

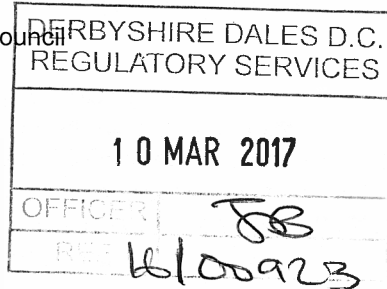


Jon Bradbury
Development Manager
Derbyshire Dales District Council
Town Hall
Matlock
DE4 3NN

Your ref: 16/00923/OUT

Our ref:

Date: 10 March 2017



Dear Jon

RE 16/00923/OUT DEVELOPMENT OF 586 DWELLINGS, 78 AFFORDABLE UNITS, 2800 M2 COMMERCIAL FLOORSPACE (CLASS B1), SHOP AND CAFÉ, WITH ASSOCIATED VEHICLE, CYCLE AND PEDESTRIAN INFRASTRUCTURE (OUTLINE) AT CAWDOR QUARRY, PERMANITE WORKS AND PART OF SNITTERTON FIELDS, MATLOCK SPA ROAD, MATLOCK DE4 2JH

Further to my previous letter of 27 February, please accept this letter as the formal consultation response from the Peak District National Park Authority.

The proposal was discussed at today's Planning Committee. Committee Members resolved:

- 1. That the Authority formally objects to the application.**
- 2. That the Authority will support Derbyshire Dales District Council in the appeal process should the application be refused.**

The reason for the objection is as follows:

Under the Environment Act 1995, the two main purposes of National Parks in England and Wales are:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage
2. To 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 a duty to seek to foster the economic and social well-being of local communities within the National Parks.

If these purposes or duty come into conflict, then the Sandford Principle dictates that the first purpose of conservation should take priority.



Paragraph 115 of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest level of protection in relation to landscape and scenic beauty'. In terms of heritage assets, paragraph 132 states that 'great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'. As the proposed development would be outside the boundaries of the National Park it will not be assessed against Core Strategy policies. However, it is considered to be appropriate to make reference to paragraph 11.27 of the Peak District National Park Authority Core Strategy, which states that:

"The valued characteristics [of the landscape] include the flow of landscape character across and beyond the National Park boundary, which provides a continuity of landscape and valued setting for the National Park".

The requirements of the 1995 Environment Act are not only carried through into the planning policies of the National Park Authorities but also into those of constituent Local Planning Authorities or those which border the National Parks. To this effect, there is an obligation upon planning decisions within Derbyshire Dales to take account of National Park purposes in determining applications that have the potential to impact upon the Park and its setting. It is noted that this requirement is reflected within the Derbyshire Dales Local Plan policies, including policy SP3.

Policy SP3 of the current Derbyshire Dales DC Local Plan (2005) states that:

Planning permission will not be granted for development that may adversely affect the purposes of the National Park or be harmful to its valued characteristics.

The supporting text states that 'if the special qualities of the National Park are to be protected, careful control needs to be exercised over harmful development, be this within or outside the National Park. The pre-submission draft of the Derbyshire Dales Local Plan (August 2016) takes a more comprehensive position with regard to landscape character in policy PD5, requiring that development proposals protect or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park. .

The Authority consider that an approval of this application would not be compliant with the 1995 Environment Act as it would fail to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. It would therefore also be contrary to the NPPF and Derbyshire District Dales Council's adopted and emerging planning policies.

The Application

The proposal involves a mixed use development of major scale on the site of the Cawdor Quarry, Permanite Works and also an area of the undeveloped agricultural land immediately to the west of the Quarry that is known as Snitterton Fields.

The application is in outline form with details of access, appearance, layout and scale under consideration at this stage. The landscape details are saved as a reserved matter.

The majority of the proposed development would be confined to the Cawdor Quarry and Permanite Works sites. However, the proposals would result in the encroachment of development away from the quarry and works site, towards the National Park into the undeveloped Snitterton Fields.

The Authority wishes to make it clear that there is no objection to elements of the proposed development that are limited to the site of Cawdor Quarry and Permanite Works areas as these

are relatively well related to Matlock and are either brownfield or previously approved areas. However, it is considered that the element of the proposed development that would be sited on Snitterton Fields would not be acceptable. If this element of the scheme were to be removed from the proposed development, it is considered that the grounds for objection would be overcome.

The planning statement submitted in support of the application asserts that the development of Snitterton Fields is required to make the whole scheme viable and that compressing the number of houses proposed into the former quarry and works sites would dilute the 'Matlock Spa' concept.

It is considered that this should carry little weight. It is considered that enhancing the development site at the expense of the National Park and its setting is not acceptable. No detailed information has been submitted to evidence that a scheme could not be viable without the proposed encroachment into Snitterton Fields.

Landscape Impact

The site is partially within and partially adjacent to the Derwent Valley Landscape Character Assessment Area. The Authority's Landscape Character Assessment (2009) notes that:

"The Derwent Valley character area separates the limestones of the White Peak from the prominent gritstone edges of the Eastern Moors to the east and high moorland of the Dark Peak to the north."

More specifically, Snitterton Fields is a typical open pasture set against the back drop of the limestone slopes of Wensley Dale and wooded slopes of Oaker Hill. This creates an attractive landscape with the higher land within the Park flowing into the Snitterton Fields pastures.

The western boundary of the application site as proposed is approximately 200 metres away from the boundary of the National Park. It is noted that there is no obvious boundary, in terms of physical markers or changes in landscape character, between the National Park and the adjacent land outside of the Park. Snitterton Fields form part of an attractive, predominantly undeveloped rolling landscape that flows seamlessly to and from the National Park. As such, the site makes an important contribution to the setting of the National Park and it contributes to the flow of landscape character across and beyond the National Park boundary, which provides a continuity of landscape and valued setting for the National Park.

Furthermore, the site provides an important buffer between the National Park boundary and the town of Matlock, which is approximately 600 metres to the east of the Park boundary.

Whilst adjacent to one another, there is a distinct change in character between the quarry and works sites and Snitterton Fields. This is defined by the dense woodland that runs between them. Whilst development of the Cawdor Quarry and Permanite Works sites would clearly also be closer to the National Park than the western edge of Matlock, these areas are on lower lying land and benefit from screening. As such, these areas are not particularly prominent in views to and from the National Park.

However, the topography of the site means that development of Snitterton Fields will be much more prominent in terms of its relationship with the National Park than the remainder of the site. The site slopes upwards from north to south, rising from the quarry and works areas to meet Snitterton Road. Development of Snitterton Fields would erode the flow of the landscape between the National Park and the outlying land and thereby eroding the positive contribution that the site currently makes to the setting of the National Park.

The development would be highly prominent in views from the east looking back towards the National Park and also in views enjoyed from within the National Park, including from Snitterton Village and the higher land towards Oaker and Wensley.

It is further considered that the harm to the landscape character of the National Park through the detrimental impact on its setting would also have a detrimental effect on the experience of the people within the National Park.

Visitors who come to the National Park are generally unaware of where the boundary of the National Park actually is, whether they are approaching or leaving the National Park. It is considered that the development would not be read as being clearly outside of the National Park.

It is considered that the encroachment of development into Snitterton Fields, and towards the National Park boundary, would be harmful to the sense of tranquillity and remoteness that is enjoyed from areas within the National Park around Snitterton.

The submitted Planning Statement suggests that the National Park boundary can be extended up to the western site boundary to prevent further development within the part of Snitterton Fields that does not fall within the application site. This approach is severely flawed. The boundary of the National Park is defined by the original map and designation order from 1951 and cannot be altered by the National Park Authority. Only a formal legal process triggered by Natural England can result in a boundary change, such as that undertaken recently between The Yorkshire Dales and Lake District National Parks. There is no facility under a planning application to alter the National Park boundary. Moreover, this approach fails to acknowledge that the development as proposed would be harmful to the setting of the National Park in any case. Extending the boundary would do nothing to mitigate this harm. It is not desirable for the National Park boundary to be a common boundary with the edge of a housing development as the whole essence and enjoyment of an area characterised by natural beauty would be lost.

Impact on Heritage Assets

The Authority's Conservation Officer has provided the following comments:

"The proposed development site is within the close setting of a number of designated heritage assets, including the Grade I Listed Snitterton Hall, the Scheduled moated manor and fishponds and the Grade II listed Old Manor House: the Hall and the associated moated site are designated heritage assets of the highest importance. However, the application has not adequately addressed the impact of the proposed development on the setting of these heritage assets, in accordance with Historic England's guidance: there is no assessment of significance, no consideration of how aspects of setting contribute to significance, and no assessment of the potential impact on this significance of the proposals. By introducing housing onto the Snitterton Fields, the proposed development will have a significant negative impact on the close setting of the Hall, Moat and Manor House, transforming the rural landscape context of these designated heritage assets and undermining their position as the focus and hierarchical centre of the local landscape, a relationship that has existed since the medieval period. In summary, the application fails to meet the requirements of NPPF paras 128, 129 and 132, and the proposals will represent harm to the significance of the Grade I Listed Hall, Scheduled Monument and Grade II listed Old Manor House, through erosion of their historic rural landscape setting."

Impact on Archaeology

The Authority's Senior Archaeologist has provided the following comments:

The proposed development is within close proximity to a number of designated heritage assets within the Peak District National Park, this includes:

- *NHLE 1,019,529 – Moated site and fishponds 300m north east of Snitterton Hall – Scheduled Ancient Monument - the remains of the medieval moated manor house.*
- *NHLE 1,248,141 – Snitterton Manor Farmhouse – Grade II listed – farmhouse with 15th fabric.*
- *NHLE 1,248,201 – Snitterton Hall – Grade I listed – 16th century mansion house.*
- *NHLE 1,278,032 – Garden walls and summerhouse at Snitterton Hall – Grade II listed.*

Detailed comments have already been provided to DDDC by Derbyshire's Development Control Archaeologist and Historic England's Inspector of Ancient Monument. I have used these comments and the information that was submitted to DDC with the application to draw out the most relevant archaeological considerations from the National Park Authority's perspective.

The scheduled moated site is, in accordance with NPPF para.132, a heritage asset of the highest significance and as such substantial harm to its significance should be wholly exceptional, and great weight should be afforded to the conservation of its significance. The significance of the moated site lies partially within its archaeological interest (its evidential value) but also from its setting and its relationship to the Manor Farmhouse, the Hall, the wider village of Snitterton and its rural context and setting. To take the evidential value first, the monument includes the earthwork and buried remains of a moated site and fishponds including the remains of a moat (c.10m wide and 1.5m deep), which surrounds a roughly square central platform that has an access causeway across the moat. The central platform retains buried remains of walls thought to be medieval buildings. Two sunken compartments extending at right angles from the western end of the moat are interpreted as medieval fishponds. These earthworks are well preserved and will retain the important archaeological evidence for the structure, function and development of the site and its component buildings, and evidence of the past environment under the banks, and within the base of the pond and the moat. The site will contain evidence that will enhance knowledge and understanding of the development and functioning of medieval manorial centres and their place in the wider medieval landscape.

Turning to the contribution of the relationship of the moated site to the Manor Farmhouse, the Hall, the wider village of Snitterton and its rural context and setting to the significance of the scheduled monument. The designated heritage assets within Snitterton are related, and the relationship between them and the rural village context in which they occur enhances their significance. The moated site, the manor house farm and the Hall represent the transformation of secular authority in this area from the medieval and into the post medieval periods. Evidence suggests that the moated site represents the remains of the buildings and associated land of the site of the original seat of the Lord of Manor dating back to the 13th century (at least); Snitterton Manor Farmhouse retains the remains of the probable 15th century manor house, likely built between the medieval manor house and the Elizabethan House; and Snitterton Hall a small 16th century mansion, and successor of the earlier two phases of manorial buildings. As Tim Allen, Historic England's Inspector of Ancient Monuments, explains in his consultation response to Derbyshire Dales District Council, the survival of the three phases in the transformation of gentry housing and authority in Derbyshire in such close juxtaposition is very rare. This 'exceptional group' of designated heritage assets survives within a rural agrarian landscape setting, which directly relates to their significance and the reading of their interrelated history and functionality as a rural manorial centre.

The change to this setting that would result from the proposed development, particularly the western extension from the quarry site, would be marked. The ability to experience these

heritage assets within their rural and manorial context would be lost with the extension of the suburbs of Matlock up to the edge of Snitterton village, and this would undermine the Hall, Manor House and Moated site as the focus of the local landscape. However, the impacts of the proposed development of the setting of these nationally important heritage assets has not been adequately explored or addressed in the archaeological Desk Based Assessment submitted with the application. The only consideration of setting impacts is within para.8.3.1 of the DBA, and whilst this acknowledges that due to the close proximity to the designated heritage assets '...it is possible that any development may impact upon their settings...', there is no assessment of what the impact of the proposed development on the setting of the designated heritage assets actually is. The report merely states that '...this risk...[to the setting] has been averted due to a buffer zone of partially wooded fields being allocated to the immediate west of the housing'. This is a wholly inadequate assessment. Historic England provides clear guidance on how the effect of a proposed development on the setting of a heritage asset should be assessed in the Historic Environmental Good Practice Advice in Planning: 3 The Setting of Heritage Assets – this requires a stage approach to be followed, which identifies the heritage assets affected, how the setting contributes the significance of the affected assets, the effect of the development on the setting of the heritage asset, it also requires the process of how any conclusion has been reached should be documented. This process has not been followed, and the information provided is neither proportionate to the significance of the heritage assets effected nor sufficient to understand the impact of the proposed development upon their significance. It is therefore contrary to Para.128 of NPPF, and from a historic environment perspective I object to this application and strongly recommend that it is not supported by this Authority.

Protecting the setting of the National Park

The National Park was designated in 1951 within the context of attractive fringe countryside. This effectively created a buffer to the urban areas beyond and allowed a more natural frame to be established assisting the furtherance of National Park purposes. The on-going encroachment of development towards the National Park is being monitored and assessed on a plan by plan basis under the Duty to Cooperate. Officers seek to use Memorandums of Understanding alongside common policies for all adjoining Local Plan areas to reflect both the statutory purposes and duties on relevant bodies and also to adopt the use of local landscape characteristics. This forms a permanent natural edge in which a similar approach to policy can be expected to that inside the National Park.

Cooperation with Derbyshire Dales in respect of Housing Delivery

The close working and consultation on this case with Derbyshire Dales District Council reflects the terms of the Memorandum of Understanding jointly signed with the Peak District National Park Authority in respect of cross boundary planning issues such as housing delivery. Derbyshire Dales experience particular pressure in delivering housing because a large area of the district is within the National Park.

The Authority would not object to an application for housing development outside of the National Park unless it was considered that there would be clear unacceptable harm to the special qualities of the National Park, as is considered to be the case in this instance.

Similarly the Authority would expect Derbyshire Dales District to apply its adopted and emerging policies in considering the impact on National Park purposes and any specific adverse impacts on landscape characteristics which shape the scenic beauty of the area.

Conclusions

The National Park Authority objections to application 16/00923/OUT. The proposed

development on part of Snitterton Fields would have a significant adverse landscape and visual impact and would harm the setting of the National Park. The development would have the potential to adversely affect the ability of visitors and residents to enjoy its special landscape qualities. Furthermore, the development would adversely affect the setting of several Scheduled Ancient Monuments and designated heritage assets, including the Grade I Listed Snitterton Hall.

It is reiterated that the Authority has no objection to the part of the proposed development that is limited to the Cawdor Quarry and Permanite Works sites. The Authority would withdraw the objection if the development of Snitterton Fields was withdrawn from the proposal.

Regards

A handwritten signature in black ink, appearing to read 'T Shiels', with a stylized flourish at the end.

Tom Shiels
Senior Planner
(South Area Team)

