

6. FULL APPLICATION: DEMOLITION OF 3 PRECAST CONCRETE GARAGES AND THE CONSTRUCTION OF TWO AFFORDABLE LOCAL NEED DWELLINGS ON LAND AT SHERWOOD ROAD AND HARDY LANE, TIDESWELL. NP/DDD/0126/0134 JK

APPLICANT: Mr and Mrs Robert Hopkins

Summary

1. The site is a rectangular area of open green space within Tideswell village next to Sherwood Road and within the Conservation Area. It contains six mature trees covered by Tree Preservation Order (TPO) and a small block of dilapidated flat roofed garages.
2. Proposed is the removal of the garages, three of the protected trees and the frontage walling to make way for a semi-detached pair of affordable houses and four parking spaces.
3. The application follows a long history of refusals for housing. In 2021, a scheme for a pair of affordable houses which retained all the trees, was dismissed on appeal.
4. Whilst the principle of affordable housing on a site within the confines of the village is acceptable, the proposed layout of the housing and particularly the proposed parking area coupled with the proposed tree removal and likely long-term pressure on those remaining would result in substantial harm to the street scene, the significance to the Conservation Area and local biodiversity.
5. This harm is not outweighed by the public benefit in providing two more affordable dwellings and the application is recommended for refusal.
6. The application is brought to Committee as a result of the Parish Council support for the proposal contrary to the officer recommendation.

Site and Surroundings

7. The application site is located within Tideswell Village and comprises a rectangular plot of land bounded by stone walls lying on the east side of Sherwood Road at its junction with Hardy Lane.
8. Sherwood Road is a quiet residential street running north-south along the hillside to the west, and parallel with, the main street (B6049) through the village. Hardy Lane is a minor lane which links Sherwood Road down to Fountain Square and the Main Street.
9. The plot of land contains six mature trees covered by a Tree Preservation Order along with a block of three flat roofed precast sectional concrete garages. The garages lie toward the top of the site but are at a lower level than Sherwood Road due to the significant drop in level. The site then slopes down from west to east down the site.
10. Vehicular access into the site is currently off Hardy Lane, via a gateway located a short distance down from Sherwood Road, after which Hardy Lane narrows appreciably to a public footpath.
11. The land is untended which enhances its biodiversity interest. The boundary wall to Hardy Lane has been repaired and capped with concrete rather than traditional limestone rustic coping stones.
12. The garages are not prominent in the street scene being well below the level of Sherwood Road. The overall appearance of the site is therefore that of a green wooded space with the mature trees adding large structural features which contribute significantly to the special

character and appearance of both the street scene and the Conservation Area and to local biodiversity.

13. The site is surrounded by residential dwellings with a detached house; Stanley Croft whose large garden abuts the northern site boundary. To the west across Sherwood Road terraced cottages line the street frontage. Across Hardy Lane to the south sits Hardy House, a Grade II Listed Building which also takes access off Hardy Lane opposite the site entrance. To the east, the lower end of the site backs onto the rear garden of a lower dwelling.
14. The site is within the catchment of a European Site (habitats site) vulnerable to nutrient impacts from phosphates and thus all new housing development must demonstrate nutrient neutrality.

Proposal

15. Full Planning permission is sought for the demolition of the garage block followed by the erection of two semi-detached 3 bedroomed 4 persons affordable houses.
16. The houses would have limestone walls under a blue slate roof with chimneys. Natural gritstone quoins and full stone surrounds are shown to all door and window openings. Windows and doors would be painted timber.
17. The houses would have a floor area of 84m². No details of prospective occupiers have been provided as the scheme is intended to meet the local community need for affordable housing.
18. The houses would be sited near the top of the plot and face Sherwood Road with the southern gable end fronting Hardy Lane. Due to the sloping site the ground floor level of the houses would be almost 2m below Sherwood Road.
19. The roadside boundary wall to Sherwood Road would be removed and the ground behind infilled to raise it up and create a level area for 4 parallel parking spaces. The raised ground would be supported by a new retaining wall with steps down to the houses. Private amenity space would comprise rear gardens covering the eastern part of the site with timber panelled fencing dividing the gardens.
20. Three of the protected trees on site are shown to be removed to make way for the houses and parking area. These comprise two Beech at the site frontage to Sherwood Road and a further Small Leaved Lime set further back close to the northern boundary wall.
21. Compensatory tree planting is proposed elsewhere in the village to mitigate the loss of the protected trees which the applicants suggest can be secured by planning condition or legal agreement.
22. The application is supported by the following:-
 - A Shadow Habitat Regulation (SHRA) and the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS).
 - Arboricultural Impact Assessment Report
 - BNG metric and report
 - Design Access and Heritage Statement
 - An archaeological desk-based assessment (DBA)

RECOMMENDATION:

That the application be REFUSED for the following reasons;

- 1. The felling of three TPO protected trees along with likely pressure from future residents for the removal or lopping of remaining protected trees would result in immediate and likely longer term significant harm to the character and appearance of the street scene, local biodiversity and the significance of the Conservation Area contrary to Policies GSP1-3, DMC13 and L1.**
- 2. The layout and the design of the development does not adequately reflect the established built form in the locality especially with regard to the parking area and wide gable massing. The proposal would therefore harm the valued character, appearance and significance of the Conservation Area, the street scene and the setting of the adjacent listed Hardy House contrary to Policies GSP1-3 & DMC3, DMC5 and DMC7.**
- 3 The substantial harm to local biodiversity contrary to Policy GSP1-3 and DMC11 from the loss of semi natural green space and the three protected mature trees which provides habitat for birds, bats and other species. The compensatory planting elsewhere in the village will not mitigate the losses from this site**
- 4 Inaccurate BNG assessment which also does not follow appropriate mitigation hierarchy in achieving net gain.**
- 5 Inadequate information to demonstrate that off-site nutrient credits are available or have been secured to demonstrate nutrient neutrality.**
- 6 The development does not demonstrate that adequate vehicle and pedestrian visibility splays can be provided within land in ownership to ensure a safe access. Furthermore, no bin storage/dwell areas are proposed or secure cycle storage.**
- 7 The less than substantial harm caused to the setting of Hardy House and to the significance of the Conservation Area from the loss and damage to the protected trees and the poor layout/design of the scheme is not outweighed by the public benefit arising from the limited provision of affordable housing contrary to Policies DMC5, 7, 8 and the NPPF.**
- 8 Harm to the archaeological interest within the site in the absence of pre-determination archaeological investigation works, alongside the harm which in itself (e.g. trenching) would likely cause harm to the root protection areas of the protected trees.**

Key Issues

23. The principle of housing on the site
24. Whether the proposal would conserve or enhance the character and appearance of the Tideswell Conservation Area and the setting of the listed building Hardy House.
25. The impact of the development upon local biodiversity with regard to the loss of trees, the impact upon the remaining trees and upon protected species - roosting bats.
26. Will the development achieve Nutrient Neutrality
27. Neighbouring amenity impacts
28. Highway implications
29. Climate change and sustainable building.

Planning History

30. 1977-1994 - Refusals of four outline applications for the erection of one and two dwellings, one appeal dismissed
31. 1994 – Refusal of planning permission for erection of vehicle store building – Appeal dismissed.
32. 2016 – Pre-application advice advised a market dwelling would not be acceptable. Cautious advice that affordable housing could be explored as the only likely policy route, provided conflict with tree protection could be resolved.
33. 2019 – Land offered for sale which generated a number of enquiries ranging from concerns over mature trees to prospective purchasers interested in developing the site. However, no formal paid-for pre-application advice requests submitted.
34. 2019 – Approval for minor crown lift to two sycamores on the lower part of the site adjacent the northern boundary.
35. 2020 – Refusal for the erection of three affordable dwellings.
36. 2021 – Refusal for the erection of two affordable local need dwellings
37. 2021 – In the Appeals dismissed against both the 2020 and 2021 refusals, the Inspector commenting that;
“both developments would have an adverse effect on the health and longevity of these protected trees.” and “the disturbance of protected species and the loss of tree cover would have an adverse effect on local biodiversity.” and “both developments would result in an erosion of the distinctive character of the locality and would detract from the setting of the House. Both developments would fail to preserve or enhance the character or setting of Tideswell Conservation Area. This would amount to less than substantial harm with regard to the Tideswell Conservation Area and the listed Hardy House.”

In the final Planning Balance, the Inspector concluded *“although I give some weight to the provision of affordable dwellings, I have found harm in relation to heritage assets, protected trees and biodiversity. As such the public benefits are not outweighed by the harm identified above.”*
38. 2025 – Approval for removal of one low overhanging branch of beech. Proposed pruning of low overhanging branches of lime. Branches overhung neighbouring property to the north and related to two of the trees now proposed to be removed

39. Consultations

40. Highway Authority – Recommends deferral
41. The parking meets the minimum of two spaces per three-bedroom dwelling. A footnote should inform the need to enter a S278 agreement for the dropped kerbs and crossing.
42. Further information is required to demonstrate the development meets visibility splay and geometric layout requirements and understand the impact upon the local highway. Detailed comment summarised below;
43. To demonstrate that vehicles can safely access and egress from the parking spaces 2.4m x 43m visibility splays in both directions should be provided as well as 2m x 2m pedestrian visibility splays.

44. *Planning Officer Note – This cannot be achieved within land in ownership and due to an intervening building. Even if it could, the adverse impact of lowering or setting back walls vegetation and gates would give rise to further harmful impacts to the street scene and the Conservation Area. See discussion below.*
45. Requests the dimensions of the parking bays should be illustrated on a scaled plan.
46. *Planning Officer Note - A scaled plan has been provided showing the spaces meet PDNPA Local Plan requirements of 2.5 x 5m.*
47. Details of refuse collection procedure should also be provided. This includes location of refuse storage and collection point.
48. *Planning Officer Note - None shown but there is adequate space within the site for storage of bins within the plots and space to enable a collection point.*
49. Details of cycle parking should be also be provided.
50. *Planning Officer Note - None shown but space is available within plots.*
51. District Council – No response.
52. Tideswell Parish Council - Support subject to appropriate planning conditions being attached. Considers it to represent a positive and appropriate form of development that responds to identified local housing needs.
53. Detailed comments summarised below;
54. Welcomes the proposal, a clear improvement on the previous application.
55. Revised parking position is welcomed, being more practical and better sited.
56. Recognises need for affordable housing, supports the provision of three-bedroom units.
57. While supportive, raise the following matters and requests that they are addressed through appropriate planning conditions:
- Replacement tree planting to ensure no net loss of tree cover and to safeguard the character and appearance of the conservation area.
 - Concern re lack of natural light and ventilation for bathrooms.
 - The housing is to be affordable housing with local occupancy clauses attached.
58. Natural England – Initial response required further information required to determine impacts on designated sites (HRA informed by nutrient calculations)
59. No response to date on reconsultation over the information received – Shadow Habitats Regulation Assessment.
60. PDNPA Archaeology - Following submission an archaeological desk-based assessment – DBA comments ;
61. The DBA is helpful in setting out the archaeological context of the site and its archaeological interest and potential. There has been no consideration in how potential archaeological impact could be minimised or designed out.

62. I agree that the highest potential is for medieval remains, and they could be up to regional significance given how little archaeological work and understanding there of Tideswell.
63. But the nature of the site, means that it is far from certain whether anything could survive, and it's state of preservation or whether they would be remains that we would seek to preserve in situ. This would be difficult to address or achieve meaningful mitigation as a conditioned scheme of works.
64. For this reason, we should be seeking some targeted predetermination evaluation to establish just what archaeological remains (if any) survives, their nature, extent and significance, so that a properly informed planning decision can be made, and if needed an appropriate programme of mitigation be scoped. The trial trenching evaluation would need to target the west end of site, in the area of the proposed houses, parking and associated infrastructure.
65. But, trial trenching would compromise the root protection zones of several of the trees on site, which is not acceptable on a site where the development may not get permission.
66. If everything else stacked up, then with a carefully worded condition we could secure staged programme of archaeological investigation from evaluation onwards, so the ground and RPAs would not be disturbed until permission was in place, but this would be mitigation only, with no ability to minimise harm or design out archaeological impacts, which should always be the first options explored.
67. PDNPA Ecology – Object; Insufficient information to assess impact. Following receipt of the Shadow Habitats Regulations Assessment and Nutrient calculation still object on following remaining original grounds;
68. Biodiversity Net Gain - BNG - It is predicted that the proposal will achieve creation of 3.43 habitat units, with a net loss of 0.78 units, showing an 18.63% net loss. The trading rules are not met and a 10% net gain has not been achieved.
69. The applicant will need to secure off site biodiversity credits to secure a net gain for biodiversity. BNG should achieve a net gain in a way that is consistent with the mitigation hierarchy and reflects the 'spatial-hierarchy' preference for local enhancements:
- Aim to avoid or reduce biodiversity impacts through site selection and layout;
 - Enhance and restore biodiversity on-site;
 - Create or enhance off-site habitats, either on their own land or by purchasing biodiversity units on the market
70. The BNG report states that 5 trees will be retained, therefore the calculations are incorrect. to adhere to the BNG Mitigation Hierarchy and Principles, it is considered that the retention of all the trees should be explored first and foremost. We therefore request submission of detailed evidence showing that all possible design and planning alternatives have been evaluated with the objective of retaining the trees on site (especially given the presence of previously recorded bat roosts in trees on site; see below).

Planning Officer note; Previous applications and appeals have essentially established that this is not possible to develop the site and retain the trees.

71. The BNG report states that a previous ecological survey was completed in 2020, which recorded a building with low bat potential, and trees with bat roosting potential. An EPS licence was recommended for the tree removal. No updated surveys of the trees or structures on site appear to have been submitted.

Planning Officer Note: These were missing off the submitted application but have been provided since and are discussed further below.

Representations

72. 11 Letters of objection have been received.

73. Whilst some of the objectors support the principle of affordable housing provision and another has no issues with the design of the houses or the plot location, all raise strong objections on the following heavily summarised grounds with the main issue being the loss of trees and consequent loss of habitat and biodiversity (full letters on website):-

74. The Impact upon trees and biodiversity

- The trees a very prominent feature of the highest amenity value in this locality, None should be removed.
- This stand of mixed mature trees form a break on Sherwood Road.
- The destruction of trees would greatly impact on the local environment.
- The remaining ones will have their root systems damaged or compromised by excavations.
- The proposal to plant 12 trees in unspecified locations and of unspecified species does not meet any equality test in terms of the biodiversity value of the current mature trees. Further there is no inherent commitment to maintain the replacement trees.
- The trees support significant biodiversity in the village, other than the many insects and local bird population that the habitat sustains, bats live around this area. Previous ecological surveys have suggested the trees are important for Bats and other wildlife.
- Swift have been observed hawking for their insect prey above these trees. Their destruction would lead to an immediate biodiversity loss in our village and as a link to the other biodiverse areas around the village.
- The proposed gardens will be underneath the remaining trees. Future occupants will want these trees removed. The previous planning inspector agreed with this concern.
- Replacing trees that are decades, if not a century old, with juvenile trees will not compensate for the loss for many decades.
- Trees/site important for water run-off and ground stabilisation.

75. Impact upon listed house

- The development will detract from the setting of the listed Hardy House.
- The overbearing gable end will sit immediately opposite the entrance to Hardy House where access is already difficult, to give a closed in feeling.

76. Impact upon conservation area

- The trees provide a backdrop to Fountain Square in the village centre and they frame Fountain Square Church visually as seen from the main Buxton Road/Queen Street. Their loss would be a major impact on the visual character of the Conservation Area generally, the street scene along Sherwood Road, and on the attractive, narrow ginnel Hardy Lane.

77. Biodiversity net gain

- Question what meaningful mitigation measures could achieve a true net gain.
- Planting of twelve saplings elsewhere would take hundreds of years to a similar level of biodiversity and is not comparable.
- The proposed tree planting would not be protected trees, nor worth protecting for many years.
- The local area will be at a biodiversity loss and question where bats, birds and the entire micro ecosystem wait until the new trees are ready.
- BNG was never intended to be used as a way of destroying irreplaceable habitats.
- The BNG Metric is incorrect as three trees are to be removed, not one. Therefore, there is a much higher loss than 18

- Accept need for affordable housing – Note Authority is working with Tideswell Community Land Trust to develop a social housing scheme addressing the need in perpetuity far more effectively.
- Concern about houses becoming future holiday lets or second homes.
- The apparent gain of two houses, despite being affordable is outweighed by the environmental impacts

78. *Highway and Parking*

- Sherwood road is narrow with continuous parking opposite the proposed driveways so question the practicality of the turning space available.
- The boundary wall of 'Stanley Croft' which adjoins the site is at least 1-metre-high making visibility poor for driveways creating hazard
- Driveways for 4 cars by removing dry stone walls in a conservation area will definitely not be preserving or enhancing – will be unattractive and incongruous.
- 3 bed houses potentially require more than 2 cars to be parked and lead additional cars to be parked on an already congested street.
- In severe weather water runs freely along the western boundary of this site, then down Hardy Lane. Only the curb on this narrow footpath that holds it back. As nearly half the site will be hard landscaping with no permeable surfaces at the top end, where is the surface water strategy for this problem

79. *Design and layout concerns re houses*

- Houses sit tightly on site, one with only steps for access at the front. Wheelchairs, pushchairs and wheelie bins having no access.
- No designated siting for 6 wheelie bin storage or collection.
- The proposed building is not 'in-keeping' with the other buildings in the Conservation Area where there are no other semi-detached buildings.
- Despite the standard detail of limestone, slate and wooden windows the property will be incongruous in relation to the established surrounding properties.
- The canopy of large trees will create shade for much of the garden giving little sunlight for these back gardens that face east.
- The plot currently sinks a lot of excess surface water that runs from Sherwood Road during heavy rain when the storm drains don't cope. This small river of water will now be prevented from getting onto the plot and will continue down Hardy Lane instead.
- "Rough sawn timber panel fencing" between the gardens of the properties is not in keeping with the character of the conservation area where dry-stone walls prevail.
- Building Regs stipulate reasonable provision must be made for wheelchair users: "...to gain access to the dwelling... from the most likely point of alighting from a car." The design needs a rethink to meet this requirement. Application should not be granted permission if it cannot be built as submitted due to Building Regulations non-compliance.
- Proposed levels and slopes around the building are unclear. Drawing 2020-2510-12 shows level ground on three elevations but the South one shows a slope matching that of Hardy Lane. There is no compensating change of level shown on any elevation nor on the plan view, an impossible situation that leads to uncertainty as to what is being proposed.
- The plan shows the dry-stone boundary wall to the north having a height of 1.67m, not as it will be post development when it will be around 2.8m due to excavation around the building and a properly engineered retaining structure will be required.
- The boundary walls are reconstructed to the same visual standard, and that along Hardy Lane has proper coping stones reinstated.

80. *Protected species - Bats.*

- Previous bat surveys over the last 5 years or so all showed bat activity at this location. Why is no survey included in this application?

- Question what possible sufficient mitigation can be put in place for these protected species and suggests none.

Statutory framework

81. 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:

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

82. 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.

83. In the Peak District National Park, the development plan comprises the Core Strategy (adopted 2011) and the Development Management policies (adopted 2019) and an adopted neighbourhood development plan (where relevant).

84. This application must be determined in accordance with the development plan unless material considerations indicate otherwise.

85. Main Policies

86. Relevant Core Strategy policies: GSP1-3, DS1, L1, L2, HC1, CC1

87. Relevant Development Management policies: DMC3, 3,5,7, 8,11,12, DMH1, DMH6 DMT6

Supplementary Planning Documents

- Climate Change and Sustainable Building (2013)
- Design Guide (2007)
- Building Design Guide (1987)
- Transport (2019)

88. National Planning Policy Framework

89. The National Planning Policy Framework (NPPF) is a material consideration. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.

90. 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.

Assessment

Principle

91. Policies HC1 and DMH1 set out the exceptional route which allows for the development of affordable housing in principle within DS1 named settlements where it addresses eligible local needs for homes that are of a size and type that would remain affordable with occupation restricted to local people in perpetuity.
92. The site is located within Tideswell Village which is a named settlement within Policy DS1 where new build development will be acceptable for affordable housing.
93. The houses would be 3 bed, 4 person dwellings with a floorspace of 84m². This meets the maximum floorspace guidance in policy DMH1 and are therefore considered to be of an affordable size and type.
94. The houses are intended to meet the affordable need for the local community rather than any named individuals.
95. There is a known local need in the village for more affordable housing. No community housing schemes have been delivered in the village for some years, however the local housing authority are currently working with the local community to deliver a larger scheme to meet the local need for social rent.
96. Given this recent history we therefore consider it reasonable to accept that the dwellings would meet a known need in the Parish for more affordable housing and consequently the principle of a development for affordable dwellings is acceptable.
97. The main issue is therefore whether the development would conserve or enhance the special qualities of the National Park in terms of its impact on the local built and natural environment, neighbouring amenity and highway safety.

Design, Layout and landscaping.

Design

98. The houses reflect a simple traditional style and would be constructed in natural local limestone with sandstone dressings to corners and openings. The roof would be blue slate. The houses are simply fenestrated with doors and window frames in painted timber.
99. They do however have a very deep plan form which results in over-wide gables. At 9.74m wide these would have an uncharacteristic wide form which would not reflect the established local building tradition. Whilst the northern gable end would be relatively well screened, the southern gable would be prominent in the public domain fronting onto Hardy Lane where its massing would have an overbearing, dominant impact upon the lane and the setting of the listed Hardy House. A re-design could resolve this but this would be a substantive design change and require a fresh submission.

Layout

100. The houses are shown set back from Sherwood Road on the lower ground following the removal of the flat roofed garage block, trees and hardstanding. Whilst this set back is similar to the modern house immediately to the north it does not follow the established pattern of traditional development along this road which on both sides relates closely to the street.
101. A four-space parking area surfaced in concrete paviors would be created directly off Sherwood Road formed by the removal of the majority of the roadside wall and the infilling

of the ground behind to raise it up to street level. This would then be supported by a retaining wall with steps down to the front of each house.

102. Although not shown on plan it is also noted that the northern boundary wall to Stanley Croft will also have to be reconstructed in part or reinforced to retaining wall standard due to the excavation necessary to create the level platform in the north western corner of plot 1.
103. Although there are no concerns about the semi-detached building form itself, the setback and lowered location of the houses with the intervening car parking area is not at all in keeping with the built form of Sherwood Road. Combined with the loss of trees and roadside walling, which both contribute positively to the streetscape and the Conservation Area, this siting would result in the proposal being an incongruous form of development in this location despite the use of traditional materials and generally simple design.
104. Consequently, the proposed layout of the houses and parking area would not relate well to the street and be wholly out of keeping with the established development along Sherwood Road which is characterised by buildings fronting or close to the street with private gardens to the rear running down the slope.
105. The proposed development would therefore result in a design and layout that detracts from, instead of respecting the valued character of the local built environment contrary to Policy DMC3.

Impact upon trees

106. All the protected trees, due to their size, age and spread across the site, present a major constraint to any development of this site. Whilst removal of the top three opens up space for built development the remainder will still cause significant overshadow, overbearing impact and restricted outlook for the private garden spaces.
107. All the trees on site are protected by TPO which recognises their contribution to local amenity. They provide structural features which make an important contribution to the valued character and appearance of the local street scene, the conservation area as well as being important to local biodiversity and for the wider setting of the village, especially in views up from the Main Street. There were 10 trees in the original group TPO designation, however 5 have already been lost which makes the contribution of those remaining all the more important.
108. The applicant states a commitment to appropriate compensatory planting to mitigate the loss and proposes the planting of six new trees in two locations within the Village: 3no. at Asher House and 3no. at Cross Daggers. In addition, the applicant is also prepared to fund and plant a further 6no. trees, the species, size and locations would be agreed with the Authority in consultation with Tideswell Parish Council. It is suggested by the developer that the details can be secured by planning condition or legal agreement.
109. He also confirms the three retained trees and their roots will be protected during the construction process and that additional amenity landscaping is proposed to each private garden.
110. There is no arboricultural reason for the removal of the three trees and the proposed mitigation of planting new trees elsewhere cannot and does not provide any justification or mitigation for their loss or for the loss of the habitat and its considerable local and wider biodiversity importance.
111. Furthermore, as in previous applications, in addition to the immediate harm from tree loss, there will be a longer-term threat to the remaining trees given how much they would impact any resident amenity. This would very likely bring pressure from the occupiers of the houses

for further thinning or wholesale removal in order to remove the threat of falling material and branches from a safety viewpoint as well as to remove the strong shadowing effect of the overhanging canopies on the only private outdoor garden area. The previous inspector also agreed and placed some weight on this issue.

112. For these reasons the proposals would result in immediate and long terms substantial harm to the protected trees for which there is no justification or acceptable mitigation. Put simply, conservation of these mature trees is fundamentally incompatible with any residential development of this site. As such the plans are contrary to policies DMC11 and 13

Impact upon the Conservation Area and adjacent Listed Building

113. Policy DMC8 requires development to assess and clearly demonstrate how the character and appearance and significance of the Tideswell Conservation Area would be preserved or enhanced.
114. Given the close proximity of the development to the adjacent listed Hardy House, policies DMC5 and DMC7 are relevant. These policies together with the NPPF set out how development will not be permitted if it would result in harm or loss of the significance to the character and appearance of a heritage asset from development affecting it or within its setting unless clear and convincing justification is provided. Furthermore, they require that any less than substantial harm to its significance identified is weighed against the public benefits of the proposal.
115. The harm caused by the immediate loss of the mature trees would be high and likely further compounded by longer term losses as homeowners struggled to live with the remaining trees. Coupled with the loss of the open green space and the inappropriate siting/layout of the houses and parking area this would substantially detract from the valued character and appearance of the street scene along Sherwood Road and erode the special character and appearance, as well as the significance, of the Tideswell Conservation Area.
116. The development is sited in close proximity to the listed Hardy House which is located just to the south across Hardy Lane opposite the gable end of the houses. Its setting would therefore be impacted from the loss of the trees and open green space and its substitution with the proposed layout. Whilst the development utilises local materials and the houses are simply detailed, the poor siting and layout, with particular emphasis on the wholly inappropriate raised parking area would be very much out of keeping with the established building traditions along the street scene such that the overall development would appear incongruous in this setting and adversely impact the immediate setting of Hardy House with the over-wide gable end having a particularly dominant impact.
117. With respect to policy DMC7 the harm to Hardy House in itself may be considered, 'less than substantial' in the terminology used in the NPPF however the proposal still represents a locally high adverse impact to its setting. Taken in combination with the 'less than substantial harm' to the Conservation Area the proposal would be contrary to policies DMC 5, 7 and 8, owing to the overall harm to the designated heritage assets.
118. The proposal would bring some public benefit from more affordable housing to meet local need which would weigh in favour of the proposal, however this is limited in the face of the significant harms already identified. In addition, the NPPF requires that 'great weight' be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations which should be given the same great weight.
119. It is therefore concluded that the modest benefit of two more affordable houses does not outweigh the very substantial harm to local character, the significance of Tideswell

Conservation Area, the setting of Hardy House and local biodiversity. In this respect the proposal is contrary to policies DMC5,7 and 8 as well as the policy aims in the NPPF.

Neighbouring Amenity Considerations

120. There are no concerns that the houses would adversely impact upon neighbouring amenity in terms of overlooking given the separation from adjacent houses and their orientation.
121. There are however very substantial concerns about the residential amenity of future residents were the development to go ahead. The main concern is the substantial shading of the gardens from the trees and the very strong concerns about the ability of future residents to enjoy the outdoor amenity space given the facts of mature trees dropping large amounts of leaves and other debris, including branches of varying size up to and including that which could potentially harm residents.
122. Such issues and concerns will inevitably result in strong pressure to severely prune the trees and/or remove them to resolve the inevitable problems that would be caused. For these reasons not accord with adopted policy DMC3 which requires all new development to have a high standard of amenity.

Highways Considerations

123. The proposed parking layout creates new access points from the four bays onto Sherwood Road. This area of Tideswell is already congested by roadside parking by residents all along the opposite side of the road at a point where the road already narrows.
124. This would make access and egress from the spaces difficult. This would be further compounded by the fact that the emerging visibility is severely restricted by neighbouring walls and buildings such that adequate sightlines cannot be achieved within ownership or control. Even if control could be achieved the required further loss of roadside walling would only exacerbate the considerable harm already identified from the loss of roadside walling already proposed.
125. The Highway Authority asked for confirmation that the minimum vehicular and pedestrian visibility splay can be achieved before final comment. Officers have not sought amended plans given these cannot be achieved without a further substantial and harmful amendment to the proposal which in addition to being unacceptable would in any case be a change that would require a fresh submission.
126. Whilst four standard parking spaces are shown which meets the standards, there is no accessible parking provision or visitor parking. Therefore, albeit a small development, which meets minimum requirements, there would likely be an increase in visitor parking on Sherwood Road close to the junction further contributing to local concerns over parking congestion and highway safety.
127. There is no bin storage shown or bin dwell area for collection days, neither is there any safe cycle storage/parking. Whilst there is space to provide these within each plot in a screened way and potentially a bin dwell space on the upper parking area, space is tight. Furthermore, given the lack of any level access for plot 1 residents would likely leave bins on the upper parking level all week for convenience resulting in further amenity harm.
128. For the above reasons the proposal is unacceptable on highway safety and convenience grounds as it has not demonstrated a safe and convenient access and parking area can be provided, nor made adequate provision for bin and cycle storage. For these reason it is contrary to Policies DMC3 and DMT

Ecological Impact and BNG

129. The submitted Biodiversity Net Gain Assessment shows the development would result in a net loss of habitat units equating to 18.63%. The trading rules are not met and the minimum 10% net gain has not been achieved and the applicant will need to secure off site biodiversity credits to secure a net gain for biodiversity which he is proposing via off-site tree planting elsewhere in the village.
130. However, our ecologist points out that BNG should achieve a net gain in a way that is consistent with the mitigation hierarchy and reflects the 'spatial-hierarchy' preference for local enhancements:
 - 1) Aim to avoid or reduce biodiversity impacts through site selection and layout;
 - 2) Enhance and restore biodiversity on-site;
 - 3) Create or enhance off-site habitats, either on their own land or by purchasing biodiversity units on the market;
131. Our ecologist notes that it will be necessary to remove 3 trees however, the BNG report states that 5 trees will be retained, therefore the BNG calculations are incorrect. If the retention of 5 of the trees was possible, the ecologist considers that we would potentially accept purchase of biodiversity units to account for any shortfall. However, in order to adhere to the BNG Mitigation Hierarchy and Principles, they make it clear that the retention of all the trees should be explored first and foremost especially given the presence of previously recorded bat roosts in trees on site.; see below.
132. Officers consider the previous planning history of housing refusals with the last two dismissed on appeal, have demonstrated that retention of the trees with development of this site is not possible.
133. The BNG report also states that a previous ecological survey was completed 2020 for the last refused scheme, which recorded the garaging with having low bat potential, and trees with bat roosting potential and therefore an EPS licence was recommended for the tree removal.
134. The same features which were recorded in the 2020 surveys were recorded during the 2025 survey. Emergence surveys were conducted on Tree 2, with a soprano pipistrelle day roost and tree 3 recorded a common pipistrelle day roost.
135. Updated emergence surveys were undertaken on the 6th September 2025, and on the 29th September 2025. No bats were recorded emerging from tree 2 or tree 3 during the emergence surveys.
136. The report sets out that the site contains suitable habitat for foraging and commuting bats along the trees, and the site is well connected to good quality bat foraging habitat. The site has connectivity to good quality foraging habitat and the majority of the site is scrub, bare ground and rural trees. The habitat on site is therefore assessed as moderate quality for foraging and commuting bats. The bat assemblage is assessed as of local importance for nature conservation. Further recommendations regarding lighting suitable for bats was outlined.
137. The ecologist also sets out that any updated reports should also provide an impact assessment on birds and recommendations for enhancements to include two swift boxes installed in suitable locations on each property.
138. However as submitted the PDNPA ecologist objects to the application on the above grounds
139. The proposal therefore conflicts with policies to DMC11 & 12.

Nutrient Neutrality

140. The site is within the catchment of a European Site (habitats site) vulnerable to nutrient impacts.
141. The applicant has therefore submitted nutrient budget calculations and a Shadow Habitat Regulation Assessment (SHRA) assessment to enable the Authority to undertake a Habitats Regulations Assessment (HRA) which would be necessary for any development to be approved.
142. The assessment shows the development would not be nutrient neutral and in order to achieve neutrality the applicant proposes to buy off-site credits to mitigate, however no details of any scheme or the availability of options to acquire such mitigation has been submitted.
143. In the absence of such information i.e. the certainty of an available scheme and credits being purchased or at least a secure formal reserve/option to purchase, the development should not be approved as this cannot be conditioned to be agreed later on grounds of enforceability and reasonableness

Environmental Management – CC1

144. The supporting statement sets out a wide range of fabric based and operational measures to meet our sustainability aims. The highlights being;
 - The building fabric is to have a high energy efficiency, 10% better than current building regulations minimum standards.
 - High levels of thermal insulation, low energy light fittings, the use of natural daylight and natural ventilation will help to reduce the energy usage.
 - Argon filled, double glazed units with solar control glass will improve thermal performance.
 - A+++ white goods will be installed in the kitchens and utilities.
 - A high efficiency rated boiler or discreetly sited air source heat pumps will be used.
 - There will be electric vehicle charging ports to each property which reduces carbon emissions created by petrol fuelled vehicles.
 - All construction materials and finishes will have a low environmental impact.
 - All construction materials and finishes are to be locally sourced where possible e.g.: local stone, low carbon cement, timber from sustainable sources.
 - Water efficiency measures will be installed in the properties including aerators on the kitchen and bathroom taps.
 - Water butts will be used to store and make use of rainwater for garden watering.
145. These energy efficient measures would be acceptable in meeting the terms of Core Strategy Policy CC1 however if the development were to be approved we would require more certainty as to the proposed specification in order to secure these efficiencies.

Archaeological impacts

146. The submitted desk-based assessment DBA sets out that no known archaeological remains would be affected by the proposed development, although the location of the development within the medieval core of the settlement indicates that there is a high potential for remains dating to the medieval period and later to be present.
147. The groundworks associated with the proposed development have the potential to impact upon buried archaeological remains, should they be present.

148. The DBA indicates that there are areas of possible 'made ground' (i.e. archaeological deposits of unknown date) in the western half of the site along with a slightly raised area towards the eastern edge which might relate to the mature trees or from historical dumping events. It concluded however, that the possibility that deposits of archaeological interest could survive beneath the hardstanding at the west and towards the eastern edge of the site cannot be discounted.
149. Our archaeologist notes that there has been no consideration in how potential archaeological impact could be minimised or designed out. She agrees that the highest potential is for medieval remains, and they could be up to regional significance given how little archaeological work and understanding there of Tideswell.
150. However, the nature of the site, with a change in levels, some evidence of dumping, the garages and the hardstanding, mean that it is far from certain whether anything could survive, and it's state of preservation or whether they would be remains that we would seek to preserve in situ. This would be difficult to address or achieve meaningful mitigation as a conditioned scheme of works.
151. The PDNPA Senior Conservation Archaeologist therefore concludes that this is a site where we should be seeking some targeted predetermination evaluation to establish just what archaeological remains (if any) survives, their nature, extent and significance, so that a properly informed planning decision can be made, and if needed an appropriate programme of mitigation be scoped. The trial trenching evaluation would need to target the west end of site, in the area of the proposed houses, parking and associated infrastructure.
152. The delivery of trial trenching would however compromise the root protection zones of several of the trees on site, which of course is not acceptable on a site where the development may not get permission.
153. If the Committee were minded to approve and all other issues were resolved then with a carefully worded condition we could secure a staged programme of archaeological investigation from evaluation onwards, so the ground and RPAs would not be disturbed until permission was in place, but this would be mitigation only, with no ability to minimise harm or design out archaeological impacts, which should always be the first options explored.

Planning Balance and Conclusion

154. The proposed development would, as a result of a combination of siting, design and layout be out of keeping with the local built environment, cause immediate and significant harm to protected trees and reduce biodiversity. Furthermore, it would adversely impact upon the valued character and appearance of Sherwood Road and the special character and significance of the Conservation Area as well as the setting of the listed Hardy House.
155. Whilst some weight can be attached to the provision of some more affordable housing in the planning balance this is limited in comparison to the greater weight that needs to be given to the conservation of the local landscape and built environment of the National Park. The finding of 'less than substantial harm' to the designated heritage assets using the term in the NPPF is nevertheless at the upper end of this scale but below total loss or demolition of the assets which would equate to 'substantial harm' and is not outweighed by the public benefit of providing the affordable housing. Furthermore, the application contains inadequate and inaccurate supporting information to make full and proper consideration of key planning considerations and consequently the proposal is contrary to adopted policies GSP1-3, L1, DMC3, 5, 7, 8, 11 -13, and the NPPF. The application is therefore recommended for refusal for the above reasons

156. **Human Rights**

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

157. **List of Background Papers** (not previously published)

Nil

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