

Independent Examination of Peak District National Park Development Management Policies

Peak District National Park Authority Responses to Matters and Issues

NB, existing modifications are highlighted in red with suggested new changes shown with strikethrough and underline.

Matter 5 – Historic Environment

Issue 1: Are the policies consistent with the Framework?

Issue 2: Are the policies consistent with the Core Strategy?

Issue 3: Are the policies fully justified?

Issue 4: Are the requirements in relation to development proposals clear?

Policy DMC5: Assessing the impact of development on heritage assets and their settings

1 Should the policy make clear that it applies to designated and non-designated heritage assets?

Paragraph 3.65 explains that this policy follows Core Strategy L3, which covers all heritage assets. It is unclear why it is thought DMC5 doesn't apply to all heritage assets, but the Authority agrees to a change of policy title if it is felt necessary.

2 Should part C of the policy make clear that this part applies only to assets with archaeological interest or potential for such interest?

The Authority agrees and suggests '*and potential archaeological interest*' rather than '*other heritage interest*'

3 Does part F only apply to designated heritage assets? If this part applies to all heritage assets should it distinguish the requirements for those that are designated and those that are non-designated?

The Authority agrees there is scope for further clarity and suggests '*Development considered through application of parts A to E to constitute development to a designated or non-designated heritage asset will not be permitted if it would:*'

4 Should the background text explain how non-designated heritage assets are or will be identified?

The Authority considers that Paragraphs 3.52 and 3.53 in combination with the requirements of DMC5 A to E explain how non designated heritage assets would be identified as such.

The re-drafted policy below includes proposed changes as a result of the Authority's modification addendum, and the response to these questions and the more substantive questions regarding compatibility with NPPF paragraphs 133 and 134.

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

A. Planning applications for development affecting the significance of a heritage asset, its setting and their significance must clearly demonstrate in a Heritage Statement:

(i) how the assets are significant 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 ~~Heritage Statement~~ supporting evidence must be proportionate to the significance of the asset. It may be included as part of the a Heritage Statement or Design and Access Statement where relevant.

C. Proposals likely to affect heritage assets with archaeological ~~or other heritage interest~~ and potential archaeological interest ~~or potential interest~~ should be supported by appropriate information that identifies what impacts are identified, ~~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. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of the development on the ~~character, appearance and~~ significance, character and appearance of the heritage asset and its setting.

F. ~~Development will not be permitted if it would:~~ Development considered through application of parts A to E to constitute development of a designated or non-designated heritage asset will not be permitted if it would:

(i) adversely affect the ~~character and~~ significance, character and appearance of a heritage asset and its setting by any means including scale,

mass, height, proportion, design, plan-form, (including through subdivision), detailing or, materials used;

(ii) result in the loss of, or irreversible damage to original features or other features of importance or significance or the loss of existing features which contribute to the ~~character, appearance, significance, character and appearance~~ or setting (e.g. boundary walls, railings or gates) unless agreed by the Authority that the loss of such features is necessary.

(iii) result in the addition of new features, that would adversely affect the significance, character, appearance, or setting of a heritage asset (e.g. boundary walls, new access, services, garden, domestic apparatus)

unless adequate justification is provided, to the satisfaction of the Authority, that the proposed changes, loss or irreversible damage, and/or addition of new features to heritage assets and their settings:

(iv) are less than substantial in terms of harm to ~~impact on~~ the character and significance of the heritage asset and its setting; and

(v) the public benefit from making the changes, including enabling optimum viable use, and net enhancement to the cultural heritage asset and its setting, outweigh harm.

Policy DMC6: Scheduled Monuments

5 As the Framework states that substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, should be wholly exceptional, what is the purpose of policy DMC6?

The Authority considers that the setting of scheduled monuments and the need to conserve the setting, as well as monument, coupled with the fact that the setting is part of the National Park landscape means it is justified to have a policy to re-inforce national policy.

DMC6 Scheduled Monuments

A. The exceptional circumstances where development involving scheduled monuments may be permitted are those where it can be demonstrated that the legislative provisions to protect Scheduled Monuments can be fully met

B. Where a Scheduled Monument or its setting is adversely affected, planning permission will be refused.

Policy DMC8: Conservation Areas

6 The Policies Map identifies open spaces in Conservation Areas but the policy does not refer to these. What is their significance for policy?

These spaces can be important component parts of the Conservation Area and the Authority agrees therefore that they should be clarified in policy. The Authority suggests Ai could be modified to say "..... contributing to the character of the historic *environment including important open spaces as identified on the Policies Map*".

7 Part D concerns the demolition of buildings in Conservation Areas. The first sentence of that part refers to buildings that make a positive contribution to the character, appearance or historic interest of the Conservation Area but paragraph (iii) concerns unsightly or otherwise inappropriate additions. Should the latter be in a separate paragraph?

The Authority considers that there is no need for a separate paragraph but that the existing paragraph could be improved if the words '*where its removal would better reveal buildings walls or structures that make a positive contribution to the character or appearance or historic interest of the Conservation Area*' were added to the end of D(iii)

8 Paragraph D (ii) refers to putting the building on the market and seeking advice? Would these requirements be effective? If not what would be the requirement for marketing?

The Authority considers that the criteria would enable the Authority to find out if any such advice had been sought and whether any market testing had been done.

9 Should part F be more precisely worded to ensure that there is a contract for redevelopment before consent is granted for demolition?

The Authority considers that as written this is a reasonable policy requirement because it gives the Authority reasonable surety that any enhancement made possible by re-use after demolition will happen. The Authority would put a condition on any permission to this effect.

10 As felling, topping and lopping of trees in Conservation Areas is subject to legislative control does this part need to include the first sentence?

The Authority believes the high importance it gives to trees in terms of their contribution to the character of Conservation Areas means it is necessary to make the Authority's requirements clear in policy.

11 Should the second sentence be expanded to make clear that replacement may not always be practicable?

The Authority has used the words 'may require their replacement' deliberately to reflect that it may not always be practicable.

DMC8 Conservation Areas

- A. Applications for development in a Conservation Area, or for development that affects its setting or important views into, ~~or~~ out of, across or through the area, should assess and clearly demonstrate how the significance of the Conservation Area will be preserved or enhanced. The following matters should be taken into account:
- i) Form and layout of the area including views and vistas into and out of it and the shape and character of spaces contributing to the character of the historic environment including important open spaces as identified on the Policies Map
 - (ii) Street patterns, historical or traditional street furniture, traditional surfaces, uses, natural or man-made features, trees and landscapes
 - (iii) Scale, height, form and massing of the development and existing buildings to which it relates;
 - (iv) Locally distinctive design details including traditional frontage patterns and vertical or horizontal emphasis;
 - (v) The nature and quality of materials
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting.
- C. Outline applications for development will not be permitted.
- D. Proposals for or involving demolition of existing buildings, walls or other structures which make a positive contribution to the character or appearance or historic interest of the Conservation Area will not be permitted unless there is clear and convincing evidence that:

- (i) the condition of the building (provided that this is not a result of deliberate neglect) and the cost of repairing and maintaining it in relation to its significance and to the value derived from its continued use, is such that repair is not practical; and
- (ii) all possible efforts have been made to continue the present use or find compatible alternative uses for the building, including putting the building on the market and seeking advice from relevant authorities and agencies; or
- (iii) the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building.

- E. Where development is acceptable, a record of the current site, building or structure and its context will be required, prior to or during development or demolition.
- F. Plans for re-use of an area where demolition is proposed must be agreed and a contract for redevelopment signed before the demolition is carried out.
- G. Where appropriate, felling, lopping or topping of trees will not be permitted without prior agreement. This may require their replacement, and provision for their future maintenance.

Policy DMC10: Conversion of heritage assets

11 Part C of the policy allows for conversion of heritage assets to dwellings. Part A contains a number of detailed requirements which include consideration of the location of the building. As worded, the overall effect of the policy would be to restrict conversion of heritage assets in locations outside settlements, farmsteads and groups. Would this locational restriction be consistent with paragraph 55 of the Framework? Would it be consistent with policy DMH6 which would allow redevelopment of previously-developed land in any location?

The special circumstances outlined in paragraph 55 i.e. bullet point 2 would be restricted by Part A, but the Authority believes locational principles are a justified and necessary start point because experience of applying policies for conversion often show that the optimal viable use for such buildings in the countryside is not housing, with the additional problem that dwelling use comes with paraphernalia that often harms the wider landscape setting. This is also part of the decision when considering the conservation of a heritage asset. When housing is still resolved to be the optimum viable use it would be considered wholly exceptional.

For consistency with DMH6 the Authority agrees that DMH6 could be clarified to exclude heritage assets or to ensure they are included under DMC10.

12 Should part A apply to all conversions and changes of use to more intensive uses? Would the requirement of the policy regarding conversion from the use for which the asset was designed be precise enough?

Part A applies to all conversions and change of use, with the sub parts of the policy explaining that conversion or change of use is conditional depending on such issues as location.

13 Is the restriction on 'higher intensity' uses in A (iii) sufficiently precise? Is this paragraph consistent with paragraph 28 of the Framework?

When read with paragraph 3.96 and proposed modification M3.63, the Authority considers it is precise and consistent with para 28 of the NPPF because strong economic growth in rural areas is not a policy objective of the core strategy and the Authority considers that sustainable development is better achieved through concentration of uses amongst groups of buildings rather than across the wider protected landscape. Conservation of heritage assets is however a key policy objective in furthering national park purposes to conserve and enhance cultural heritage and this has justified priority ahead of development whose primary justification is the social and economic well-being of the area.

14 Could paragraph A(iv) be more concisely and effectively worded?

The Authority agrees and suggests the following words. *The changes brought about by the new use and any associated infrastructure and conversion conserves and enhances the heritage significance of the asset, its setting, any valued landscape character, and any valued built environment.*

15 What is the justification for part B? Is that part consistent with the Framework? Is it consistent with policy DMH6?

The Authority considers that B is justified because it considers that conservation and enhancement of a national park landscape cannot be achieved by converting buildings that have no value to the landscape in the first place.

The Authority suggests that the exemption given to national parks on the matter of permitted development to convert agricultural buildings to dwelling use is a clear sign that government only wants high quality development in protected landscapes and does not accept that such a provision for conversion is necessary in a national park. Part B ensures poor quality buildings are not granted uses that prolong their negative influence on the National park built environment or landscape.

The Authority considers that it is consistent with DMH6 because DMH6 allows only re-development of land, or conservation and enhancement of valued character. It does not allow conversion of buildings with no valued character.

16 The policy is more restrictive than policy HC1 of the Core Strategy in terms of not allowing conversion of buildings that are not heritage assets and in restricting the locations of conversions. Is the policy consistent with the Core Strategy in these respects?

The policy seeks to define and add necessary detail to the term “valued vernacular” in HC1, which has been challenged in the absence of such detail. The objective of DMC10 therefore is to supplement policy HC1 but by using the language set out in the Framework and other policies of the DMP with respect to heritage assets.

DMH6 is not however more restrictive because HC1 already restricts new housing to situations where it is required to achieve conservation or enhancement of valued vernacular buildings or listed buildings, or it is required to achieve conservation or enhancement in DS1 settlement, neither of which would permit conversion of buildings of no heritage value to high intensity uses such as housing, as an acceptable enhancement.

DMC10 Conversion of a heritage assets

A. Conversion of a heritage asset to a use other than that for which it was designed will be permitted provided that:

- (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
- (ii) the building is capable of conversion ~~requiring no more than minor structural work~~, the extent of which would not compromise the significance ~~historic interest~~ and character of the building; and
- (iii) where the proposal involves the conversion to higher intensity uses, development will only be permitted within existing settlements, smaller hamlets, on farmsteads, and in groups of buildings ~~in sustainable locations~~; and
- (iv) ~~the new use does not require changes to the asset’s setting and/or curtilage or new access or services that would adversely affect the heritage asset’s significance or have an adverse impact on its~~

setting, including on the landscape character or character of the built environment of the area; the changes brought about by the new use, and any associated infrastructure (such as access and services) and conversion, conserves and enhances the heritage significance of the asset, its setting (in accordance with DMC5), any valued landscape character, and any valued built environment.

- (v) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquility, dark skies or other valued characteristics; and

B. Buildings which are not deemed to be a heritage asset will not **normally** be permitted for conversion to higher intensity uses.

C. Proposals under Core Strategy policy HC1 part CI will only be permitted where:

- (i) the building is a designated heritage asset; or
- (ii) based on the evidence, the National Park Authority has identified the building as a non- designated heritage asset; and
- (iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and where appropriate the enhancement of the significance of the heritage asset and the contribution of its setting.

D. In all cases attention will be paid to the impact of domestication and urbanisation brought about by the use on landscape character and the built environment including:

- (i) the supply of utility and infrastructure services, including electricity, water and waste disposal to support residential use;
- (ii) the provision of safe vehicular access;
- (iii) the provision of adequate amenity space and parking;
- (iv) the introduction of a domestic curtilage;
- (v) the alteration of agricultural land and field walls;
- (vi) any other engineering operation associated with the development.