

HERITAGE STATEMENT

For

Chapel View
2 Sandy Lane
Crich
Matlock,
DE4 5DE

March 2023
Rev A

Contents

1.0 – INTRODUCTION 3
2.0 – METHODOLOGY 4
3.0 - Planning Policy Context 4
4.0 - Amber Valley Borough Local Plan 5
5.0 - Site History 5
6.0 - Heritage Assets 7
7.0 - Assessment of Impact 8
8.0 – Materials and Details 8
9.0 - Summary Conclusions 8
Appendix 1 – Methodology 10
Assessment of significance 10
Setting and significance 11
Assessing change through alteration to setting 11
Levels of significance 12
Assessment of harm 12
Benefits 13
Appendix 2 – Planning Policy 14
National Planning Guidance 17
Summary & Conclusions 19
Sources of Information 20

1.0 – INTRODUCTION

1.1 A Heritage Statement has been produced as part of a planning application submission to assess the impact of the First Floor Extension at Chapel View, 2 Sandy Lane, Crich, Matlock, DE4 5DE on the historic environment.

1.2. The site falls within the boundaries of the Conservation Area.

1.3. This Built Heritage Statement provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF) which requires:

> *"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*

1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 193 to 197 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

2.0 – METHODOLOGY

2.1. The following assessment has been informed by Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment1 (henceforth referred to as GPA 2: Managing Significance) and English Heritage's Conservation Principles.

2.2. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:

> • Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013 that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
>
> • Less than substantial harm. Harm of a lesser level that that defined above; and
>
> • No harm (preservation). A High Court Judgement of 2014 is relevant to this, in which it was held that with regard to preserving the setting of Listed building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.

2.3. Preservation does not mean no change; it specifically means no harm. GPA 2: Managing Significance states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment, it is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

2.4. With specific regard to the content of this assessment, Paragraph 189 of the National Planning Policy Framework 2019 states:

> *"…The level of detail should be proportionate to an assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance..." (our emphasis)*

2.5. Full details of the methodology adopted are provided at Appendix 1.

3.0 - Planning Policy Context

3.1. The site falls within the boundaries of the Conservation Area.

3.2. Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.

3.3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

> "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall 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."

3.4. A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 196 of the revised NPPF), this is in keeping with the requirements of the 1990 Act.

3.5. With regard to development within Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

> "in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

3.6. Notwithstanding the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.7. Planning applications within Amber Valley Borough Council are currently considered against the policies set out in the Local Plan (April 2012).

4.0 - Amber Valley Borough Local Plan

4.1 The Proposal has been created with a consideration of local planning policy, including the following specific policies included within the Local Plan. In particular, care has been taken in creating a sustainable development that positively improves the housing mix of the area and is of a design that enhances local identity.

4.1 Policy LS3

The Borough Council will require development proposals to reflect the principles of good design, by:

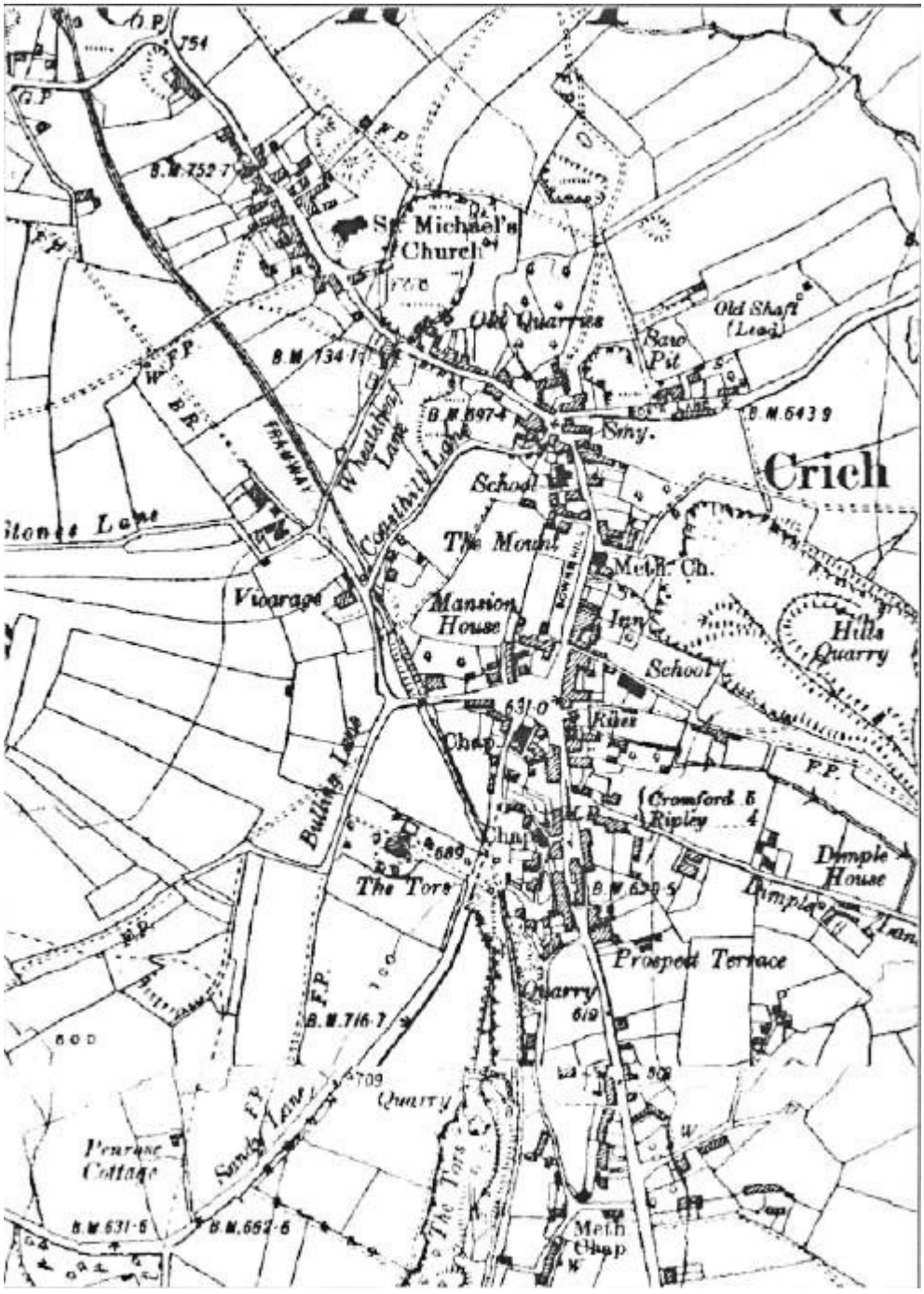
> a) conserving or enhancing the quality and local distinctiveness of the natural and built environment
>
> b) respecting the character of the locality in terms of the scale and nature of development, its layout, density, height, massing, architectural style, materials, and landscaping
>
> c) taking account of the relationship between the development proposals and neighbouring buildings, and the spaces between and around those buildings

5.0 - Site History

5.1 Chapel View, 2 Sandy Lane, Crich, Matlock, DE4 5DE was originally 2 and 4 Sandy Lane, Crich

The properties where altered into one property approximately 40 years ago

The stone built properties where originally small workers cottages



Map 1: 1923 Ordnance Survey extract.



Map 3: Recent aerial imagery (Source: Google).

6.0 - Heritage Assets

6.1. Chapel View, 2 Sandy Lane, Crich, Matlock, DE4 5DE is not listed but is included within the boundaries of the Conservation Area.

6.2. As confirming in the mapping and aerial views, incorporation of properties within large grounds has allowed for the semi-rural character of the street scene to still be understood despite some incorporation of further built form at a smaller scale. Similarly, the retention of the garden and existing landsacping.

6.3. Built form in the Conservation Area is varied and ranges from the 1500s period to present day. Whilst the buildings, including the site, have changed use over time, resulting in later extensions and additions to the original buildings, a sense of a quiet, residential character can still be understood in the street scene.

6.4. The application site is considered to make a positive contribution to the significance of the Conservation Area in its origins and relationship with the street scene.

7.0 - Assessment of Impact

7.1. The proposal include Erection of a first floor extension, so the proposals will not result in the loss of any historic fabric.

7.2. The new extension, which would be in keeping with the style of the surrounding buildings and will be of high quality and improve the visual aspect when access is made to the site and from the street scene.

7.3. The proposed design of the buildings would also be appropriate within the wider Conservation Area, which contains a variety of different buildings. The contribution of the first floor extension make to the street scene and thus the wider Conservation Area will be enhanced through the provision of more in-keeping buildings.

"The proposal would conserve the character of the surrounding Conservation Area."

7.4. Thus, no negative impacts have been identified to the historic environment through the first floor extension

8.0 – Materials and Details

8.1. The roof shall be finished in natural slate to match the existing.

8.2 Rainwater goods shall match the guttering to the existing property.

8.3 The stone to all elevations shall be evenly coursed in course heights to match the main elevation to Sandy Lane and the existing ground floor extension, with a plain close verge to the gable.

8.4 The stone to the front elevation shall be tooled in herringbone pattern to match existing.

8.5 All windows and doors shall be fixed within 100mm outer reveals.

8.6 All windows shall have stone lintels and cills to match the existing on the frontage to Sandy Lane.

8.7 Stonework joints shall be finished in a lime mortar.

8.8 Samples of roofing slate and gritstone walling stone, incorporating a sample tooled finish, shall be provided for the written approval of the planning department.

8.9 A sample panel of the finished pointing shall be provided for the written approval of the planning department.

9.0 - Summary Conclusions

9.1. With reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of the Conservation Area. The proposals will therefore satisfy the statutory requirement set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals will also satisfy relevant local policies.

APPENDIX

Appendix 1 – Methodology

Assessment of significance

In the NPPF, heritage significance is defined as:

> *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance"*

Historic England's Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (henceforth referred to as 'GPA 2: Managing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England's Conservation Principles; evidential, historical, aesthetic and communal. These essentially cover the heritage 'interests' given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.

Conservation Principles provides further information on the heritage values it identifies:

Evidential value: the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible at an asset, but gives a particular resonance through association with a notable family, person, event or movement.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.

Significance results from a combination of any, some or all of the values described above.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the NPPF:

> *"Significance derives not only from a heritage asset's physical presence, but also from its setting. "*

Setting is defined as:

> *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."*

Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

It is also important to note that whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. This was recently considered in a High Court Judgement where it was concluded that:

> "The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual".

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this report with reference to Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (henceforth referred to as GPA 3: The Setting of Heritage Assets. This advocates the clear articulation of 'what matters and why'.

In GPA 3: The Setting of Heritage Assets, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess "whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciate"'. The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to "maximise enhancement and avoid or minimise harm". Step 5 is to "make and document the decision and monitor outcomes".

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, will be discussed

Levels of significance

In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;

Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

Non-designated heritage assets. Non-designated heritage assets are defined within the Government's Planning Practice Guidance as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets".

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

In order to relate to key policy, the following levels of harm may potentially be identified:

Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013 that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"; and

Less than substantial harm. Harm of a lesser level than that defined above.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

Preservation does not mean no change; it specifically means no harm. GPA 2: Managing Significance states that "Change to heritage assets is inevitable but it is only harmful when significance is damaged". Thus, change is accepted in Historic England's guidance as part of the evolution of the

landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3: The Setting of Heritage Assets, described above. Again, fundamental to the methodology set out in this document is stating 'what matters and why'. Of particular relevance is the checklist given on page 13 of GPA 3: The Setting of Heritage Assets.

It should be noted that this key document states that:

"setting is not itself a heritage asset, nor a heritage designation"

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

With regards to changes in setting, GPA 3: The Setting of Heritage Assets states that "conserving or enhancing heritage assets by taking their settings into account need not prevent change".

Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

As detailed further in Section 6, the NPPF (at Paragraphs 195 and 196) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 195 and 196.

The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

• sustaining or enhancing the significance of a heritage asset and the contribution of its setting

• reducing or removing risks to a heritage asset

• securing the optimum viable use of a heritage asset in support of its long term conservation."

Any ‘heritage benefits’ arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

Appendix 2 – Planning Policy

Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (February 2019)

National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous National Planning Policy Framework 2018, which in turn had replaced the previous 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three “objectives” to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in Annex 2 of the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."

The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."

As set out above, significance is also defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage

Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

> *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Paragraph 192 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness"

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

> *"193 – 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 (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."*
>
> "194 – Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

In the context of the above, it should be noted that paragraph 195 reads as follows:

> *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use"

Paragraph 196 goes on to state:

> *"Where a development 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"*

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

> *"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

Paragraph 201 goes on to recognise that "not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance" and with regard to the potential harm from a proposed development states:

> *"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole"*

With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

> *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

Non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

National Planning Guidance

The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the 'Historic Environment' which confirms that the consideration of 'significance' in decision taking is important and states:

> *"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals"*

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

> *"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm"

Summary & Conclusions

• The proposed works have been designed to respect the character of the existing building.

• The final proposals are the result of a detailed design process that responds to the historic and built context of the site.

• The design has been developed to ensure a sensitive design solution that relates well to the surroundings.

• The scheme will enhance the appearance and quality of the existing site and is a solution that will have minimal impact in terms of scale, massing and height.

• There are no other issues that have been identified that are material to the determination of the planning application. The proposals can be considered to accord with planning polices, and the Local Planning Authority, is, therefore, respectfully requested to grant planning permission for our proposed development.

Sources of Information

(1) Bibliographic reference: East Midland Arch Bull 13 1979-82 28 (Amber Valley Survey, TVARC).

(2) Map: 1844. Map 1844 Tithe Appointment (Kilburn?).

(3) Map: 1735. Matlock DRO Map 1735 9722/P1 Plan 1735.

(4) Map: Sanderson, G. 1835. Twenty Miles round Mansfield.

(5) Index: Council for British Archaeology (CBA). CBA Industrial Archaeology Report Card. Corn Mill, Kilburn, 1972.

(6) Article in serial: Fowkes, D & Riden, P. 1972. 'The Ripley-Swanwick-Alfreton Bypass (A61)', Derbyshire Miscellany. Vol. 6 (4), pp 125-129. p 128.

(7) Historic England - Works in a Conservation Area - https://historicengland.org.uk/advice/hpg/consent/cac/

(8) Planning Portal - Conservation Areas - https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/7

(9) Amber Valley Borough Council – Conservation areas in Amber Valley - https://www.ambervalley.gov.uk/planning/planning-policy/conservation-areas/conservation-areas-in-amber-valley/