

<b>APPLICATION NUMBER</b>		21/01455/FUL	
<b>SITE ADDRESS:</b>		John Smedley Limited, Lea Mills, Lea Road, Lea Bridge, Derbyshire,	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of single storey pumphouse in association with new fire sprinkler system, the installation of 2no. water storage tanks and related works including the relevant demolition of a toilet block building in a conservation area	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr S Large (John Smedley Ltd)
<b>PARISH/TOWN</b>	Cromford	<b>AGENT</b>	Mr D Greenway (Evans Vettori Architects Ltd)
<b>WARD MEMBER(S)</b>	Cllr G Purdy Cllr D Murphy	<b>DETERMINATION TARGET</b>	28 <sup>th</sup> March 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	5 or more objections	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	Members visited the site on the 13 <sup>th</sup> June 2022.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on heritage assets</li> </ul>

<b>RECOMMENDATION</b>
Granted with Conditions

## **INTRODUCTION**

This item was withdrawn from the agenda for the June committee after a site visit has been undertaken as it became apparent that Dethick, Lea and Holloway Parish Council had not been notified of the planning committee meeting and had thereby not been able to exercise their right to register to speak on the item. Further comments received since the original report was drafted have been added into an updated report.

### **1.0 THE SITE AND SURROUNDINGS**

- 1.1 The Smedley/Lea Mills complex straddles two administrative districts, however, the proposed development works are all contained in the Derbyshire Dales District. The site is within the Castletop, Lea Bridge and High Peak Junction Conversion Area and in the World Heritage Site. Smedley/Lea Mills are not listed, however, the row of cottages to the south-west of the mills complex are grade II listed (another row of cottages (in the adjoining district – Amber Valley) are also listed (grade II)).
- 1.2 The part of the site relating to this proposed development is to the west of the mills complex and to the north of the listed (grade II) row of recently repaired and re-furbished cottages. The current site comprises a four-tier brick base for the former tanks, a brick enclosure and a small, flat-roofed w/c block. The former tanks on the site were three in number (circular in shape and painted black, of varying heights) and were removed a few years ago.
- 1.3 Smedley's Mill began in the late 18th century and over the proceeding centuries has developed and enlarged forming a large industrial site/enclave. In this regard, the complex of buildings and structures spans from the beginning of the sites history (1780s) to the present day. It is one of the longest established working textile mills in the country. This particular area of the site was developed by the 1920s. A detailed survey plan of the complex of 1941 indicates the site containing a long rectangular building ('sulphur stores'), a timber yard and a small w/c. The rectangular building was consequentially removed and the current stepped and battered brick base for the tanks was utilised.



### **2.0 DETAILS OF THE APPLICATION**

- 2.1 The proposed development comprises of the:
  - demolition of a small toilet block outbuilding;
  - an existing rubble wall to be built-up to form a gable incorporated into the new pump house;

- the erection of a single-storey pumphouse, generally of red clay brick;
- installation of two galvanised steel cylindrical sprinkler water storage tanks, painted dark grey.

2.2 The application has been submitted with a Heritage Impact Assessment (HIA). This considers and assesses the potential impact of the proposed development/works on the listed buildings, historic buildings/structures and features and on the Conservation Area/World Heritage Site.

2.3 The Design and Access Statement states that ‘a new fire strategy is required by the Applicant in order to pursue site wide maintenance. Currently, the Applicant use the Mill Pond as a water resource for the site’s fire sprinkler strategy, however this has become unsustainable in costs for the Applicant’.

2.4 Furthermore the agent states that John Smedley are required to undertake modernisation of their site-wide fire strategy. This is part regulatory (the company has a duty to maintain a robust fire strategy), part operational (i.e. property insurance) and part financial sustainability for the company. Currently, the factory-wide sprinkler system is fed by the historic mill pond. The mill pond provides the head of water necessary to pressurise the system. Consequently, the mill pond requires annual maintenance in the form of dredging and disposal of mud from the bottom of the pond. Over time this process has become increasingly costly as the requirements of the Environment Agency and the Company’s Insurer become more onerous. For John Smedley to continue to operate, this needs to be addressed immediately and in a cost effective way. The planning application to install water tanks and a connected pumphouse would relieve the operational issues, satisfy the Environment Agency’s and Insurer’s most stringent requirements, and help to make the Company more sustainable as a business.

2.5 The company have chosen to satisfy the needs of the Environment Agency and their Insurer by choosing to provide a new and upgraded system that satisfies them, at considerable cost to the Company. The tanks are a by-product of this and if the insurer is not satisfied then this would impact on the Company not being able to trade.

### 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017  
S4 Development in the Countryside  
PD1 Design and Place Making  
PD2 Protecting the Historic Environment

3.2. Other:  
The National Planning Policy Framework (2021)  
National Planning Practice Guide

### 4.0 RELEVANT PLANNING HISTORY:

16/00881/FUL	New roller shutter, replacement flues and roof covering	Permitted with conditions	19/01/2017
22/00217/FUL	Installation of solar panels (photovoltaics) to Boiler House roof	Pending consideration	

### 5.0 CONSULTATION RESPONSES

- 5.1 The Highways Authority has no objections.
- 5.2 Environmental Health has no objections to this application but would recommend the fabric of the pump house building is constructed to ensure the pumps fitted cause minimal nuisance to nearby residents when in use.
- 5.3 Peak and Northern Footpaths Society has no objections.
- 5.4 Ramblers Derbyshire Dales Group has no objection providing that the access to Cromford FPs 41 and 44 off Lea Road at Lea Bridge remain unaffected at all times, both during and after any development.
- 5.5 Natural England has no comments.
- 5.6 Derbyshire Wildlife Trust state that with regard to protected species, neither the former toilet block nor the external enclosure comprised of brick walls (no roof) are considered likely to be suitable as roost sites for bats. Nonetheless given the presence of roosts locally, the suitability of many of the surrounding buildings, and the adjacent woodland it would be advisable to issue an informative stating that the applicant should be aware of the presence of bats locally and should any evidence of bats be found all works should cease immediately and a professional ecologist should be consulted for further advice.

It would be advisable for the demolition to proceed as soon as possible (this would help further avoid/minimise any possible disturbance to bats) and the applicant should avoid or minimise the use of lighting in the evenings or early mornings during the construction period.

- 5.7 Forestry England has confirmed the site is not in the vicinity of their landholdings in that area.
- 5.8 The Development Control Archaeologist states that the proposal area is within the Dethick, Lea and Holloway Conservation Area and the Derwent Valley Mills World Heritage Site, and comprises part of Smedley's (formerly Nightingale's) Mill at Lea Bridge (Derbyshire HER MDR9637). This is a cotton mill built by Peter Nightingale in 1783 and taken over by Smedley in 1818 as a woollen spinning mill. The oldest part of the mill lies to the west of Lea Road and, although unlisted, is of comparable significance to other nationally-important examples of late 18th century mill buildings within the World Heritage Site. The footbridge spanning Lea Road, dating from the late 1920s, is an iconic element of the site, as are the industrial building frontages to either side of Lea Road.

The works currently proposed are relatively minor in scope and are located in an area just outside the core of the early mill complex. The boiler house buildings on the site date from the period 1900-1915 and are consequently part of the story of the historic mill complex.

The HIA document does provide a detailed map regression and chronology, and an assessment of building fabric as previously recommended, which fully meets the requirement at NPPF para 194 with regard to heritage information.

The information provided establishes that the site has little or no potential for below-ground archaeology of significance, and that the buildings on site - although part of the overall story of the industrial site - are not of particular significance. The Heritage Impact Assessment provides a useful record of the chronology and sequence of this part of the site, and this should be deposited with Derbyshire HER. However, beyond this no further archaeological response is necessary under the policies at NPPF chapter 16.

5.9 The DVM World Heritage Site Co-ordinator states that the installation of the two new tanks is, to some extent, considered to be a retrograde step, however, it is understood that these are necessary to meet current fire safety regulations. And, in the context of operational manufacturing sites, such as this, they are not considered to be features that are entirely out of character.

By virtue of the fact there were previously similar water tanks in the enclosure, the new tanks are likely to be a relatively dominant feature against the backdrop of the Grade II listed Mill Owners Houses. However, as can also be seen from Google Earth Street View imagery the dark colour of the previous tanks helped considerably to keep their visual impact to a minimum. The proposed colour of the new tanks is also a suitably dark and recessive colour which should also help reduce the amount that they detract from the other historic built features associated with the mill complex. Further, as just two tanks are proposed and these are kept to a minimal height this should also help to mitigate their visual impact.

There will also be a direct impact caused through the demolition of the small toilet block which will cause some irreversible loss of authenticity to the World Heritage Site. However, as the existing toilet block is likely to be part of an early 20th century phase of development this loss is considered to be relatively small. The proposed new pump house building is suitably minimal in size with a form that is similar to the many other pitched-roof forms across the mill site. However, unless there is a clear precedent for a similar pitched roof form in this location, it may be worth exploring the idea of building the gable wall up in a way that provides a more honest visual distinction between it and the existing stone wall; provided that this is practicable this could allow a better interpretation of the building's history.

The changes being sought through the proposed development are likely to result in harm to the Outstanding Universal Value of the World Heritage Site. Overall, this level of harm, in NPPF terms, should be considered to be less than substantial harm, albeit at the lower end of the scale.

However, provided that the design is of a suitably high standard, and detailed accordingly, this will also help to ensure that any harm done is kept to a minimum. Any harm done is likely to be outweighed by the benefit of the installation in that it contributes significantly towards keeping the site in its optimal viable use, particularly as this is the only operational mill complex in the World Heritage Site. Therefore, it is the opinion of the DVMWHS Partnership that the proposed development should fulfil the requirements set out in paragraphs 200 and 202 of the NPPF, in terms of justifying any harm done and delivering public benefit, respectively.

While the Partnership is supportive of the proposed changes, the planning authority needs to satisfy itself that the proposed development can be delivered to a suitably high standard, in accordance with the current World Heritage Site management plan (2020-25), and that any loss of historic fabric can be mitigated through an archaeological survey and watching brief. I trust that both these aspects of the proposed development can be suitably conditioned in any forthcoming notice of approval should it be granted.

A further response has been received from the DVM World Heritage Site Co-ordinator on the 20<sup>th</sup> June 2022 in light of the further representation received which specially mentioned part of their above comments. It states the following:-

In accordance with the Management Plan for the World Heritage Site, and with reference to the operational guidance in Section 20, I have consulted further with Derbyshire County Council's Conservation, Heritage and Design Service (which advises the World Heritage Site Partnership in planning matters), and have received the following advice:

Addendum to 4<sup>th</sup> April 2022 Response

In simple terms, the DVMWHS Partnership does not believe that the installation of the water tanks in this location, within the context of the continuation of the historic manufacturing site, will negatively impact on the Outstanding Universal Value of the World Heritage Site. It is important to the DVMWHS that this site continues in textile manufacturing. The use of the word 'retrograde' was an unfortunately loose term to indicate that there will be some minor localised impacts on an existing structure, albeit not one that is highly significant to the development of the factory system on this site.

These comments have been shared with and verified by the wider DVMWHS Partnership, through the membership of the DVMWHS Conservation and Planning Group.

5.10 Cromford Parish Council have no objection.

5.11 Cllr G Purdy has no objection.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 Four letters of representation have been received which are summarised below:-

- a) The proposal will create a significant and irresolvable safety issue for access and egress along Mill Lane.
- b) The obvious impact on the World Heritage Site can be avoided and minimised by an alternative more sympathetic scheme.
- c) Alternative schemes can be achieved by either the installation of a single tank within the existing bund which will not obstruct the sight line of vehicles accessing/leaving the site or by the placement of water tanks in a less obtrusive location.
- d) The negative impact this would cause to the preservation of the world heritage site would be detrimental to public access and general view from the lane.
- e) The extremely large and imposing tanks will have a direct negative impact on the view from the Grade 2 listed Post Office Cottages.
- f) The 2 proposed tanks are disproportionate in size for the back of the site and the visual impact will not only be seen from the cottages but the public footpaths in Lea Wood, Bow Wood and Lea Road.
- g) A more sympathetic size would fit far better on the site and reduce the visual impact in this beautiful area. If the volume of water merits such large tanks I suggest that an alternative option would be 3 or 4 tanks not the 2 proposed. This would reduce the visual impact for the residents who live here and the public who come here to enjoy the mill, its heritage and the woods.
- h) A further objection would be the "camouflage paint" on the tanks. If we really are to celebrate the industry and it's buildings, making the tanks look like the old oil storage tanks of the past is just not being true to the character of industry.
- i) Concern regarding their visual impact.
- j) Danger to traffic/pedestrians on narrow lane.
- k) Damage to reputation of World Heritage Area.

A representation has included details of a petition circulating (not yet received) which sets out the principle objection as follows :

"The undersigned hereby object to the approval of the above planning application for the erection of the two large water storage tanks on land situated in a World Heritage site. The reasons for this objection are those stated within the representations made to the Derbyshire Dales District Council by various residents in the area of the site and by the Dethick, Lea and Holloway Parish Council. In principle these objections relate to the impact this development will have upon the heritage setting and the designation of the

world heritage site. The Derwent Valley Mills Heritage partnership report points out that the installation of the two new tanks is to some extent considered to be a retrograde step however it is understood that these tanks are necessary to meet current fire regulations. This is not correct. The safety issue concerns the need to provide water to the fire suppression system on the site and this could be done in variety of ways. The two tanks could be situated in an alternative less intrusive place on the site or indeed a less intrusive alternative scheme agreed with the company for supply of water to the suppression system. Refusal of this planning application would not therefore affect the viability of the company's continued operation and consequently there is no public benefit delivered by this proposal."

They suggest that DDDC should speak as a matter of urgency with the DVMP as their report and conclusion are based upon a fundamental flaw. The fire regulations do not require the installation of the two tanks. They will be raising this at the appeal stage should the application be approved.

The Highways Authority have been contacted separately by the objector in relation to the use of the lane for company vehicles and asked for review of their comments on the application. They confirmed that an officer visited the site and does not object to the application.

The neighbouring Parish Council for Dethick, Lea and Holloway have also made representations as follows:-

Dethick, Lea and Holloway Parish Council has significant concerns about this proposal because of its visual impact upon its heritage setting and the impact upon views of these heritage assets from within the Dethick Lea and Holloway Conservation Area, which applies to all of the site east of Lea Brook, and the World Heritage Buffer Zone itself. Whilst the application fails to indicate the height of the two proposed water tanks, we estimate them to be 8.2 meters high to the top of the vessels plus 1.8 metres of superstructure above the tanks themselves. These represent a very significant intrusion into the landscape and we believe the applicant should be requested to present an alternative scheme which does not rely on the provision of these two massively tall water containers. The Parish Council appreciates the necessity for new sprinkler provision the fact that in former decades there were three sulphur storage tanks at this location and that the applicant proposes to have these new tanks painted a dark green so that their visual impact might be ameliorated. However, we would urge the authority to engage with the applicant to test the viability of alternative structural solutions which are less visually intrusive.

## **7.0 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

The principle of development  
The impact on heritage assets

- 7.1 The site is located within the countryside within a Conservation Area and the World Heritage Site. In the countryside Policy S4 allows the extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area.
- 7.2 Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features. Policy PD2 requires proposals:- to respect the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site, that affect a heritage asset and/or its setting to demonstrate how it has taken into account design, form,

scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset and to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area.

- 7.3 Each element of the proposal is discussed in turn below:-  
The proposed demolition of the small flat roofed w/c building is considered acceptable as this is considered to have low heritage significance to the overall site and its loss would not be harmful to the setting of the adjacent listed buildings, or the character and appearance of the Conservation Area.
- 7.4 The existing rubble stone wall is to be built up to form the southern gable end of the proposed new pumphouse. This proposal utilises an existing wall and its construction materials and extends to form a new gable end. The proposal is considered to be acceptable and would assimilate the new pumphouse (southern elevation) with the precedent of a stone wall.
- 7.5 The new pumphouse (approx. square in plan form) is to be constructed on the site of the former w/c. As stated above its southern gable wall is to be built up in stonework, however, its other three walls are to be a matching red brick to the other brick buildings/structures on the site/vicinity. The roof of the pumphouse is to be dual pitched (the ridge in a north/south alignment) and is to be covered in a profiled metal sheeting. Its walls are to be blank with the exception of a pair of double access doors (painted timber) on its north elevation. It is considered that in its proposed materials, form, scale and location, the new pumphouse would be an acceptable development to this part of the industrial site and would not be harmful to the setting of the adjacent listed buildings, or the character and appearance of the Conservation Area in accordance with Policies PD1 and PD2.
- 7.6 It is proposed to install two, identical, new cylindrical tanks on the former site of the removed tanks. The previous tanks, three in number (one large and two smaller ones) were of black painted metal. The new tanks would be of a similar height to the former large tank and they are to be of metal construction and painted a dark grey (BS 14 C 40). The former tanks were removed a few years ago and in that regard the site is presented, currently, without them in-situ. However, the tanks are a requirement for the fire sprinkler system and it is considered that the re-instatement of tanks in this particular location would be a neutral proposal as tanks on this site have been part of the industrial complex for many years and as an industrial complex such industrial elements are an intrinsic and fundamental part of its character. In views of the site from the south and east the tanks (and former tanks) were seen against the backdrop of the wooded slope and in this regard their visual presence is lessened.
- 7.7 The HIA states that the presence of the tanks would be dominating and negatively impactful, however, it states that their size is the minimum required and that the proposed dark grey painted finish would provide a dark recessive colour when seen against the backdrop of the wooded slope and as part of the overall industrial complex of the site. Furthermore, the HIA states that "through the development, there will be a moderate impact in terms of change to built surroundings and spaces because of the installation of the water tanks and pumphouse. This impact is part of the technical advancements that Lea Mills embraced and has endured through its history and importance should be placed on how technology advancements are the cause of the area's listing as a World Heritage Site. The ever developing factory context this development sits within is the perfect example for refurbishment of the site's fire strategy system and therefore is not impactful on the heritage assets or their setting".
- 7.8 It is considered that the proposed new tanks, as the former tanks, would have a moderate impact on the setting of the closest listed buildings and on this part of the Conservation Area. It is considered that the proposal is likely to result in some harm to the Outstanding

Universal Value of the World Heritage Site. Overall, this level of harm, in NPPF terms, should be considered to be less than substantial harm, albeit at the lower end of the scale. The NPPF advises that where a development will lead to less than substantial harm that harm should be weighed against the public benefits of the proposal. The public benefit of the proposal is the safety requirement to ensure a safe working environment for employees and in doing so supporting an existing employment use within the district that secures jobs. It is considered that this public benefit outweighs the less than substantial harm identified. In terms of proposed development in a Conservation Area, the 1990 Act places a duty on an Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. The proposed colour of the tanks and their location and the fact that they form part of a large industrial complex would not make them anomalous in this particular context and setting. In that regard, it is concluded that the proposed new tanks would have only a modest overall adverse impact on the setting of the listed buildings or the character and appearance of this part of the Conservation Area. This impact is considered to be counterbalanced by the public benefit that accrues from allowing the industrial site to evolve thereby helping to underpin this important historical employment site such that the scheme is in accordance with Policy PD2.

## 8.0 RECOMMENDATION

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This permission relates solely to the application plans received by the Local Planning Authority on the 3rd December 2021 numbered P02, P04 and P06.

Reason:

For the avoidance of doubt.

3. Details of materials to be used in the external surfaces and insulation of the proposed pumphouse (including the colour of the roof and finish of the timber doors) shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance and noise mitigation of the development in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. Details of the colour and finish of the sprinkler tanks shall be submitted to and approved in writing by the Local Planning Authority before being applied to their external surfaces. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

**INFORMATIVES:**

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. This decision relates to the following plans and documents:-  
  
Plans numbered P02, P03, P04, P05, and P06.  
Design and Access Statement  
Heritage Impact Assessment
4. Derbyshire Wildlife Trust advise that the applicant should be aware of the presence of bats locally and should any evidence of bats be found all works should cease immediately and a professional ecologist should be consulted for further advice. It would be advisable for the demolition to proceed as soon as possible (this would help further avoid/minimise any possible disturbance to bats) and the applicant should avoid or minimise the use of lighting in the evenings or early mornings during the construction period.