm to the valued characteristics of the area and will provide a net environmental benefit to the National Park.

#### Development Management Policies

62. DM1 The presumption of sustainable development in the context of National Park purposes
- A. When considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained

in the National Planning Policy Framework (2012). It will work proactively with applicants to find solutions that are consistent with National Park purposes:

- (i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
  - (ii) to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
- B. Planning applications that accord with the policies in the Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

#### 63. DMC1 Conservation and enhancement of nationally significant landscapes

- A. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, 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:

(i) the respective overall strategy for the following Landscape Strategy and Action Plan character areas:

- White Peak;
- Dark Peak;
- Dark Peak Western Fringe;
- Dark Peak Yorkshire Fringe;
- Derbyshire Peak Fringe;
- Derwent Valley;
- Eastern Moors;
- South West Peak; and

(ii) any cumulative impact of existing or proposed development including outside the National Park boundary; and

(iii) the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.

- B. Where a development has potential to have significant adverse impact on the purposes for which the area has been designated (e.g. by reason of its nature, scale and setting) the Authority will consider the proposal in accordance with major development tests set out in national policy.
- C. Where a building or structure is no longer needed or being used for the purposes for which it was approved and its continued presence or use is considered by the Authority, on the evidence available to it, to be harmful to the valued character of the landscape, its removal will be required by use of planning condition or obligation where appropriate and in accordance with the tests in national policy and legislation.

#### 64. DMC3 Siting, design, layout and landscaping

- A. 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.

B. 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; and
- (iii) the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality; and
- (iv) access, utility services, vehicle parking, siting of services, refuse bins and cycle storage; and
- (v) flood risk, water conservation and sustainable drainage; and
- (vi) the detailed design of existing buildings, where ancillary buildings, extensions or alterations are proposed; and
- (vii) amenity, privacy and security of the development and other properties that the development affects; and
- (viii) the accessibility or the impact on accessibility of the development; and
- (ix) visual context provided by the Landscape Strategy and Action Plan, strategic, local and other specific views including skylines; and
- (x) (x) the principles embedded in the design related Supplementary Planning Documents and related technical guides.

65. DMC5 Assessing the impact of development on designated and non-designated heritage assets and their settings

A. Planning applications for development affecting a heritage asset, including its setting must clearly demonstrate:

- (i) its significance including how any identified features of value will be conserved and where possible enhanced; and
- (ii) why the proposed development and related works are desirable or necessary.

B. The supporting evidence must be proportionate to the significance of the asset. It may be included as part of a Heritage Statement or Design and Access Statement where relevant.

C. Proposals likely to affect heritage assets with archaeological and potential archaeological interest should be supported by appropriate information that identifies the impacts or a programme of archaeological works to a methodology approved by the Authority.

- D. Non-designated heritage assets of archaeological interest demonstrably of equivalent significance to Scheduled Monuments will be considered in accordance with policies for designated heritage assets.
- E. If applicants fail to provide adequate or accurate detailed information to show the effect of the development on the significance, character and appearance of the heritage asset and its setting, the application will be refused.
- F. Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless:
  - (i) for designated heritage assets, clear and convincing justification is provided, to the satisfaction of the Authority, that the:
    - a) substantial harm or loss of significance is necessary to achieve substantial public benefits that outweigh that harm or loss; or
    - b) in the case of less than substantial harm to its significance, the harm is weighed against the public benefits of the proposal, including securing its optimum viable use.
  - (ii) for non-designated heritage assets, the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.

#### 66. DMC7 Listed Buildings

- A. Planning applications for development affecting a Listed Building and/or its setting should be determined in accordance with policy DMC5 and clearly demonstrate:
  - (i) how their significance will be preserved; and
  - (ii) why the proposed development and related works are desirable or necessary.
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the Listed Building and its setting and any curtilage listed features.
- C. Development will not be permitted if it would:
  - (i) adversely affect the character, scale, proportion, design, detailing of, or materials used in the Listed Building; or
  - (ii) result in the loss of or irreversible change to original features or other features of importance or interest.
- D. In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to:
  - (i) removal of original walls, stairs, or entrances, or subdivision of large interior spaces;
  - (ii) removal, alteration or unnecessary replacement of structural elements including walls, roof structures, beams and floors;
  - (iii) the unnecessary removal, alteration or replacement of features such as windows, doors, fireplaces and plasterwork;

- (iv) (iv) the loss of curtilage features which complement the character and appearance of the Listed Building (e.g. boundary walls, railings or gates);
- (v) (v) repairs or alterations involving materials, techniques and detailing inappropriate to a Listed Building;
- (vi) (vi) the replacement of traditional features other than with like for like, authentic or original materials and using appropriate techniques;
- (vii) (vii) extensions to the front of Listed Buildings;
- (viii) (viii) extensions of more than one storey to the rear of listed small houses or terraced properties;
- (ix) (ix) inappropriate impact on the setting of the Listed Building.

unless justified to the satisfaction of the Authority, that the proposed changes, loss or irreversible damage, and/or addition of new features to the Listed Building and its setting are:

- a) less than substantial in terms of impact on the character and significance of the Listed Building and its setting; and
  - b) off-set by the public benefit from making the changes, including enabling optimum viable use, and net enhancement to the Listed Building and its setting.
- E. Where change to a Listed Building is acceptable, an appropriate record of the building will be required to a methodology approved in writing by the Authority prior to any works commencing.

#### 67. DMC11 Safeguarding, recording and enhancing nature conservation interests

- A. 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 by demonstrating that in the below order of priority the following matters have been taken into consideration:

- (i) enhancement proportionate to the development;
- (ii) adverse effects have been avoided;
- (iii) the 'do nothing' option and alternative sites that cause less harm;
- (iv) appropriate mitigation; and
- (v) in rare cases, as a last resort, compensation measures to offset loss.

- B. 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:

- (i) an assessment of the nature conservation importance of the site; and
- (ii) adequate information about the special interests of the site; and
- (iii) an assessment of the direct and indirect effects of the development; and

- (iv) details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
  - (v) 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.
- C. For all sites, features and species development proposals must also consider:
- (i) cumulative impacts of other developments or proposals; and
  - (ii) the setting of the development in relation to other features of importance, taking into account historical, cultural and landscape context.
68. DMC12 Sites, features or species of wildlife, geological or geomorphological importance
- A. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
- B. For sites, features or species of national importance, exceptional circumstances are those where development is essential:
- (i) for the management of those sites, features or species; or
  - (ii) for the conservation and enhancement of the National Park's valued characteristics; or
  - (iii) where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
- C. For all other sites, features and species, development will only be permitted where:
- (i) significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and
  - (ii) the need for, and the benefits of, the development in that location clearly outweigh any adverse effect
69. DMC13 Protecting trees, woodland or other landscape features put at risk by development
- A. Planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' or equivalent.
- B. Trees and hedgerows, including ancient woodland and ancient and veteran trees, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Other than in exceptional circumstances development involving loss of these features will not be permitted.
- C. Development should incorporate existing trees, hedgerows or other landscape features within the site layout. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and/or other features as part of the development proposal.

- D. Trees, woodlands and other landscape features should be protected during the course of the development.

#### 70. DMC14 Pollution and disturbance

- A. Development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect any of the following interests will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits:
  - (i) the amenity of neighbours and neighbouring uses; or
  - (ii) the amenity, tranquillity, biodiversity or other valued characteristics of the area; or
  - (iii) existing recreation activities; or
  - (iv) extensive land uses such as forestry and agriculture; or
  - (v) ecosystem services including water supply, groundwater resources and the water environment; or
  - (vi) established businesses; or
  - (vii) potential future uses of the land; or
  - (viii) any nuisance, or harm to the rural character and dark skies of the area, caused by lighting schemes.
- B. Development will only be permitted where, upon cessation of a permitted use, the appropriate removal of any pollutants arising from development can be assured.
- C. Development affecting a Source Protection Zone, Safeguard Zone or Water Protection Zone must assess any risk to water quality and demonstrate that it will be protected throughout the construction and operational phases of development.

#### 71. DMC15 Contaminated and unstable land

- A. Development on land that is known or suspected to be contaminated will be permitted provided that an accredited assessment shows that:
  - (i) there is no risk to public health arising from any existing contamination; and
  - (ii) remedial measures (in situ or by safe disposal off-site) can remove any public health risk and make the site fit for its intended use without harm to the valued characteristics of the area including any nature conservation or cultural heritage value.
- B. Development on land believed to be unstable, or suspected as being potentially unstable, or likely to become unstable as a result of development will only be permitted where an accredited stability assessment shows that the land:
  - (i) is stable and will remain so; or
  - (ii) can be made permanently stable by remedial measures undertaken as part of the development process without harm to the valued characteristics of the area; and
  - (iii) that development will not affect the stability or safety of neighbouring areas.

C. Necessary remedial measures must be agreed before development commences.

## 72. DMH1 New affordable housing

A. Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that:

- (i) there is a proven need for the dwelling(s); and
- (ii) any new build housing is within the following size thresholds:

| Number of bed spaces | Maximum Gross Internal Floor Area (m <sup>2</sup> ) |
|----------------------|-----------------------------------------------------|
| One person           | 39                                                  |
| Two persons          | 58                                                  |
| Three persons        | 70                                                  |
| Four persons         | 84                                                  |
| Five persons         | 97                                                  |

B. Starter Homes will be permitted as part of a development of housing to enhance a previously developed site.

C. Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

## 73. DMH2 First occupation of new affordable housing

In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

- (i) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (ii) a person (and his or her dependants) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or
- (iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

## 74. DMH3 Second and subsequent occupation of affordable housing (The occupancy cascade)

A. Each and every time a previously occupied affordable home becomes vacant, owners and managers of affordable housing must, as stated in the Section 106 Agreement, follow the cascade mechanism in steps B (i) to (iv), or C (i) to (v) until an eligible occupant is found.

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- B. For Registered Social Landlord owned and managed homes, and privately owned and managed schemes of more than one affordable home, owners and managers must:
- (i) sell or rent the affordable home to someone within the Parish or adjoining Parish (within the National Park) who meets the eligibility criteria as set out in policies DMH1 and DMH2, the Supplementary Planning Document and the Section 106 Agreement.
  - (ii) after a minimum period of 3 months (minimum three months total) widen the search to include (in order of preference) those in the Parish or an adjoining Parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining Parishes within the National Park.
  - (iii) after a further month (minimum 4 months total) widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
  - (iv) after a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural Parish lying outside the National Park or rural Parishes entirely outside the Park but sharing its boundary.
- C. For privately owned and managed affordable housing including self-build units, owners and managers must:
- (i) sell or rent an affordable home to a person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the Parish or an adjoining Parish; or
  - (ii) a person who has an essential need to live close to another person who has a minimum of 10 years' residence in the Parish, the essential need arising from infirmity.
  - (iii) after a minimum period of 3 months, widen the search to include (in order of preference) those in the Parish or an adjoining Parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining Parishes.
  - (iv) after a further month (minimum 4 months total) widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
  - (v) after a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural Parish lying outside the National Park or rural Parishes entirely outside the Park but sharing its boundary.
- D. The property should be advertised widely at the price advised by the District Valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The Parish Council, Housing Authority and Housing Associations working in the area should be advised of the vacancy as soon as houses become vacant.
- E. Where a Parish is split by the National Park boundary, only those people living within the National Park part of the Parish should be eligible initially.

#### 75. DMH11 Section 106 Agreements

Section 106 Agreements will be applied to housing developments as follows

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## Affordable housing

- A. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 Agreement, that will:
  - (i) restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and
  - (ii) prevent any subsequent development of the site and/or all affordable property(ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity.

## 76. DMB1 Bakewell's Development Boundary

The future development of Bakewell will be contained within the Development Boundary.

## 77. DMT3 Access and design criteria

- A. Where new transport related infrastructure is developed, it should be to the highest standards of environmental design and materials and in keeping with the valued characteristics of the National Park.
- B. 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.
- C. Particular attention should be given to the need for the retention and where possible enhancement of hedges, walls and roadside trees. Where a proposal is for a new access to improve a substandard access, a condition will be applied requiring the substandard access to be closed up in an appropriate manner, which where possible enhances the streetscape.
- D. Appropriate and sympathetic measures, including wild bridges or cut and cover tunnels, will be provided where transport infrastructure results in wildlife severance.

## 78. DMT5 Development affecting a public right of way

- A. Where a development proposal affects the route of a public right of way, either the definitive line of the public right of way should be retained, or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route that:
  - (i) is of equal, or preferably, of an improved quality compared to the original; and
  - (ii) has similar or improved surface appropriate to its setting; and
  - (iii) wherever appropriate, is of benefit to users with special needs, including those with disabilities; and
  - (iv) is available before the definitive route is affected or, if this is not possible, until the development is complete, a suitable temporary route is available before the definitive route is affected; and
  - (v) is as convenient and visually attractive as the original.

- B. Where development occurs, opportunities will be sought to provide better facilities for users of the rights of way network, including, where appropriate, providing links between the development and the rights of way network, including the National Park's Trail network.
- C. Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.
- D. The development of new routes for walking, cycling and horse riding including multi-user trails will be supported, provided that they conserve and enhance the valued characteristics of the area, and are subject to the following criteria:
  - (i) they connect into the wider rights of way network; and
  - (ii) they connect with settlements within and beyond the National Park boundary; and
  - (iii) they are designed and constructed to an appropriate standard, in keeping with its setting; and
  - (iv) where it is likely to act as a destination in its own right, that appropriate, new or existing visitor facilities are made available.

In the case of minor improvements to existing or permissive rights of way, (i) and (ii) are unlikely to apply.

#### 79. DMT8 Residential off-street parking

- A. 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. Full details of the appropriate range of parking provision for residential developments can be found within the Parking Standards at Appendix 9.
- B. Off-street car parking space provided as part of a development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.
- C. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

#### 80. DMU1 Development that requires new or upgraded service infrastructure

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:

- (i) does not adversely affect the valued characteristics of the area; and
- (ii) any new land use does not commence prior to the appropriate delivery of the services.

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## **Assessment**

### **Principle**

81. The proposal is a residential development of significant scale in the context of schemes generally considered by the National Park. However, the site is located on the edge of Bakewell the only town within the National Park. If the development could have a significant adverse impact on the purposes for which the National Park has been designated then it should be considered to be major development for the purposes of policies GSP1 and the NPPF. This is considered further in the planning balance.
82. Policies DS1, HC1 and DMB1 allow for housing development in principle within the Bakewell Development Boundary. HC1 maintains the Authority's longstanding policy position that it is not appropriate to build housing within the National Park solely to meet market demand to live in its sought after environment.
83. This policy is consistent with the National Planning Policy Framework (NPPF) which gives great weight to conservation of National Parks. The National Parks Circular (2010), incorporated by the NPPF, makes clear at paragraph 78 that *"The Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services."*
84. The Authority's policies therefore are considered to be up-to-date and should be afforded full weight in the determination of this application.
85. Policy HC1 sets exceptions when housing can be permitted. This site is an agricultural field and not previously developed land. There is no argument that the proposed development is required either to meet the needs of rural enterprise(s) or required to conserve or enhance Bakewell. Therefore, housing could only be acceptable in principle if it were affordable housing to meet eligible local needs in accordance with policy HC1. A and the relevant Development Management policies.
86. The application proposes 42 dwellings, all of which are proposed to be affordable and to meet local need. The applicant proposes to carry out the development in partnership with Nottingham Community Housing Association (NCHA) a Registered Provider (RP). The applicant would be responsible for building the homes but NCHA would own the homes and be responsible for their management and letting.
87. The development proposes a mix of housing following the publication of the Housing Need Survey Report for Bakewell (2023) by Derbyshire Dales District Council as Housing Authority.
88. The report concludes that there are 53 households that would qualify under the Authority's policies for new building affordable housing in Bakewell. The majority of need being for 1 bedroom properties with more limited need for 2, 3 and 4 bedroom properties. The majority of households are interested in affordable rent, with a lower proportion in shared ownership.
89. The report also states that current stock of homes is insufficient to meet this demand in full, and the private market is unable to provide suitable accommodation due to price and supply constraints. The report concludes that the case for providing additional affordable housing is strong.

90. The proposed development would make a significant contribution to meeting the need identified by the housing need survey. The mix and tenure of the proposed development is also closely aligned with the need identified. There is therefore clear evidence to support the conclusion that the development would meet eligible local needs for affordable housing in Bakewell and adjoining parishes in accordance with policy HC1.
91. Policy DMB1 is relevant as this sets the Bakewell Development Boundary (BDB). The majority of the site (and all proposed dwellings) would be located within the BDB and therefore be in accordance with DMB1. However, the proposed pond and pumping station would be located in the field to the South which is outside the BDB. It is therefore recognised that there is a degree of conflict within the development plan in this regard, this must be weighed in the planning balance.
92. If planning permission were granted for the development, prior entry into a planning obligation under S.106 would be necessary to secure the affordable housing in perpetuity in accordance with the requirements of policies GSP4, HC1 and DMH11.
93. In principle such a planning obligation would meet the tests set out at paragraph 58 of the NPPF:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

#### **S.106 Planning obligation**

94. The Authority has adopted a standard template S.106 agreement in regard to affordable housing. The purpose of the obligation is to ensure that the affordable housing is controlled and retained in perpetuity to meet policy requirements.
95. The applicant has proposed to amend the Authority's standard template S.106 agreement and this has been the subject of negotiations with Officers. A number of minor changes to wording have been proposed which in principle may be acceptable and remain within the requirements of policy. Officers have also advised that other proposed changes be omitted which are not acceptable.
96. An outstanding amendment is in regard to the mortgage in possession clause (MIP) within the S.106. This clause determines what happens in the event that the mortgagee or chargee (normally a bank or building society) repossesses the property. The MIP has become necessary in recent years to ensure that developers and potential purchasers of affordable housing are able to get a mortgage.
97. The Authority's adopted MIP makes provision for the mortgagee or chargee to be able to sell the property free from the restrictions in the S.106 in the event that it cannot be transferred to another party to safeguard it as an affordable dwelling. Critically, the Authority's adopted MIP states that on subsequent sales that the restrictions within the S.106 shall apply again. This is effective because it means that any loss of affordable housing would only be temporary. This is consistent with approaches taken across other National Parks.
98. The applicant proposes to amend the MIP where the owner is a Registered Provider (RP). The proposed MIP would retain the requirement for the mortgagee or chargee to notify the Authority of its intention to dispose of the property. However, the proposal is to remove the wording which states that the restriction shall apply again on subsequent sales. The

consequence of this would be that in these circumstances affordable dwellings could be lost permanently to the market.

99. Officers have made clear to the applicant that the proposal is not in accordance with the Authority's policies which all require affordable housing to be retained in perpetuity. Therefore, any decision to depart from the Authority's adopted MIP would need to be determined by planning committee as a potential exception.
100. To justify the proposal the NCHA has stated that the Authority's MIP clause affects the ability of the RP to finance the development and that the viability of the development would be put at risk.
101. NCHA also state that as a RP its financial viability is tightly regulated by the Regulator of Social Housing (RSH). The NCHA is regularly reviewed by the RSH for financial stability and governance and is compliant. The NCHA also state that as part of regular reviews if any RP was found to be not compliant by the RSH that it would be merged into a larger RP following RSH intervention and that this would happen before any risk of housing being repossessed by a lender.
102. Officers accept that NCHA is tightly regulated and is compliant with the requirements of the RSH. The risk of an RP defaulting and not being merged into a larger RP is considered to be very low. However, the consequence of this would be severe, potentially the total loss of the affordable housing permanently to the market if no other buyer could be found.
103. Officers recommend that planning committee considers this matter carefully and determine whether the Authority should make an exception to the adopted MIP to facilitate the delivery of affordable housing on this site.
104. If the Authority were to accept the proposed MIP Officers would recommend that NCHA enter into the S.106 agreement with the Authority once it has purchased the land.

## **Landscape**

105. The application site is located on the southern edge of Bakewell and for the purposes of the Authority's adopted Landscape Character Assessment within the Limestone village farmlands Landscape Character Type (LCT).
106. This is a gently undulating plateau of pastoral farmland enclosed by drystone walls made from limestone with characteristic historic elements such as field dewponds and field barns. Within this landscape there are repeating patterns of narrow strip fields with scattered boundary trees, limestone villages and clusters of dwellings. The landscape around this part of Bakewell reflects this character.
107. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application in accordance with the requirements of policy DMC1.
108. In general terms the site is well related to the more modern development which stretches west and south out of the town centre along Yeld Road. Views into the site are limited with views from Upper Yeld Road and footpaths to the south of the site where the field is seen as part of rising ground and against the backdrop of the existing built edge.
109. The development would be read as filling a gap between the existing houses, farmstead and school thereby creating a new built edge with very limited visual impact compared to the existing situation. The Authority's Landscape Officer raises no objection to a development of the proposed scale on this site.

110. It is therefore concluded that in principle a development of this scale can be accommodated on this site without harm to the scenic beauty or landscape character of the National Park in accordance with policy L1. Details of design, layout and landscaping are critical in this regard and are considered further in this report.

## **Biodiversity**

### Biodiversity Net Gain

111. The application is subject to the requirements of statutory Biodiversity Net Gain (BNG) and is supported by a revised BNG Assessment and matrix. The application is also supported by a Preliminary Ecological Appraisal (PEA) and following surveys an Ecological Impact Assessment (EclA).
112. Baseline habitats consist of the two grasslands fields which are categorised as 'poor' modified grassland, built linear features (drystone walls) and one individual tree.
113. The development would result in the loss of the northern field habitat but proposes new habitats including the proposed sustainable drainage system, species rich native hedgerow with trees, other neutral grassland and rural trees. Taken together the application demonstrates that the development would result in an uplift of 18.53% on site which goes beyond the statutory requirement of 10%.
114. The Authority's Ecologist advises that the proposed habitat in relation to the sustainable drainage system is significant having potential to support Great Crested Newt (GCN) and other wildlife as well as enhancing habitat connectivity. It is therefore recommended that the habitat created by the development is maintained for 30 years and that this is secured by planning condition requiring a Habitat Management and Monitoring Plan (HMMP) to be submitted, approved and implemented.
115. The planning obligation under S.106 would also need to include provision for the payment of monitoring fees to the Authority for the 30 year period.
116. Subject to conditions and the planning obligation the application demonstrates that it would achieve statutory BNG requirements and comply with policy requirements set out in DMC11 and the NPPF.

### Trees

117. The application is supported by an Arboricultural Impact Assessment and Method Statement. There are few trees in the immediate vicinity of the site and there are no Tree Preservation Orders (TPO). The trees that do exist however are important in the landscape and provide visual tree amenity and habitat for wildlife.
118. An ash tree identified in the survey (T4) has the presence of a significant degree of Ash dieback and therefore there would be no objection to the removal of this tree. The other large tree in close proximity to the site is a mature sycamore in a clustered group with an elm and an ash (G2). The Authority's Tree Officer advises that it is important that these are maintained in good health condition. Development around the rooting area has the potential to lead to a gradual decline to the point where tree removal becomes unavoidable.
119. There were concerns initially in regard to the proximity of the proposed pumping station access to this group. The plans have been subsequently revised to move the access away from the tree group. The main residential road proposed would still pass through the Root Protection Area (RPA) but the Authority's Tree Officer advises that this is

acceptable provided that road and pavement construction are carried out to approved methodologies to minimise impacts.

120. The Tree Officer therefore has no objection to the amended plans provided that planning conditions are imposed to require a revised Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to be submitted, approved and implemented along with approval of a programme of monitoring by a suitably qualified person.
121. Therefore, subject to conditions the application demonstrates that it can be carried out without unacceptable harm to trees and comply with policy requirements set out in DMC13. The application also proposes additional tree planting which is dealt with further in this report.

### Protected species

122. Ecological assessment has been undertaken following surveys in consultation with the Authority's Ecologist.
123. The EclA concludes that, without mitigation, the development would have the potential to negatively impact nesting birds, bats and small mammals. The EclA recommends mitigation and precautionary measures and subject to these concludes that the development will not result in any significant residual negative effects. Furthermore, the report concludes that the development demonstrates the potential to deliver net benefits in the form of additional habitat and the opportunity to provide additional biodiversity enhancement measures.
124. The Authority's Ecologist has provided detailed comments in response to the application. The Authority's Ecologist agrees that subject to suitable mitigation and enhancement measures that the development is acceptable. The Authority's Ecologist recommends that planning conditions are imposed to secure a Construction Environmental Management Plan (CEMP) along with conditions to control lighting and secure enhancement measures for bats, birds and hedgehogs.
125. Subject to conditions it is therefore concluded that the development would not harm protected species or their habitat. The development would also provide additional biodiversity enhancement measures. The application therefore demonstrates that it would be in accordance with requirements of policies L2, DMC11 and DMC12.

### Designated sites

126. The site is not located in close proximity to any local, national or European designated nature conservation sites. Natural England have been consulted and raise no objection reaching the conclusion that the development will not have any significant impact upon these sites.
127. Officers therefore conclude that the development will not have any adverse impact upon local or statutorily protected nature conservation sites in accordance with policies L2 and DMC11 and DMC12. It is recommended that the application is screened out for the purposes of the Habitat Regulations.

### **Cultural heritage**

128. The application site is located away from the Bakewell Conservation Area (BCA) such that the development would not be viewed from or in the context of it. It is therefore concluded that the development would not have any significant impact upon the BCA or its setting.

129. The nearest listed building is Burton Closes Mews a Grade II listed building dating from 1856 and built as stables, coach house and houses. This property is located approximately 250m to the south east of the application site measured at the closest point on land significantly below the site as the hillside drops away in this location.
130. Due to the distance and intervening topography the development would not have any significant impact upon the setting of Burton Closes Mews. It is therefore concluded that the development would not have any significant impact upon this or any other listed building. There are no Scheduled Monuments (SM) that would be affected by the development in any significant way.
131. The application is supported by a Heritage Impact Assessment (HIA) which identifies to non-designated heritage assets that would be affected by the proposed development. These are the historic farmstead Stoney Closes adjacent to the site and archaeological interest associated with the deserted medieval field system of Burton.

#### Impact upon Stoney Closes Farm

132. This comprises a mid to late 19<sup>th</sup> century outfarm extended into a small farmstead in the late 19<sup>th</sup> century. The property consists of a farm house and range of outbuildings. Officers agree with the submitted HIA that the farmstead is a non-designated heritage asset of local significance.
133. The open fields that make up the application site comprise a key element of the setting of the farmstead. This has been encroached upon by the existing housing development, however, the fields still frame the farmstead in views in the wider landscape and therefore remain important for the setting of the group.
134. A proposed development of this nature, scale and proximity to the farmstead would have an inevitable impact upon this setting. The HIA concludes that the development would have a low to moderate degree of harm to significance. Officers consider that the development would be at the upper range and even with mitigation comprising appropriate landscaping and boundary treatments would result in a moderate degree of harm to the setting of the farmstead.
135. In accordance with policy DMC5 and the NPPF, the conservation of cultural heritage must within the National Park be given great weight and must be considered as part of the planning balance which is carried out later in the report.

#### Impact upon archaeology

136. The site is in proximity to the deserted medieval field system of Burton. The earthwork and buried remains of the settlement lie in the small valley to the south. The proposed development would be located within the area of the former field system associated with this lost settlement. The existing field boundaries have their origin in the post-medieval period but within them the earthwork remains for former field boundaries, strip lynchets and ridge and furrow survive. The Authority's Archaeologist advises that these remains are non-designated heritage assets of historic and archaeological interest and of local interest.
137. Development of the site would likely result in damage or destruction of surviving archaeological remains. This would result in harm or the total loss of their significance.

138. In accordance with policy DMC5 and the NPPF, the conservation of cultural heritage must within the National Park be given great weight and must be considered as part of the planning balance which is carried out later in the report.
139. If planning permission is granted the Authority's Archaeologist recommends that a planning condition to secure a scheme of archaeological works is necessary to ensure that surviving remains are preserved by record.

## **Layout, design and amenity**

### Layout

140. The proposed layout shown on the amended plans would take vehicular access from Yeld Close. The access road would snake through the site before ending adjacent to Stoney Close. There would be no vehicular access to Stoney Close. Pedestrian access points are proposed to the existing footpath which runs along the northern boundary of the site and to Stoney Close.
141. The layout comprises of a variety of different house types with the majority of the single storey buildings proposed along the northern boundary to minimise the impact to the existing properties. Each of the proposed dwellings would be provided with off-street parking, either on the plot or in close proximity and private garden areas with secure storage and bin store.
142. The proposed density of the development at around 42 dwellings / hectare is relatively high compared to the existing development in this part of Bakewell. Nevertheless, the proposed layout is well considered and provides for an interesting mix of building types which address the street and relate well to the existing built form. The buildings along the southern boundary would look south and form an interesting new urban edge.
143. Given the density of the proposed development there has been no scope to incorporate green spaces within the site, however a footpath link is proposed through the site and there are good links to the surrounding landscape and facilities at the nearby schools.
144. Concerns are raised by Derbyshire Constabulary (DC), particularly in relation to the proposed footpath links from the site to the existing footpath to the North. The preference of DC would be to have no pedestrian links and have sole access via Yeld Close to make the development secure. These concerns are understood, however, from the perspective of connectivity it would be beneficial for the development to have footpath links to better integrate the development into the area. A footpath link to the north and to Stoney Close is therefore considered appropriate.
145. There are some concerns about the detailed layout, particularly in regard to parking and the amount of parking adjacent to the access road. Parked cars would dominate the street scene to a degree. However, in the context of the number of dwellings proposed and the desire to make best use of the land to provide affordable housing the layout is considered to be acceptable when taken as a whole.

### Design, sustainable building and landscaping

146. The proposed buildings would be a mixture of single and two storey of a traditional design under pitched and hipped roofs. The dwellings would be constructed from a mixture of natural gritstone, natural limestone and render.
147. The detailed design of the dwellings is in accordance with the Authority's design guide and Officers have negotiated minor changes to fenestration details and location of

different materials. There is some concern that some of the buildings are read as marginally too high and therefore with too much of a vertical emphasis. However, in the round the design is of a high quality and in accordance with the requirements of policies GSP3 and DMC3.

148. The proposed use of natural slate roofs and a mixture of limestone and gritstone is appropriate for Bakewell which sits between both geological areas and reflects a mixture of materials in the local area. The use of render is limited to less prominent elevations and while a less common material is considered to be acceptable where proposed.
149. The application proposes that the proposed dwellings would be constructed to high energy efficiency standards and meet the requirements of building regulations in terms of the conservation of heat and power. The proposed dwellings would be built with solar photovoltaic panels and / or heat pumps. The applicant has advised that the details of these are not proposed and requests that this is secured by planning condition. This is to ensure that the development can use the best available technology and meet the changing requirements of building regulations.
150. This is considered to be an acceptable approach. The integration of solar photovoltaic panels into the proposed blue slate roofs, subject to suitable locations, would enhance the design of a contemporary housing development in the National Park and there are no objections to well sited heat pumps. Subject to condition the development therefore would be in accordance with policy CC1.
151. The proposed SuDS pond would be well integrated into the landscape and while it would have some visual impact it would not result in harm. The proposed pumping station would largely be based underground. There would be fencing around the pumping station which would be visible but this could be mitigated by appropriate design and colour finish.
152. Boundary treatments would be a mixture of stone walling and hedge planting to the front of the properties and timber fencing to the rear gardens. The boundary to Stoney Close and the farmstead would be stone walling, with additional hedge planting for privacy to the dwellings which back onto the farmstead. The existing field boundary wall to the south and west of the site would be retained. A stock proof post and wire fence is proposed around the SuDS pond and pumping station.
153. The access road and pavements would be tarmac with pavers used for pathways and patios in the gardens of the properties. The footpath through the site would be gravel. Finally, a proposed track through the southern field to connect to the fields beyond would be grasscrete.
154. A detailed landscaping scheme has been provided which shows creation of grass areas through the site and hedgerow planting within the site, along the proposed footpaths and along the boundary with the field to the south. A mixture of standard and heavy standard trees are proposed to be planted along the access road within gardens and around the boundary of the site. Trees are also proposed within the field to the south of the housing around the proposed suds pond along with the wildflower and wet wildflower planting to deliver BNG.
155. The proposed hard and soft landscaping is generally of a high quality and once provided and established will be of a high standard integrating the development into the area, providing an attractive environment for residents and providing for enhancements for biodiversity. The proposal is therefore in accordance with policies GSP3 and DC3 in these regards.

156. If permission is granted planning conditions would be recommended to secure approval of design and landscaping details, climate change mitigation measures and secure implementation.

### Amenity

157. During the application concern has been raised in representations in regard to the potential impact of the development upon the existing residential properties along the northern boundary. These properties along Yeld Close and Stoney Close comprise two storey terraces which back onto the site. The nearest neighbouring property on Stoney Closes is number 24 which sides onto the site.
158. Following these concerns Officers have negotiated amended plans with the applicant. These show the layout of the development amended with the majority of the proposed single storey buildings moved to the northern boundary of the site. As single storey buildings with intervening fencing the potential for any significant loss of privacy, overshadowing or loss of light to occupants of existing or proposed dwellings is significantly reduced.
159. There remains one two storey building proposed along the northern boundary, plot 1. Plot 1 would face towards number 51 Yeld Close. The plans show a largely blank face to the elevation of plot 1 other than small window opening to a proposed bathroom at first floor. Provided that this window is obscurely glazed there would therefore be no significant loss of privacy for the occupants of number 51.
160. The facing wall of plot 1 would be 12m from the main rear wall of number 51. This is in accordance with the Authority's adopted minimum facing distance in this circumstance within the Alterations and Extensions Design Guide. The distance would be closer to the conservatory to the rear of number 51. However, considering the distance and relationship between the properties, while occupants of number 51 would view the proposed wall beyond the boundary fencing is not considered that the development would have any significant impact upon either sunlight or daylight to occupants of that property or be overbearing.
161. Number 24 Stoney Close would similarly be a sufficient distance from the adjacent single storey buildings such that the development would not result in any significant loss of sunlight or daylight and not be overbearing to occupants. Number 24 has an existing first floor window in the gable which would look down at close quarters to into the rear garden of plot 23. This will impact upon the privacy of occupants of plot 23 but this has been mitigated by the provision of a private fenced courtyard to this plot.
162. It is acknowledged that a development of this nature adjacent to residential properties which have enjoyed views over agricultural land will result in a change in their outlook. However, the loss of a private view or potential impact upon property prices is not a material planning consideration. The proposed layout, as amended, shows acceptable relationships for residential properties and has been designed to avoid any significant impacts upon the amenity of occupants of the proposed development and neighbouring properties and is in accordance with policies GSP3 and DMC3 in this regard.

### **Transport and highway safety**

#### Transport

163. The application is supported by a Transport Statement (TS) which addresses traffic movements and parking. A number of concerns have been raised in representations in regard to the potential impact upon the local highway network.

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164. It is important to recognise that the site is located in a sustainable location on the edge of Bakewell and in walking distance from the town center and nearby schools. Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
165. The TS uses a worst-case scenario to project traffic movements from the proposed development. It is anticipated that the development would generate an additional 22 two-way vehicle movements during the generic AM weekday peak hour and 20 in the PM. The TS concludes that the impact upon the existing road network would be imperceptible and would not create additional congestion or extended journey times. The Authority's Transport Officer agrees with this conclusion and raises no objection in this regard. There is also no objection from the Highway Authority.
166. Therefore, while the concerns raised by local people are noted. There is no evidence to indicate that a development of this scale would severely impact upon the road network. The evidence shows that there would be no perceptible change even during peak hours. In this regard it is important to note that while the development would provide a total of 80 parking spaces, this does not mean that all the vehicles on site would leave or arrive at the same time during the day, or even make trips on a daily basis.
167. The Highway Authority recommends conditions to secure a construction management plan (CMP) to mitigate impacts from construction vehicles upon the local highway network. A condition to secure a travel plan (TP) is also recommended to promote and encourage sustainable forms of access to the site and meet the requirements of policy T2 and the NPPF. Subject to these conditions it is concluded that the development will be sustainably located and not harm the local highway network.

#### Parking and highway safety

168. The development proposes a total of 80 off-street parking spaces for the proposed development. This is between the Authority's adopted minimum and maximum standard for a development of this size (70-112 spaces). The number of spaces given the sustainable location is therefore considered to be appropriate. There is also no objection to the proposed location of spaces on site.
169. The proposed road and pavement geometry is acceptable and there is ample visibility from the access onto Yeld Close. The Highway Authority therefore raises no objection on the grounds of highway safety subject to conditions to secure the provision of parking and secure cycle storage which could be provided within the proposed sheds.
170. The Highway Authority notes the need for further consents outside of the planning process and these can be provided to the applicant as informatives on the decision notice. The Highway Authority queries whether the highway could be adopted, however, this is not a planning matter and there are no policy requirements for highways to be adopted only that they are acceptable from a safety perspective.
171. The Highway Authority also requests a condition to agree details of any street trees. The development does not propose street trees, instead proposing trees within gardens and along the edge of the site and around the proposed SuDS pond. Given the character of the area there is no objection to the proposed planting and no overriding requirement for street trees in this case.

172. It is therefore concluded that the development would not harm highway safety and be provided with sufficient parking in accordance with policies T2, T3, T7, DMT3, DMT5 and DMT8.

### **Flood risk and drainage**

173. The application site is supported by a Flood Risk Assessment (FRA) and Drainage Strategy (DS). The FRA confirms that the development site is located in Flood Zone 1, the area at the lowest risk of flooding, and that the development passes the sequential test and there is no requirement to pass the exemption test set out by the NPPF and Planning Practice Guidance (PPG).
174. The development would therefore be safe from flooding throughout its lifetime and it is noted that no objection has been raised by the Environment Agency. The proposal is therefore in accordance with policy CC2 and the NPPF in this regard.
175. The application proposes to deal with surface water from the development using a sustainable urban drainage scheme (SuDS). This would comprise a new gravity fed drainage system to accept runoff from the residential properties, highway and surfaced areas. This would discharge to the proposed pond. A pipe from the pond would then cross the field and discharge to a nearby watercourse.
176. The pond would provide attenuation during heavy rainfall, taking into account climate change. Surface water runoff from the site would be restricted to 5l/s for all storm events. The proposed SuDS scheme therefore meets the requirements of policy CC5 and the Lead Local Flood Authority raise no objections to the proposed scheme subject to conditions to agree precise details, implementation and maintenance in perpetuity.
177. Foul drainage would be disposed of to the existing main sewer in Yeld Close. Due to the level of the site, foul water would drain to a pumping station proposed next to the SuDS pond. It would then be pumped up to the level of Yeld Close. The proposed drainage system and pumping station would be put forward for adoption by Seven Water.
178. It is therefore concluded that foul and surface water would be dealt with appropriately and in accordance with the requirements of policies CC5 and DMC14.

### **Other issues**

179. In regard to potential sources of ground contamination the application is supported by a phase 2 Geo-Environmental Assessment. This concludes that the site has a high concentration of lead due to local geology. This does not preclude development of the site but mitigation will need to be put in place comprising importing 600mm of soil as a capping layer. The Environmental Health Officer makes no objection to the application but recommends conditions to secure this.
180. The Environmental Health Officer also recommends conditions to manage the impacts of noise from construction and to limit hours of construction to protect the amenity of neighbouring properties.
181. The Town Council make reference to the 'Derbyshire clause'. This was a clause put on housing in the past as a land charge by the District Council outside of the planning system. There is no planning policy basis to impose this on this development. As mentioned earlier in the report any permission would be subject to a planning obligation under S.106 to secure the proposed affordable housing. This would be a more effective means of securing affordable housing for local people than the Derbyshire clause.

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182. Representations raise the potential to develop other sites in Bakewell including brownfield sites at St Anslem's and Newholme hospital. There are no current applications to re-develop either site and any that do come forward would be considered on its own merits as must this application. As outline above policies do allow in principle for the development of this site for affordable housing to meet eligible local need. It would therefore not be reasonable for the Authority to refuse this application on the basis that there may be other sites.
183. Similarly, while concern about the number of holiday lets in Bakewell is understood. In many cases planning permission is currently not required to use a dwelling house as a holiday let. Therefore, the Authority has limited controls over much of the existing housing stock. The use of dwelling houses as holiday lets makes property in the National Park more unaffordable to those in housing need, and this is understood. However, in the current circumstances this only further underlines the need for the proposed development which would be controlled and could not be used as holiday lets.
184. Finally, representations have raised the fact that Bakewell Town Football Club are looking for new facilities and that the site could accommodate this need. This is understood; however, the site is agricultural land and not used as playing field nor safeguarded for that purpose. There is no current proposal for the site to be used by BTFC. This application must therefore be considered on its own merits.

### **Planning balance and conclusion**

185. The Authority has no requirement to demonstrate 5-year housing land supply. There is no requirement to deliver housing in the National Park to meet market demand. Therefore, there is no conflict between the Authority's housing policies and the NPPF. The 'tilted balance' or presumption on favour of sustainable development therefore does not apply and full weight should be given to the Authority's policies.
186. The application proposes development of the site for 100% affordable housing which would be owned and managed by a Registered Provider. The type and tenure of the proposed development would meet eligible local need as identified by the Housing Authority. The proposed housing is located within the Bakewell Development Boundary and therefore the principle of the development is acceptable.
187. The application has demonstrated that a development of this scale and location can be accommodated without harm to the scenic beauty of the landscape and would enhance biodiversity on site. Harm to archaeology on site and the setting of the adjacent farmstead has been identified (both considered to be non-designated heritage assets of local significance).
188. The scale of the development is significant for the National Park; however, the site is located on the edge of Bakewell and the impacts of the development would not be so significant that they could have a significant adverse impact on the purposes for which the National Park has been designated. It is therefore concluded that the proposed development is not 'major development' for the purposes of the NPPF and therefore that the policy tests in GSP1, DM1 and paragraph 190 of the NPPF do not apply.
189. In the alternative if it were concluded that the proposal was 'major development' for policy purposes the development could demonstrate that there would be exceptional circumstances to justify it, given the need for affordable housing, lack of scope to meet the need outside of the National Park and limited determinantal effects upon the environment, landscape and recreational opportunities.

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190. The design, scale and layout of the development is considered to be generally of a high quality and appropriate for the context of the site and its surroundings. The development could be accommodated without any unacceptable impacts upon the amenity of neighbouring properties or highway safety. The application has also demonstrated that it would comply with technical matters such as statutory BNG; flood risk and drainage; and ground contamination.
191. The development if approved would result in substantial or total loss of archaeology on site and would result in moderate harm to the setting of Stoney Closes Farm. These are both non-designated heritage assets and therefore this harm must be weighed in the planning balance bearing in mind that paragraph 189 of the NPPF requires great weight to be given to the conservation of cultural heritage in the National Park.
192. On the other hand, the development would make a very significant contribution to the established need for affordable housing within Bakewell on a site which would otherwise be located in a sustainable location and could be accommodated without harm to the landscape or biodiversity. Furthermore, there is no evidence of any other sites coming forward which could deliver this quantum of affordable housing without the harm identified.
193. It is therefore concluded that the benefits of approving the development clearly outweigh the harm to non-designated heritage assets that has been identified. The development is therefore in accordance with the development plan when read as a whole. All other matters that have been raised have been considered but do not indicate that permission should be refused.
194. The application is therefore recommended for approval subject to prior entry into a S.106 planning obligation and planning conditions.

### **Human Rights**

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

### **List of Background Papers** (not previously published)

196. Nil

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