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PARTNERSHIP & REGENERATION COMMITTEE
18 NOVEMBER 2010

Report of Head of Planning Services

CONSERVATION AREA CHARACTER APPRAISAL – LUMSDALE

SUMMARY

The report summarises the representations received in respect of the Draft Lumsdale Conservation Area Character Appraisal and seeks approval to proceed with its adoption.

RECOMMENDATION

1. That the Lumsdale Conservation Area Character Appraisal be adopted in accordance with the recommendations as set out in Appendix 1.
2. That authority be delegated to the Head of Planning Services to implement the statutory procedures necessary to amend the boundary of the existing Lumsdale Conservation Area as set out in Appendix 3.

WARDS AFFECTED

Matlock St. Giles

STRATEGIC LINK

Conservation Area Character Appraisals are undertaken for designated and proposed Conservation Areas. These will be of considerable assistance in delivering the Council's corporate aim of protecting and enhancing the environment.

1.0 BACKGROUND

- 1.1 At the meeting of this Committee held on 15th July 2010 it was resolved that the Draft Lumsdale Conservation Area Appraisal be approved for a six-week period of public consultation. It was further resolved that the results of the public consultation exercise would be reported to this Committee, outlining the responses received during that consultation period (Minute 115/10 refers).
- 1.2 The Draft Appraisal was subject to public consultation between 9th September 2010 and 21st October 2010. Copies of the draft document were distributed to key stakeholders including Matlock Town Council, Tansley Parish Council, Ward Members and Derbyshire County Council (Conservation and Highways Departments).

- 1.3 All residents / owners of land / buildings affected by the proposed changes were individually consulted by letter, with an extract from the document and a plan of the proposed boundary included. Posters advertising the consultation period and a public advisory meeting were distributed around Lumsdale and Tansley and a formal public notice was published in the local press. The Appraisal document was also available at Matlock Town Hall Centre and on the District Council's website. Three copies of the Lumsdale Appraisal were purchased.
- 1.4 A public advisory session was held at Matlock Town Hall on 22nd September 2010 (3.00 p.m. to 8.00 p.m.). Eleven individuals attended, mainly local residents and representatives of the Arkwright Society.

2.0 REPORT

- 2.1 As a result of the public consultation exercise 6 letters have been received by the District Council from local residents and consultees. Appendix 1 summarises the representations received and provides Officer Comments and Recommendations.
- 2.2 The comments received related mainly to concerns regarding the removal of a specific area of land from the proposed Conservation Area boundary, namely the area at Lumsdale Quarry (see Appendix 2 – Proposed Draft Boundary).
- 2.3 As a result of comments and concerns received, minor changes are now proposed to the text contained within the draft Appraisal and changes to the proposed boundary of the Conservation Area at Lumsdale Quarry. Appendix 3 identifies the Lumsdale Conservation Area Boundary, as amended by the consultation process and which is the boundary now presented to this Committee for approval.
- 2.4 It is, therefore, recommended that the Lumsdale Conservation Area Character Appraisal be modified in accordance with the recommendations set out in Appendix 1 and the boundary be amended as shown in Appendix 3.
- 2.5 In order to modify the Lumsdale Conservation Area boundary as shown in Appendix 3, it is recommended that the Head of Planning Services be given delegated authority to implement the necessary statutory procedures.
- 2.6 In addition to the statutory procedures, all consultees, and residents who have sent in representations will be formally notified of the changes.

3.0 RISK ASSESSMENT

3.1 Legal

The report proposes actions which fall within the Town and Country Planning Act 1990 and PPS5. The legal risk is, therefore, low.

3.2 Financial

There are no financial risks arising from this report. The cost of the Conservation Area Character Appraisal Programme can be contained within existing budgets.

4.0 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

5.0 CONTACT INFORMATION

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6.0 BACKGROUND PAPERS

Description	Date
Reports to Partnership and Regeneration Committee	14th April 2003 and 16th September 2004 4th September 2008 7th May 2009
Planning Policy Statement 5 : Planning for the Historic Environment & Historic Environment Planning Practice Guide	March 2010
Guidance on Conservation Area Character Appraisals - English Heritage	1997 and 2006
Letters /comments received:-	
Resident -Upper Lumsdale	22nd October 2010
Business Tansley	20th October 2010
Resident -Riber View Close	19th October 2010
Resident -Upper Lumsdale	18th October 2010
Tansley Parish Council	27th September 2010
Resident - Mais Close	16th September 2010

**Lumsdale Draft Conservation Area Appraisal
(including proposed Boundary Review)**

Six written responses, primarily from the Parish Council and local residents have been received. The six respondents are listed and their comments included below.

1	Representation
	<p>Tansley Parish Council Accept that the changes proposed are sensible in rationalising the area in respect of Tansley.</p>
	Officer Comments and Recommendation:
	<p>Comments noted. Recommendation – No changes to proposed boundary</p>
2	Representation - General
	<p>Ian Strange Tansley Limited Support the exclusion from the Conservation Area of the modern industrial units on the west of the Old Coach Road</p>
	Officer Comments and Recommendation:
	<p>Comments noted. Recommendation : – No changes to proposed boundary</p>
3	Representation – General
	<p>Resident from Riber View Close Supports the proposed change which removes their (modern) property from the Conservation Area. Concerned as to precise location of Conservation Area boundary in relation to the boundary of the property and requests further clarification of this.</p>
	Officer Comments and Recommendation:
	<p>Comments noted Letter and clarification of boundary details sent to resident Recommendation – No changes to proposed boundary</p>

4	Representation - General
	<p>Resident from Upper Lumsdale</p> <ol style="list-style-type: none"> 1. Consider that the wooded area to the north of the Conservation Area should not be removed as proposed. The argument that it is of no historical value is untrue as the buildings further down the valley were built from stone quarried from this area and some of the wider pathways through the woods were used for transportation of stone and were in existence long before the local road network was constructed. 2. Aesthetically, when looking up the valley from the south these woods form the skyline and visually enhance the entire area. 3. Concerns that with road access from Foxholes Lane this area could be developed, building high-class properties that would have the advantage of one of the best views in the County. Removing the woods from the Conservation Area could be the first step in this direction. Any development of this nature would entirely ruin the visual aspect of the whole valley, especially when viewed from the Matlock/Tansley Road. 4. Have no objections to the rest of the proposed alterations.
	<p>Officer Comments and Recommendation:</p> <p>Whilst restricting (in this case hypothetical) development is not a reason for including land / buildings in a Conservation Area the comments raised in respect of the historical links between the quarry and surrounding area, and the associated aesthetics of the site (particularly tree planting) and the attractive visual backdrop as a setting for this part of the Conservation Area are considered pertinent. Whilst not all attendees at the public advisory meeting wrote in specifically, there was a feeling of concern that the section of quarry should not be removed from the Conservation Area.</p> <p>Recommendation: - That the boundary changes proposed, to exclude that part of Lumsdale Quarry and the adjacent scree slopes, is no longer applicable and the boundary in this area remains as approved in 1995.</p>
5	Representation - General
	<p>Resident from Mais Close</p> <p>Considers that the information relating to paragraph (on page 67) is incorrect.</p> <p>“The boundary also incorporates the pond above Speedwell Mill. There are eight houses above this pond, at the bottom of Riber View Close and Mais Close”. The pond was ‘accidentally’ damaged a few years ago and nothing was done about it. The outer wall was hit with a digger and all the water and pond wildlife was washed down the Old Coach Road. The previous owner did this, I suspect, with a view to building on it.</p> <p>The present owner now has similar views and is clearing the undergrowth and, until some intervention, was cutting down healthy trees. There is also a double access made off the Old Coach Road across from Lakewood, obviously for large type machinery, as the road has been resurfaced, a dropped edge into the access. The traffic is increasing down this road due to Brookfield Industrial Estate and Wardmans Machinery expanding and the road is being used more as a ‘rat-run’ from the top of Slack Hill.</p> <p>Are we going to lose this area as well to unwanted building? I hope not.</p>

	<p>Officer Comments and Recommendation:</p> <p>The comments are noted regarding the 'pond' and the text will be amended accordingly to read 'former mill pond'. However, the modern properties on Mais Close are proposed for exclusion from Lumsdale Conservation Area and this amendment to the boundary is still considered to be appropriate.</p> <p>Recommendation – No changes to proposed boundary. Change text to omit 'pond' and substitute with 'former mill pond'.</p>
6	<p>Representation - General</p>
	<p>Resident from Upper Lumsdale (received after the closing date for comments)</p> <p>Letter mainly raises concern about trees, on both her land and adjacent land which affect her and her neighbour. As natural vegetation began virtually at the same time as when the mills closed many of the trees are the same or similar age which could result in many dying together, or in the same period</p> <p>Separate comments on the Appraisal were submitted (comments below) and a selection of historic photographs enclosed.</p> <ol style="list-style-type: none"> 1. Excellent, interesting document 2. A mistake to remove Lumsdale Quarries. Encloses historic photograph showing footpath 35 was originally a quarry track which crossed the Bentley Brook on a causeway bridge built on piers of flat stones. It is industrial archaeology. The views from the promontory in the woods are wonderful. 3. The Lane was not straight then. From these stones there was a 'dog-leg' which took the track back to the Lane. Only a footpath went past Beech House. 4. Historic photographs of Top Dam and Scholes Mill Dam and Middle Dam. Residents are hoping to excavate and restore Middle Dam. 5. English Heritage says that Lumsdale (only this valley) is qualifiable for 'listing'. Why has this not been done? 6. If Lumsdale is so important, why are we (or rather the Arkwright Society) not given financial help? 7. The valley is now grossly over-wooded, sycamore predominate, little autumn colour. Some felling and thinning is needed. We have applied to the Forestry Commission to fell 4 enormous sycamores. Three at the top of our field have doubled in size and keep our neighbours cottage and garden in deep shade. We feel quite guilty. 8. Our little wood has a preservation order. It is NOT ancient, merely regeneration from crofts over 50-60 years ago. We try to manage it and have asked a private arboriculturalist to inspect it again with the views of the Forestry Commission in mind i.e. manage for fuel and wildlife. 9. Page 14 of the Appraisal. The Arkwright Society's area of wildlife was a Council tip, not the Upper Dam.

	<p>10. The Big Pond (which had outlet, cascading through the wall into a pit and under the road) at Tansley Wood did not silt up. The Council gave permission to fill it up without consulting the Wildlife Trust, Arkwright Society etc. Mr Clay (owner) has been asked to restore it when he is working on the mill, but he only intends to have a much smaller, hourglass shaped pond – very urban. The area is now under an enormous pile of rubble – Can you persuade him?</p> <p>11. “Pressing need for Action”; “Management programme needed”; “Owners responsible for waterways, sluices and banks”. An almost impossible task unless extra money is available. I (resident) tried to buy the triangle of land opposite my house, but no luck. It was only wooded at our end in 1974, the rest grass and heather with a view down to the brook. Now it is brambles, nettles, bracken and tree vegetation. I would have made this ‘public realm’ and given it to the Town Council or such, after restoring it.</p> <p>12. There are several omissions in the document. You may be interested. If you are, please contact me on (details provided.)</p> <p>13. “Farnsworths House was demolished” Apparently on the opposite side of the road from the Mill. This was news to us all. What proof do you have?</p> <p>14. We thought Buck House was probably a Managers House. Any ideas?</p>
	<p>Officer Comments and Recommendation:</p>
	<p>Letter addressing points of clarification above and details of tree officer sent to Resident</p> <p>Recommendation: That the boundary changes proposed, to exclude that part of Lumsdale Quarry and the adjacent scree slopes, is no longer applicable and the boundary in this area remains as approved in 1995. An Addendum is to be added to the Appraisal including the historic photographs and text where relevant.</p>

Since production of the DRAFT document there have also been changes in Policy Guidance.

- Reference to the East Midlands Regional Plan requires removal from Section 13.
- Reference to PPG15 (Planning & the Historic Environment) requires amendment to refer to PPS 5 : Planning for the Historic Environment.

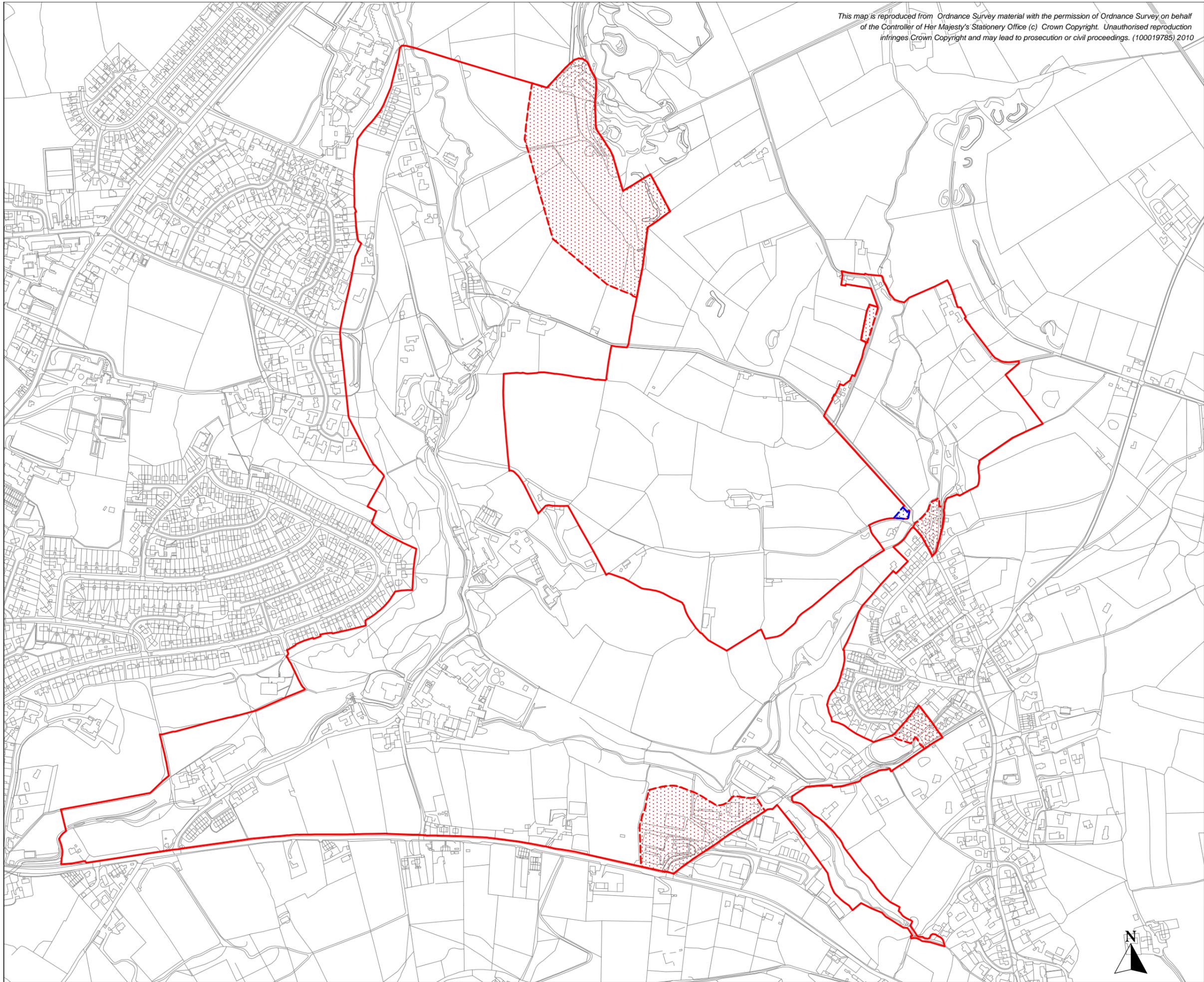
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KEY

 Lumsdale Conservation Area (Designated 1980, Extended 1995)

 Proposed exclusion from Conservation Area

 Proposed addition to Conservation Area



**LUMSDALE
CONSERVATION AREA
DRAFT BOUNDARY**

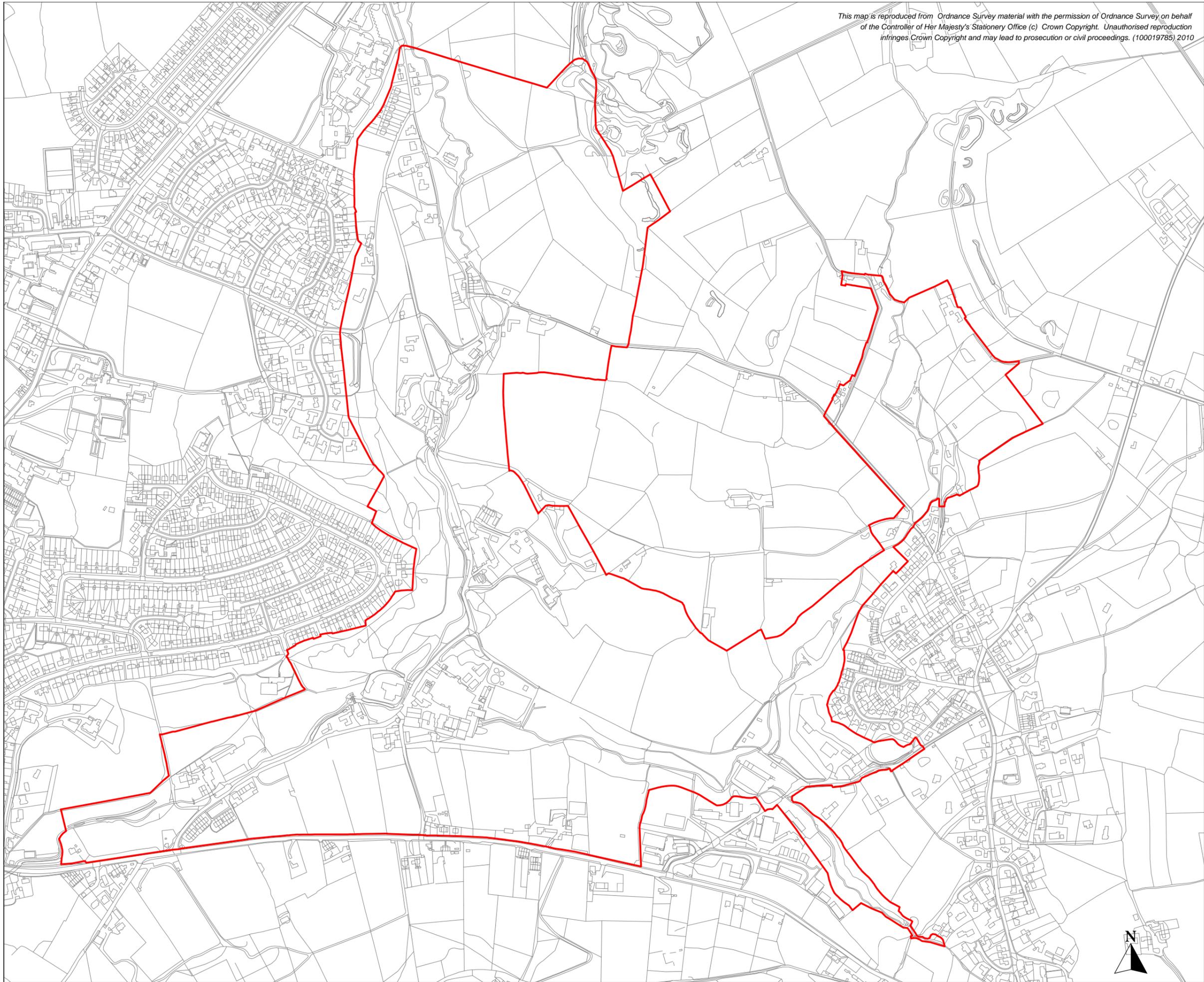
**PROPOSED ADDITIONS AND
EXCLUSIONS TO LUMSDALE
CONSERVATION AREA**

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KEY



Lumsdale Conservation Area Boundary
November 2010



LUMSDALE
CONSERVATION AREA

CONSERVATION AREA
BOUNDARY

NOVEMBER 2010

APPENDIX 3

