

DELEGATED DECISION REPORT

HPK/2023/0500
Valid 21/11/2023

**GRASS VERGE OUTSIDE
STODHART MEWS
HAYFIELD ROAD
CHAPEL-EN-LE-FRITH**

**CHANGE OF USE FROM
HIGHWAYS TO
PRESERVATION OF SITE OF
HISTORICAL INTEREST**

(FULL - MINOR)

MAIN ISSUES

- Heritage
- Residential Amenity
- Highways

DESCRIPTION OF SITE

The site comprises a grassed highway verge in front of Stodhart Mews on the Hayfield Road (A624) in Chapel-en-le Frith. The land has no present use and contains a number of mature and semi-mature trees which contribute significantly to the streetscene and approach to Chapel.

The land lies above the line of the Stodhart Tunnel, which is listed Grade II* and believed to be the second oldest railway tunnel in the world, and forming part of the Peak Forest Tramway.

The site is close to but outside of the Chapel Milton Conservation Area.

PROPOSAL

The application does not propose any operational development, there will be no change to the appearance of the verge. The applicant considers the change of use necessary to assist its funding and restoration.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ 6 Design and Place Making
EQ 7: Built and Historic Environment
EQ8 Green Infrastructure
CF 6 Accessibility and Transport

National Planning Policy Framework

Chapter 8 – Promoting healthy and safe communities

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2004/0782 - Change of use from Highways to Preservation of Site of Historical Interest – Approved 28.01.2005

CONSULTATIONS

Publicity

Site Notice expiry date: 05/01/24

Neighbour consultation period ends: 05/01/24

Press Advert: 28/12/23

Public Comments

None received

Town / Parish Comments

Support

Derbyshire County Council Highways

No objection and recommend that the same condition be imposed regarding 3m strip of verge being maintained as highway land.

County Archaeology

No objection and confirm the listed status of the tunnel as Grade II*

County Highways

No objection and recommend that the same condition be imposed regarding 3m strip of verge being maintained as highway land.

Conservation Officer

Proposals are unclear and not justified by Heritage Statement. Suggest Heritage England is consulted.

OFFICER COMMENTS

Principle of Development

This application is essentially a resubmission of the application which was granted planning permission in 2005 (HPK/2004/0782). It appears that the planning permission was never implemented nor conditions discharged hence a new planning application has been submitted.

It is questionable whether the works do require planning permission as the heritage asset is existing Grade II* listed and is below ground so it is not necessarily relevant what use the land is above it.

Nevertheless planning permission has been granted for the use previously and there has been no material change in planning policy in the intervening time that would warrant the local planning authority taking the opposing view.

The long term restoration of the Peak Forest Tramway was supported by the previous local plan (policy TR13). High Peak Local Plan policy EQ8 Green Infrastructure has replaced TR13 and also seeks to protect long distance and local trails.

A condition was imposed to the previous permission to clarify that the application is for change of use only and does not confer approval for any operational development associated with the proposal. For clarity and consistency it is recommended that this condition be reimposed on the new planning permission.

Heritage

The tunnel below the site is Grade II* listed the proposal will not affect the heritage assets and the motivation for the change of use application is to help protect it. County Archaeology raise no objection to the proposal. The Conservation Officer has made observations about whether a Heritage Statement is required. However, given the proposed change of use does not propose any operational development, and the asset is below ground, requiring a Heritage Statement would seem disproportionate and would not state anything that hasn't already been said in the application submission.

It is concluded that there would be no harm to the heritage asset and therefore the proposal is acceptable with regards to policy EQ7.

Amenity

The change of use of land will not any adverse effects on residential amenity as the land will be essentially unchanged from existing. Once the tunnel is restored the visitors of the tunnel will be underground and there will be no disturbance to residents of Stodhart Mews. A condition was imposed on the previous permission removing PD rights and this was done on the basis of protecting residential amenity. It is recommended that this condition be reimposed.

The proposal is therefore considered acceptable on residential amenity grounds and satisfies policy EQ6.

Highway Safety

County Highways has no objection to the proposal provided the previous condition is imposed regarding highway limits. The proposal therefore satisfies the requirements of policy CF 6.

CONCLUSION / PLANNING BALANCE

On the basis that the application has been previously approved for planning permission and there has been no material change in planning policy in the intervening period, the proposal is still considered acceptable. The application is therefore recommended for approval subject to the same conditions as planning permission HPK/2004/0782.

OFFICER RECOMMENDATION : Approve

Case Officer: Rosie Dinnen

Recommendation Date: 16.02.24

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council