

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

22nd March 2021

Application No:	HPK/2021/0005	
Location	Serpentine Community Garden, Serpentine Walk, Off Burlington Road, Buxton,	
Proposal	Erection of a Polytunnel	
Applicant	Ms Madeline Hall, c/o Serpentine Community Garden Society CIO	
Agent	N/A	
Ward/Parish	Corbar Ward	Date registered 22/01/2021
If you have a question about this report please contact: Faye Plant faye.plant@highpeak.gov.uk 01538 395400 ext. 4995		

1. REFERRAL

- 1.1 The application is referred to the Development Control Committee because HPBC is the landowner and the application has been submitted by Councillor Hall.

SUMMARY OF RECOMMENDATION

APPROVE subject to conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site is an area located between the Serpentine Walks park and the plots on the northern side of Lismore Road. It is accessed via a driveway off Burlington Road to the east. Pedestrian access is also possible from St John's Road. The site is partly a former High Peak Borough Council plant nursery and partly a former depot which closed in 2019 and has since been leased to the Serpentine Community Garden Society (Charitable Incorporated Organisation).
- 2.2 The site is now run as a community garden and nursery. There are already two polytunnels and a greenhouse on site.
- 2.3 The application site is located wholly within The Park Conservation Area, with a small part of the access road within The Central Conservation area. Moreover the site is adjacent to but does not fall within the Serpentine Walks Grade II* historic park.

3. DESCRIPTION OF THE PROPOSAL

- 3.1 It is proposed to construct a polytunnel, which would sit on a concrete

base which previously supported a tractor garage, now demolished, dating from when the use of the site was used as a depot.

3.2 The proposed polytunnel would be 6.3m by 10.4m, with a maximum height of 2.8m and would be constructed via a framework of steel hoops pinned into the slab and bolted to base plates with timber base rails. The applicant states that the structure would be temporary in its nature and removable by a small team in less than a day.

3.3 Full details of the proposal can be found at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=244991>

4. RELEVANT PLANNING HISTORY

HPK/2012/0277 - Proposed Outline Application For Three New Four Bed Dwellings
Withdrawn

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=136220>

HPK/2017/0036 - Serpentine House - Proposed single garage at rear of property, replace existing white wooden picket fence & gate at front of property, with iron railings and gates. Block pave driveway at front and rear of property.
Approved 24/03/2017

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=213689>

5. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

- S1 Development Principles
- S1a Presumption in Favour of Sustainable Development
- S7 Buxton Sub-area Strategy
- EQ1 Climate Change
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment
- CF4 Open Space, Sports and Recreation Facilities
- CF5 Provision and Retention of Local Community Services and Facilities

Supplementary Planning Guidance

National Planning Policy Framework

Paragraph 11: The Presumption in Favour of Sustainable Development
Section(s) 4, 8, 12 and 16

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 09/03/2021
Neighbour letters	Expiry date for comments: 16/02/2021
Press Notice	Expiry date for comments: 25/02/2021

Neighbours

Neither (1)

- No objection as it is a low-level temporary structure not being used for commercial or residential use

Support (16)

- The community garden is a valuable community resource providing education and volunteering opportunities.
- The polytunnel will allow the range of plants grown to be expanded.
- This organisation is doing a supremely worthwhile job for the future of our community and needs as much support as it can get.
- Lockdown has shown how important working in nature and growing your own food is to our sense of wellbeing
- Food from the garden is used for donations and this can be increased
- It continues a long tradition of horticulture on this site
- There is scope for expanded work with schools and the College
- This will allow food to be grown in a longer growing season
- Support voiced from NHS primary care staff – benefits for community health
- Opportunity to carry on work in COVID safe manner
- The site was previously in very poor condition and this application represents continued improvement
- The development would be classed as sustainable
- No adverse visual impacts of new polytunnel
- Good use for otherwise unusable concreted area of land
- More volunteers can be accommodated
- Work with the Heritage Seed Bank can be expanded
- There was an unsightly shed on this spot for many years – this is improvement
- It would not be a permanent feature, allowing future change

Consultations

Consultee	Comment	Officer response
Conservation Officer	I can't see any objection to the proposal to site a polytunnel on the site of a former tractor shed with concrete base as this forms part of an established Community Garden. No harm to heritage assets.	7.9 - 7.13
DCC Highways	No objection	7.17

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

Policy Context

- 7.1 The determination of a planning application should 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 considerations 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 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.

Principle of Development

- 7.5 Section 8 of the NPPF seeks to achieve healthy, inclusive and safe places which, amongst other matters, promotes social interaction, are safe and accessible and enable and support healthy lifestyles.
- 7.6 Policy CF4 of the Local plan seeks to protect, maintain and enhance existing open spaces, buildings and land in order to ensure their continued contribution towards the health and well-being of local communities.

- 7.7 The Community Garden is run by volunteers and they have leased the land since 2019. The Community Gardens charitable objective is to advance the education of the public in the subject of horticulture and is open to visiting members of the public and volunteers alike. The Community Garden provides a community asset for the purposes of horticulture and education.
- 7.8 The proposed erection of an additional polytunnel to support the work at the Community Garden is considered to be acceptable in principle and compliant with Policy CF4. Matters such as design and impact on the heritage asset, amenity and access are considered in detail below.

Design and Impact on the Heritage Asset

- 7.9 In relation to the setting of the Grade II* Serpentine Walks Park registered historic park, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers, in considering whether to grant planning permission for the development, which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72(1) also requires the decision maker, when considering any planning application that affects a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Accordingly, the Council has a statutory duty to consider the scheme's effect on the setting of the Grade II* Listed Park and Gardens and The Central and Park conservation areas.
- 7.10 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). 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 Local Plan Policy EQ 7 'Built and Historic Environment' seeks to protect the historic environment and conserve heritage assets in a manner appropriate to their significance with particular protection being given to Listed Buildings, Conservation Areas, Historic Parks and Gardens. Policy EQ 6 seeks to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and a sense of place by taking account of the distinct character, townscape and setting of the area.
- 7.12 The site has been in use as a nursery for the purposes of horticulture for at least 150 years and was gifted by the 7th Duke of Devonshire to the town for the purposes of an ornamental garden and nursery grounds. The continued use and maintenance of the Community Garden will be supported by the addition of the poly tunnel, which will allow for under-cover growing, on the pre-existing concrete base. The polytunnel is lightweight and functional in appearance fitting its purpose. Although there may be glimpse views of the polytunnel from the

Park and historic gardens to the north, the polytunnel will be seen in the context of the surrounding nursery and is screened by trees and planting during the spring and summer months.

- 7.13 The proposal is not therefore considered to harm the nearby Grade II* Listed Park or the surrounding Conservation areas to which this site forms a part. The development is an appropriate and functional design within the Community Garden which would continue to sustain the character of the conservation area and is therefore in accordance with Section 16 of the NPPF and local plan policies EQ6 and EQ7 in this regard.

Amenity

- 7.14 Local Plan Policy EQ6 stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity. Similarly NPPF para 127(f) requires a high standard of amenity for existing and future users'.
- 7.15 The polytunnel is sited within the Community Garden grounds and is well screened from residential development to the south in Lismore Road by the existing boundary treatment comprising a close boarded fence and ground level changes. The site sits below the adjacent residential properties in Lismore Road, and therefore any glimpsed views of the polytunnel will be from first floor windows.
- 7.16 The proposals are not considered to give rise to concerns regarding the impact on neighbouring amenity and are therefore in accordance with the provisions of local plan policy EQ6 and para 127 of the NPPF in this regard.

Parking and Access

- 7.17 Section 9 of the NPPF and Policy CF 6 of the Local plan seeks to ensure that new development can be safely accessed in a sustainable manner and minimise the need to travel, particularly by unsustainable modes. The site is located within a highly sustainable location within an established Community Garden, which is easily accessible by walking and public transport. The site is currently accessed via an existing driveway from Burlington Road, which would remain unaltered. It is noted that the highway officer raises no objection to the development proposals and therefore the proposals do not raise any concerns with regards to highway safety and are in accordance with the provision of the NPPF and Policy CF6 of the local plan.

8. PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed development would have no adverse impact on the significance of the surrounding Conservation Areas. Indeed, the development, given the context in which it would be positioned would continue to sustain the character and appearance of the conservation areas and would not harm the setting of the adjacent historic garden. There is clear justification for the polytunnel to further

support under-cover growing within the Community Garden to the benefit of the wider community. It is therefore considered that the proposed development it will comply with the relevant policies contained in the High Peak Local Plan 2016 and the NPPF (2019).

9. RECOMMENDATIONS

A: That planning consent be APPROVED, subject to the following conditions:

Condition Number	Brief description	Comment
TL02	Time Limit – 3 years	
AP01	Approved plans	

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 Head of 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.

Site Plan

