

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 12th August 2019

Application No:	HPK/2019/0180		
Location	Land Fronting 84 Buxton Road, Whaley Bridge		
Proposal	The repair of a collapsed riverbank wall through the use of earth reinforcement, provision of scour protection and reconstruction of the dry stone wall as a fascia.		
Applicant	High Peak Borough Council		
Agent	Mr Peter Batty		
Parish/ward	Whaley Bridge Ward	Date registered	12 th July 2019
If you have a question about this report please contact: Mark Ollerenshaw, Tel. 01538 395400 extension 4921, mark.ollerenshaw@highpeak.gov.uk			

REASON FOR REFERRAL

This application has been brought before the Development Control Committee because the applicant is High Peak Borough Council.

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The site relates to a section of riverbank wall adjacent to the right bank of Randall Carr Brook adjacent to the frontages of 84 and 86 Buxton Road.
- 2.2 The site lies within Flood Zones 2 and 3.
- 2.3 The site lies within the Built-up area boundary of Whaley Bridge and Whaley Bridge Conservation area for the purposes of the High Peak Local Plan.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 This application seeks planning permission to take down, reinforce and rebuild a partly collapsed dry stone wall which forms the riverbank of Randall Carr Brook. Soil nails will be used for reinforcing the bank and the wall will be rebuilt on the existing alignment using matching stone with faceplates installed on the front of the rebuilt wall.

3.2 A post and rail fence is proposed long the top of the wall after the restoration works.

3.3 The application, the details attached to it including the plans and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=232070>

4. RELEVANT PLANNING HISTORY

None.

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

S1 – Sustainable Development Principles
S1a – Presumption in Favour of Sustainable Development
S2 - Settlement Hierarchy
S6 – Central Sub-area Strategy
EQ5 - Biodiversity
EQ6 – Design and Place Making
EQ7 – Built and Historic Environment
EQ11 Flood Risk Management

National Planning Policy Framework

Paragraph 11 - The presumption in favour of sustainable development
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and Enhancing the Natural Environment
Section 16 – Conserving and Enhancing the Historic Environment

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 09 August 2019
Neighbour letters	Expiry date for comments: 02 August 2019
Press Notice	Expiry date for comments: 08 August 2019

Neighbours

No representations received to date.

Consultee	Comment	Officer response
Whaley Bridge Town Council	No comments received.	

DCC Highways	No objection.	Para 7.19
The Coal Authority	The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.	
DCC Flood Risk Management Team	This is a minor application, no formal comments to make. Refer to a number of informatives	Para 7.18
Environment Agency	The Environment Agency has no objection in principle to this wall repair and we have issued flood risk activity permit EPR/DB3851UQ on 12th July 2019.	Para 7.18
Canal and River Trust	No comments received.	
DCC Archaeologist	Do not consider that it will have any archaeological impact, but would recommend that your Conservation Officer be consulted as the development is within the Whaley Conservation Area.	Paras 7.9 - 7.15
Conservation Officer	<p>Application to take down, reinforce and rebuild a partly collapsed dry-stone wall which forms the riverbank of the Randall Carr Brook in the Whaley Bridge Conservation Area. Soil nails will be used for reinforcing the bank and the bank will be rebuilt on the existing alignment and to matching appearance.</p> <p>The application provides few details to ensure that the wall is rebuilt faithfully so additional information/conditions will be required: (1) The section shows that faceplates are to be installed on the front of the rebuilt wall but no details are provided.</p>	Paras 7.9 – 7.15

	<p>(2) No details are provided of the fencing shown at the top of the wall.</p> <p>(3) A method statement is required to demonstrate how much of the wall will need to be demolished, how the wall will be rebuilt and how it will be consolidated and finished. It is a dry stone wall but clearly some mortar will be required in order to ensure stability and for the face plates to work.</p>	
Arboricultural Officer	No objections subject to a tree protection condition being placed on the approval just to ensure that vehicle and storage of materials stay way from the trees.	Para 7.20

7. POLICY AND PLANNING BALANCE

Planning Policies

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan Policies Adopted April 2016.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan, they should be approved without delay, but where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

7.5 The Core Principles of the NPPF are set out in paragraph 17 which, amongst other things, seek to conserve heritage assets in a manner appropriate to their significance and also delivering sufficient community and cultural facilities.

Principle of Development

7.6 The National Planning Policy Framework outlines the importance of conserving heritage assets in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life and future generations. Local Plan Policy S6 requires development to protect and enhance the historic environment of the Central Sub-area.

7.7 Local plan policy EQ7 recognises that heritage assets should be conserved in a manner appropriate to its significance by ensuring development proposals contribute positively to the character of the built and historic environment, with particular protection given to designated assets such as listed buildings and conservation areas.

7.8 The works to repair the collapsed riverbank wall are considered essential for safety reasons. The failure of the existing wall makes access into the adjacent field unsafe and threatens the structural stability of the adjacent properties. The proposal is considered to be acceptable in principle subject to consideration of other material planning matters as discussed below.

Design and Impact on a Heritage Asset

7.9 The NPPF advises that good design of the built environment is a key aspect of sustainable development. Paragraph 192 of the NPPF advises Local Planning Authorities of their duty when determining planning applications, to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality should also be acknowledged.

7.10 Paragraph 193 of the NPPF states that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 requires that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.11 Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that, in assessing planning applications in respect to any land or buildings in a Conservation Area the LPA has a duty to pay special

attention to the desirability of preserving or enhancing the character or appearance of that area.

7.12 Local Plan Policies S1 and EQ7 acknowledge the need to protect and enhance the High Peak's heritage assets in the most sustainable way.

7.13 The reinforcement of the bank with the use of soil nails and rebuild of the wall on its existing alignment and using matching stone has been deemed the most appropriate option as part of an Options Appraisal undertaken on behalf of the Council and provides a permanent solution to secure the structural stability of the wall.

7.14 The wall is located within the Whaley Bridge Conservation Area and is clearly visible from Buxton Road. Given the nature of the repair works and that the finished wall will replicate its former appearance as a dry stone wall, the impact on the character of the Conservation Area is not considered harmful. However, the Conservation Officer comments that the application provides few details. No details of the faceplates installed on the front of the rebuilt wall have been provided and details of the new fencing to the top of the wall are lacking. A method statement is required to demonstrate how much of the wall will need to be demolished and how it is to be rebuilt, consolidated and finished. It is considered that these details can be agreed by means of conditions attached to the recommendation.

7.15 Subject to the conditions outlined above, the proposal is not considered to cause harm to the designated heritage asset and would assist in sustaining the character and appearance of the conservation area, in accordance with adopted local plan policies S1, S7, EQ6 and EQ7 and Section 16 of the NPPF as set out above.

Amenity

7.16 The NPPF requires all developments to secure a good standard of amenity for all existing and future occupants of land and buildings. Adopted local plan policy EQ6 outlines that developments should achieve a satisfactory relationship to adjacent development and not cause unacceptable effects including noise and other adverse impacts on local amenity.

7.17 The works are for repair of an existing wall which is situated well below the level of the adjacent residential properties and which will not therefore have any adverse impact upon the amenity of neighbouring properties. The proposal is therefore compliant with the NPPF and adopted policy EQ6 in this regard.

Flood Risk

7.18 The site forms part of the riverbank of Randall Carr Brook which is within Flood Zones 2 and 3. Given the nature of the proposed works which seek to repair and reinstate the existing riverbank wall using appropriate methods along its existing alignment and no increase in the impermeable

area, it is considered that the proposed development will not increase the risk of flooding elsewhere. It is noted that the Environment Agency and the Flood Risk Team raise no objections and the Environment Agency has issued a flood risk activity permit for the works. It is concluded that the proposals comply with Policy EQ11 of the Local Plan and Chapter 14 of the NPPF.

Other matters

7.19 The proposal will not affect highway safety other than for a short duration whilst access is required to the site during the construction phase. This is not considered likely to result in any adverse impact on highway safety. The Highway Authority raises no objection.

7.20 The Council's Arboricultural Officer equally raises no objection subject to a tree protection condition to ensure that vehicles and storage of materials do not impinge on the nearby trees. Such a condition has been attached to the recommendation.

Planning Balance & Conclusion

7.21 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For plan making this means that amongst other things, Local Planning Authorities should positively seek opportunities to meet the development needs of their area unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and to secure a development that improves the economic, social and environmental conditions of the area. Heritage assets are recognised as being important assets which contribute towards the quality of life and should be conserved for the enjoyment of future generations.

7.22 Subject to the conditions outlined above the proposed works would sustain and enhance the Conservation Area which is a designated heritage asset. The scheme does not raise any issues with regard to amenity or flood risk and therefore taking all of these matters into account, it is recommended that the works be approved. The development would comply with the relevant policies of the adopted Local Plan and the National Planning Policy Framework.

8. RECOMMENDATIONS

A. APPROVE, subject to the following conditions;

Condition number	Brief description	Comment
TL01	3 year time limit on implementation of the permission	
AP01	AP01 Approved Plans /	

	Specifications	
NSTD	Tree Protection Scheme	
NSTD	Details of face plates to the front of the rebuilt wall to be submitted for approval.	
NSTD	Details of fencing to the top of the wall to be submitted for approval.	
NSTD	Method statement to be submitted for approval to demonstrate the extent of the rebuilding of the wall and how it will be consolidated and finished.	

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site plan

