

<b>APPLICATION NUMBER</b>		23/00885/FUL	
<b>SITE ADDRESS:</b>		The Old School House, Well Banks, Kirk Ireton DE6 3JW	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of dwellinghouse and associated works	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr Ben Blackwall
<b>PARISH/TOWN</b>	Kirk Ireton	<b>AGENT</b>	Miss Emily Weston – Fisher German LLP
<b>WARD MEMBER(S)</b>	Cllr D Murphy	<b>DETERMINATION TARGET</b>	9 <sup>th</sup> November 2023 (EOT)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Over 5 objections	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>– the principle of residential development, having regard to its location;</li> <li>– the impact on the character and appearance of its surroundings, specifically Kirk Ireton Conservation Area;</li> <li>– whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;</li> <li>– whether there would be any adverse highway safety implications</li> </ul>

<b>RECOMMENDATION</b>
That the application be granted subject to conditions.

## **1.0 THE SITE AND SURROUNDINGS**

- 1.1 The site on the western side of Nether Lane has a higher land level than this road with properties to the east at the lower road level and properties to the west where the Kirk Ireton FP28 runs parallel with the western boundary of the site at a higher land level. The Grade II Listed Old School House abuts the site to the south west with the end gable and a section of garden in between. The site falls within Kirk Ireton Conservation Area. There is a low level stone retaining wall on the Nether Lane boundary and visibility into the site is obscured due to its overgrown nature. The land appears to have formed the garden of the adjacent property and possibly an orchard.

## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Planning permission is sought for one two storey dwelling in the north eastern part of the site set within the bank to the rear. The form of the dwelling is linear with a single storey part set further back from the front elevation. Existing walls and hedging would be retained on the Nether Lane frontage with parking to the north east of the dwelling. The dwelling would be off -set from the property opposite, No. 1 Nether Lane, with the access opposite the extensions to this property. A traditionally designed stone dwelling with stone cills and lintels and chimney is proposed and with the floor level as close to the road level as possible with two steps to the front door. The dwelling would comprise of three bedrooms and a bathroom on the first floor and lounge, kitchen / dining area, office, toilet and utility room on the ground floor.
- 2.2 The garden area to the rear would be at the higher land level and would retain the rear wall of the dwelling where only first floor windows would overlook the area with a retaining wall and steps up to the garden area to the south part of the garden. Wildflower planting is proposed in the north western corner and the south western part of the site would be retained for a garden area for The Old School House as it is also owned by the applicant.

## **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

### **3.1. Adopted Derbyshire Dales Local Plan (2017)**

Policy S1 Sustainable Development Principles  
Policy S2 Settlement Hierarchy  
Policy S4 Development in the Countryside  
Policy S9 Rural Parishes Development Strategy  
Policy PD1 Design and Place Making  
Policy PD2 Protecting the Historic Environment  
Policy PD3 Biodiversity and the Natural Environment  
Policy PD5 Landscape Character  
Policy PD6 Trees, Hedgerows and Woodlands  
Policy PD7 Climate Change  
Policy HC1 Location of Housing Development  
Policy HC19 Accessibility and Transport  
Policy HC21 Car Parking Standards

### **3.2 Kirk Ireton Neighbourhood Plan (2021)**

Kirk Ireton Neighbourhood Plan (2021) Policy P1 - Development  
Kirk Ireton Neighbourhood Plan (2021) Policy P2 - Protecting Views  
Kirk Ireton Neighbourhood Plan (2021) Policy P3 - Conservation Area

### 3.3 Material Considerations

The National Planning Policy Framework (2023)

National Planning Practice Guide

Derbyshire Dales District Council Landscape Character Supplementary Planning Document (2018)

Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

Kirk Ireton Conservation Area Appraisal (2014)

### 4.0 RELEVANT PLANNING HISTORY:

14/00383/FUL - Construction of new retaining wall, formation of parking space and alteration to access at the Old School House, granted 01/08/14

14/00324/LBALT - Internal and external alterations at the Old School House, granted 07/10/14

### 5.0 CONSULTATION RESPONSES

#### 5.1 Kirk Ireton Parish Council

Object to the proposed development as it does not comply with P2.02 of the Neighbourhood Plan (Protection of Views). Concerns were expressed that there is no scale shown on the drawings which appear to show the building as too tall with roof elevations which are considered to be unachievable. Councillors have great concerns about the access and there appears to be little off road parking shown for vehicles and insufficient turning space within the site. Should permission be granted there is nowhere for construction vehicles to park and this will potentially have a significant on other residents. It is the view of the Parish Council that there is a need for smaller affordable properties not more large houses.

#### 5.2 Environmental Health

No objections subject to recommended condition to keep a watching brief on contaminated land and hours of operation for construction works.

#### 5.3 Highways Authority

The details show visibility sightlines of 10m, this would equate to speeds less than 10mph which seems very low. It is appreciated that given the nature of Nether Lane vehicle speeds are likely to be lower than 30mph and consider that 20mph may be a more likely speed. Based on a 20mph speed visibility sightlines of 2.4m x 25m to the nearside carriageway edge should be provided. It would appear that the applicant has sufficient frontage for these to be provided. It would preferred to see the visibility sightlines demonstrated, however, they can be conditioned if necessary.

#### 5.4 Conservation Officer

It is considered the proposed traditional dwelling as depicted in the amended plans is acceptable and negotiations have been undertaken to ensure the layout and design is appropriate to this part of the Conservation Area. The site is not an identified open space in the Conservation Area Character Appraisal.

## 5.5 Derbyshire Wildlife Trust

They have reviewed the Proposed Site Plan (Ref.: SP01 Issue 02), the Preliminary Ecological Appraisal (BM Ecology, 2022) and the Bat and Bird Box Details. The site comprises a former garden / allotment or similar and is dominated by bramble scrub, with small areas of other neutral grassland of low ecological value. The few scattered trees present are mostly young, however the two mature apple trees should be retained if possible or new fruit trees re-planted within the scheme. The native hedgerows provide the most ecological value and appear to be retained within proposals. Much of the site will be retained as garden, with areas of wildflower lawn and planting, with the exception of the house and driveway. As such, they consider that there is unlikely to be any significant biodiversity loss.

The shed and greenhouse onsite were considered to offer “negligible” bat roost potential. The trees were also considered to offer negligible potential as they were predominantly young. The habitats within the site are considered to be of value for foraging bats and garden bird species, including house sparrow (Red Listed Species) which were recorded within the hedgerows. Hedgehogs are also likely to forage and shelter within the site. No evidence of badgers was found during the survey; however, their highly mobile nature and the sloped terrain of the site provides potential for sett excavation over short periods of time. Considering site survey is from 2022, an update badger walkover is advisable, prior to works. Overall, there are no significant protected species constraints to the proposed development.

## 5.6 Tree and Landscape Officer

Prior to the application being submitted trees were removed from the site, on this basis a replacement planting scheme should be secured by condition with a time limit for planting.

## 5.7 Peak and Northern Footpaths Society

No objection provided that the full width of Kirk Ireton Footpath 28 is unobstructed at all times during and after the development works.

## 5.8 Ramblers Derbyshire Dales Group

No objection providing that:

- i) Kirk Ireton FP 28 remains unaffected at all times, including the path surface, both during and after any development
- ii) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- iii) Any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team

## 5.9 Rights of Way Section (DCC)

No objection to the proposals as it appears that the route of Kirk Ireton Public Footpath No. 28 which is adjacent to the proposed development site will be ultimately unaffected by the proposed works.

## 5.10 Lead Local Flood Authority (DCC)

They only respond to Major planning applications and therefore we have no formal comments to make.

## **6.0 REPRESENTATIONS RECEIVED**

6.1 Seventeen letters of objection have been received and these are summarised below: -

- a) To enable the proposed dwelling to sit low enough to equal the height of the existing buildings on the west of Nether Lane, the amount of excavation work needed could

seriously undermine the stability of the houses on Well Banks and the footpath known as The Crofts.

- b) The water table at that point is very high as can be seen during periods of wet weather at the bottom of the drive into Curlews and Copperfields.
- c) The additional water run off from the new dwelling would significantly increase the flooding problem that has existed for many years between Copperfields and Rose Cottage.
- d) Insufficient parking is provided for the dwelling and as the lane is single track there will be no road parking available for any additional vehicles.
- e) The new access drive will meet Nether Lane at its narrowest point and has the potential for serious accidents due to the amount of heavy farm and industrial traffic that regularly uses the lane.
- f) Prior to the application the whole site was cleared of vegetation with a large number of mature trees
- g) including 2 apple trees and a pear tree were cut down illegally under the rules relating to a conservation area.
- h) If this application gets approved, in contravention of the KINP, it may allow other unwanted planning applications along Nether Lane to go ahead and this would be detrimental to the rest of the village.
- i) The development will be out of character and will dominate Nether Lane.
- j) The proposed property will be significantly higher than the properties opposite along Nether Lane and closer to the road than adjoining houses.
- k) This site has for many years been referred to as "the allotments" due to that fact that they have been worked by families in that part of the village over many years and is one of the few green spaces within the village that could yet again be put to environmentally good use for the benefit of the community.
- l) The proposal indicates that trees will be planted on elevated land above their property (Rose Cottage) and this would mean overhanging branches, potential fouling of power lines and problems with leaves in the autumn together with obscuring views across the valley from the public footpath and house.
- m) The DDDC Kirk Ireton conservation area appraisal identifies the principal views within the village which contribute towards the special interest of the Kirk Ireton Conservation Area.
- n) The view across the proposed site and the attractive landscape towards the Ecclesbourne Valley has been recognised as one of the most important and defining views from within the area.
- o) If this development were successful, it could then set a dangerous precedent for other developments that greatly impact the principal long-range view on Nether Lane or other principal view with the Conservation Area.
- p) The proposed development contravenes policies P1, P2 and P3 of the Kirk Ireton Neighbourhood Plan which was produced with full consultation and support from the residents of the village.
- q) The site is unsuitable for development given there are a number of natural springs under the proposed site which appear adjacent to the properties of Well Carr, Rose Cottage and Crystal springs.
- r) This part of Nether Lane is prone to flooding with Netherfield Cottage suffering water ingress which has been documented and reported to DDDC flood risk team and DCC.
- s) This flooding and risk to property will be exacerbated by additional run off water onto Nether Lane from the roof and hard standings together with utilising the existing inadequate drainage system.
- t) No geological or Excavation survey has been completed to understand the effects nor identify the risks of excavating into the hill side with known water sources.
- u) Existing developments given approval within the village meet and exceed the "limited scope" needed to maintain services.

- v) This proposal does not accord with Local plan policies PD1, PD2 and PD5 as these policies collectively seek high quality design that conserves heritage assets in a manner to their significance, considering the scale, siting, and views away from the heritage asset with development that would harm or be detrimental to the character of the local and wider landscape.
- w) It is considered that this development would sit far too close to our boundary and create a tunnel/corridor effect on Nether Lane.
- x) The proposed 4 bed dwelling is a large property, set fully facing Nether Lane.
- y) It appears overbearing due to its elevated position, out of proportion with the existing properties on either side and out of keeping with other properties within this Conservation Area.
- z) Although set into a steep embankment, the proposal indicates a ground floor level set well above road level, contributing to its overbearing appearance.
- aa) The raised ground floor level, approached from each direction by external steps, would prove a challenge for disabled access.
- bb) The lack of ground floor windows to the rear and north elevations would lead to extremely dark rooms, which would either require supplementary artificial lighting during daytime, or larger windows on the front elevation, which would be out of keeping in the Conservation Area.
- cc) The extent of excavation required for the present proposal may tempt the developer to raise the level of the whole building, to reduce excavation and retaining wall costs but further obstruct the valued "principal view" from the public right of way to the rear of the site.
- dd) In order to provide privacy for the proposed garden, patio area and first floor windows to the rear elevation, future owners may be tempted to erect sight proof fencing or hedging to the rear, also obstructing the valued "principal view."
- ee) The location of the proposed development will undoubtedly affect the privacy and amenity of properties above and on the opposite side of Nether Lane.
- ff) Traffic and disturbance during construction and may cause damage to the road and stability of the historic property opposite.
- gg) The magnitude of the retaining wall required could involve driven sheet piling to support the excavation with the associated noise and vibration nuisance.
- hh) The restrictions of the site could not accommodate car parking for the workforce, which will inevitably spread down the road causing further congestion.
- ii) The schematic drawing of the proposed house and garden viewed from the south – Proposed Visual 2 is set well above eye level, which minimises the apparent difference in level between the road and site and resulting excavation.
- jj) The proposed development not only threatens to disrupt the historical and visual integrity of the conservation area but also significantly impairs the view from their property.
- kk) The alterations do not change the impact the building will have to Nether Lane and the footpath running above the site.
- ll) The proposal to relocate the parking area to the side of the property results in a significant loss of natural habitat.
- mm) The large parking area to the side of the house would exacerbate an already serious problem with flooding in Nether Lane due to run off.
- nn) The proposal to locate first floor bathrooms, presumably with obscured glazing, perhaps to reduce objections to loss of privacy to the gardens of Netherfield cottage, opposite, counts for little as it is understood that the internal arrangement of rooms is not a planning matter and subsequent rearrangement could result in large clear glazed windows to take advantage of the valued views over the Ecclesbourne valley, with loss of privacy in the garden of Netherfield cottage opposite.
- oo) The residents of 'Welcarr have already expressed our concern that the development will sit far too close to the boundary and create a tunnel/corridor effect on Nether Lane and the amended plans are to move it even closer and in turn build a huge

- retaining wall opposite our property which will be grossly unsightly to our property and surrounding properties and would overshadow their windows.
- pp) The amended plans bringing the dwelling closer to Nether Lane itself and this will create a claustrophobic feel to this stretch of road.
  - qq) The Kirk Ireton Conservation Area Appraisal part 3, Section 7 talks about negative factors which impact on the special character and appearance of the Conservation area in relation to forecourt parking and 'cutting out' areas for car parking.
  - rr) Permitted development rights should be removed should the application be approved.
  - ss) In contacting the LLFA directly they advised that when highway drainage gets overwhelmed during periods of heavy rainfall and surface water from the highway upstream flows onto Nether Lane due to how the road cambers, it causes water to pool on Nether Lane and eventually flow towards their property which has previously led to internal flooding.
  - tt) The LLFA suggest that to improve this situation the Highways Authority often cut 'grips' through verges onto third party land under the Highway Act.
  - uu) Options for surface water outfall have been provided, however, due to the detail provided it seems a new 80m pipe along Nether Lane is the preferred option.
  - vv) The depth of the drains are not correct.
  - ww) Overlooking and loss of privacy on Netherfield Cottage.
  - xx) Re-consultation on amended plans has not been undertaken.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- the principle of residential development, having regard to its location;
- the impact on the character and appearance of its surroundings, specifically Kirk Ireton Conservation Area;
- whether the development would result in a significant loss of amenity for residents of neighbouring properties, and;
- whether there would be any adverse highway safety implications

### The principle of residential development, having regard to its location

- 7.1 Kirk Ireton is designated as a Tier 4 settlement defined as 'Accessible Settlement with Minimal Facilities' within Policy S2 of the Adopted Derbyshire Dales Local Plan (2017). It is acknowledged that there is some limited scope for development within these settlements. Development should be commensurate with the scale and function of the settlement, can be accommodated through infill and consolidation of the existing built framework of the settlement or is well related to the existing pattern of development and surrounding land uses and would not lead to prominent intrusion into the countryside. The site is located within the existing established built framework of Kirk Ireton and it is considered that a proposal for one dwelling could reasonably be construed as appropriate infill and consolidation of the settlement.
- 7.2 The District Council cannot currently demonstrate a five years land supply for housing going forward. Whilst this is a relatively modest shortfall, there is a requirement under Paragraph 11 of the National Planning Policy Framework (2023) to approve development proposals that accord with an up-to-date development plan without delay or, 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 the application of policies in the Framework, that protect areas or assets of particular importance (including

designated heritage assets), provides a clear reason for refusing the development proposed.

The impact on the character and appearance of its surroundings, specifically Kirk Ireton Conservation Area

- 7.3 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. However, of most significance with regard to the consideration of this proposal are the aims set out in Policy PD2 (Protecting the Historic Environment). This advises that the District Council will conserve heritage assets in a manner appropriate to their significance and to ensure that development proposals contribute positively to the character and appearance of the built and historic environment; Kirk Ireton Conservation Area falls within the definition of a heritage asset. With regard to Conservation Areas specifically, the Policy requires development proposals to demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area, including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing in accordance with Character Appraisals where appropriate. Kirk Ireton benefits from having such a Conservation Area Character Appraisal.
- 7.4 In addition to the above, Policies contained in the Kirk Ireton Neighbourhood Plan (2019-2033) are material considerations in the assessment of the application. Policy 1 (Development) states that any development should pay particular attention to the Landscape Sensitivity Study and the Conservation Area Character Appraisal of the village. Policy 2 (Protecting Views) seeks to protect views, both into and out of the village, and states that any development within the village must adhere to the principles of the Kirk Ireton Conservation Area and the DDDC Landscape Sensitivity Study. Policy 3 (Conservation Area) states that development proposals within the Conservation Area should promote, reinforce and enhance the area's local distinctiveness and be sensitive to the heritage context in terms of design, materials, scale, massing, density, light pollution and access and that the guidelines within the Kirk Ireton Conservation Area Character Appraisal must be addressed. Policy P5 relates to car parking and seeks to ensure that any new development does not have a detrimental effect on the already stretched parking facilities in the village.
- 7.5 The Conservation Area Appraisal does not include the site as an open space within the village, however, it is considered that the openness of the site does add positively to the overall character and appearance of the immediate area. It is considered that irrespective of the overgrown nature of the site and that it has not been identified in the Conservation Area Appraisal; the site does act as a breathing space within this built up area of the village. On this basis, the retention of the garden area for The Old School House and the linear garden of the dwelling serves to retain this character. Since the application has been submitted the scale of the dwelling has been reduced and it has been moved forward within the plot in order to achieve a floor level as close to the road level as possible. The sitting of the dwelling has taken account of the adjacent listed building and is not considered to have a significant impact on its setting. In these cases the less than significant harm from the loss of the open land and impact on setting is weighted against the benefit of provision of a dwelling that would be well related to the existing pattern of development. The design is considered to reflect the site's context which is predominately stone gabled roof properties that step down in height from west to east. The stone boundary wall would be retained (albeit repositioned for the visibility splay) within the streetscene of Nether Lane.
- 7.6 In terms of the proposal's impact on the Conservation Area Appraisal's identified principal views – long range to the open land to the east from Nether Lane and the view looking



south along Nether Lane, it is considered that the proposed dwelling due to its location significantly set into the bank and position within the plot has taken account of the local distinctive character and setting of the Conservation Area. The sectional drawing shows that from the footpath on the western boundary with views to the east the roof would not extend beyond the height of the wall enclosing the footpath and as such views would not be obscured from this direction. The ridge height is lower than the neighbouring property to the north as the proposed dwelling is closer to Nether Lane where the land levels reduce significantly. Views from the north of the site along Nether Lane would be obscured by existing properties and the banked land on the northern boundary with the dwelling tucked in behind as it is set into the bank. Furthermore, it is noted that the site does not lie within the area defined in the Landscape Sensitivity Study as having high sensitivity. It is therefore considered that the identified principal views would not be adversely affected by this development.

- 7.7 When there is a principle of sustainable development, as in this case, it is standard practice to negotiate changes to the development that improve its relationship with its context and working proactively with applicants is encouraged in the NPPF in paragraph 38. The amendments sought have been negotiated with the Conservation Officer in order to arrive at a dwelling that reflects the layout, design, form, scale, mass and materials that are considered in keeping with the character and appearance of the Conservation Area, in accordance with the requirements of Policy 2, Policy PD2 and the Conservation Area Character Appraisal. Therefore, having assessed the less than substantial harm to the setting of the Listed Building and Conservation Area this is considered to be outweighed by the benefit of provision of a dwelling that is considered to represent sustainable development in accordance with the development plan.

Whether the development would result in a significant loss of amenity for residents of neighbouring properties

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.9 Netherfield Cottage has its blank gable wall over the road opposite where the access is proposed and the front of the property that faces south is enclosed by a 2.5m stone wall. Taking a 45 degree angle from the nearest first floor window of this property to the proposed dwelling shows that it would touch the corner of the single storey element at a distance of 31m. The property known as 'Well Carr' has three high level windows in the ground floor of the gables on the road frontage. They are described as high level as the ground floor level of the rooms is below that of the road level. The nearest window on this property is small and non-habitable and would be at a distance of 15.6m from the front elevation of the proposed property. The bungalow to the north known as 'Curlews' has a secondary bedroom window in its southern gable as the room is also served by a dormer window in the western roof slope. The proposed dwelling would have a bedroom window in the northern gable. The existing bungalow has a ridge height 3.2m higher than the proposed property and there would be a distance of 12.6m between the gables that would increase to 13.5m between the windows. Having carried out detailed assessments of the relationship of the proposed dwelling with existing properties it is considered as there would be no significant adverse impacts on the residential amenity of these properties as a result of development as required by Policy PD1.

## Whether there would be any adverse highway safety implications

7.10 Policy HC19 seeks to ensure development does not lead to an increase in on-street parking and sufficient parking provision is proposed. The Highways Authority have no objections to the application on the basis that adequate access visibility, turning and parking is provided. Initially the Highways Officer sought to secure a 2.4m x 25m visibility splay, however, this could not be achieved as it was not entirely within the control of the applicant. The Highways Authority have now confirmed that refusal on the grounds of not meeting this requirement would not be sustained at appear due to the low vehicle speeds and amount of development proposed. On this basis, they have no objection to the details to be secured on the site plan PP01 Rev D that indicates three 5m x 2.5m car parking spaces and turning area to the north of the dwelling and retention of the existing stone wall at either side of the proposed access. The proposal therefore accords with Policy PD19.

## Other issues

7.11 The site is located within Flood Zone 1 with the lowest probability of flooding, however, a Flood Risk Assessment has been submitted with the application. This identified the site as having a medium risk of overland surface water. Mitigation proposed is the collection of surface water into an attenuation basin on site within the southern garden of the proposed dwelling, using flow control, the overflow would be released at a rate of 2 l/s either through infiltration, to the nearest watercourse or into the sewerage network. The Drainage Strategy provided is indicative and precise mitigation and final outfall shall be controlled by condition. In terms of foul, a 80m connection from Nether Lane to the existing foul drainage manhole is proposed. The evidence provided is considered sufficient to ensure that surface water from the site would be adequately controlled and would not add to surface water run off on Nether Lane and as such the proposal is considered to meet the aims of Policy PD8 of the Adopted Local Plan (2017).

7.12 Policy PD7 of the Adopted Local Plan 92017) and guidance contained in the District Council Climate Change Supplementary Planning Document (2021) seek to mitigate against the carbon footprint of development. This proposal includes an air source heat pump and EV charging point which specific details to be agreed by condition.

7.13 Objectors state the re-consultation on amended plans was not undertaken. Re-consultation was undertaken on the 3<sup>rd</sup> January 2024 for amended plans no's SP01 and PP01 including a visibility splay plan. Further iterations of these plans have been received on the 29<sup>th</sup> February and 1<sup>st</sup> March 2024. The changes between these plans was not considered significant to warrant further consultation. The final amended plans are detailed in condition 2 below.

7.14 To conclude, the proposal represents sustainable development with any less than significant harm on the setting of heritage assets not considered to outweigh the benefit of housing provision. The dwelling's layout, scale and design is considered to reflect its context and it would not have an adverse impact on the residential amenity of neighbouring properties. The trees that were removed prior to submission shall be replaced within the landscaping scheme and material details conditioned to ensure a high quality build.

## **8.0 RECOMMENDATION**

That planning permission be granted subject to the following conditions.

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 consent relates solely to the application as amended by the revised plans received by the Local Planning Authority on the 1<sup>st</sup> March 2024 numbered SP01 issue 4, PP01 Rev D and Location Plan LP01 Issue 1 received on the 16<sup>th</sup> August 2023.

Reason: For the avoidance of doubt.

3. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing SP01 Issue 4.

Reason: In the interests of Highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. Construction hours shall be restricted to 8am-6pm Monday to Friday and 8am-1pm Saturdays. No working on Sundays and Bank Holidays.

Reason:

In the interests of preserving the amenity of neighbouring residents in accordance Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the local planning authority prior to occupation of the dwelling and works implemented in accordance with the approved details.

Reason :

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

6. Due to the presence of suitable habitat on site, prior to the commencement of development, including preparatory site clearance, a survey for any recently excavated badger setts on the site shall be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

7. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason:

In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9. The biodiversity enhancement measures detailed in the submitted Bird and Bat Box Details shall be implemented in full prior to occupation of the dwelling and retained in perpetuity.

Reason:

In order to achieve a net gain in biodiversity in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

10. The development shall be carried out in accordance with the mitigation recommendations detailed in Page 17, Section 4.9.2 of the Preliminary Ecological Appraisal Report (BM Ecology, 2022)

Reason:

In order to achieve a net gain in biodiversity in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

11. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within: Flood Risk Statement Ref: JAG/MG/JM/50387-Rp001 have been submitted to and approved in writing by the Local Planning Authority and works implemented in accordance with the approved details.

Reason:

To ensure that the proposed development does not increase flood risk in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the commencement of any works to construct the foundations of the dwelling hereby approved, full details of the finished floor levels, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason:

In the interests of visual and residential amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

13. Details of the stone origin, type and proposed surface finish (tooling) for the external surfaces of the proposed development shall be submitted, in sample form, to the Local Planning Authority and approved in writing before works begin on the stonework to the

external surfaces. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure the use of appropriate materials in the interests of preserving visual amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

14. The heads and cills of windows and doors shall be constructed using the same stone as that approved for the facing of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of preserving visual amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

15. Details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

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

16. All verges shall be given a plain mortared finish without the use of bargeboards. All rainwater goods, which shall be of black finish, shall be fixed directly to the wall by means of rise and fall brackets without the use of fascia boards.

Reason:

To protect the external appearance of the buildings in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. Notwithstanding the submitted mitigation tree planting shown on Plan no. SP01 a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include: -

- a. all vegetation to be retained including details of boundary hedgerows within or overhanging the site.
- b. all tree and plant species, sizes, densities, the number of each species to be planted and their protection;
- c. means of enclosure; and
- d. hard surfacing materials;

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing landscape features in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

18. All soft landscaping comprised in the approved details of landscaping required by condition 16 above shall be carried out in the first planting and seeding season following the first occupation of the stables or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or

plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

19. Prior to the works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason: To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

20. All gutters, downpipes and other external plumbing shall be a black painted finish affixed using traditional rise and fall brackets and so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the external character and appearance of the building and to preserve the character of the area in accordance with Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To preserve the character and appearance of the original building and its surroundings in accordance with Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

#### **NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application and during the application process engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating layout, scale and design.

This permission relates solely to the application plans and documents:

SP01 issue 4 and PP01 Rev D received on the 1<sup>st</sup> March 2024

Location Plan LP01 Issue 1 received on the 16<sup>th</sup> August 2023

Topographical Survey 0001

Preliminary Ecological Appraisal Report (BM Ecology, 2022)

Flood Risk Statement Ref: JAG/MG/JM/50387-Rp001

Heritage Statement dated 24<sup>th</sup> May 2023

Bat and Bird Box Details

Statement of Community Involvement

Agent's Letter dated 10<sup>th</sup> January 2024

Kirk Ireton FP 28 must remain open, unobstructed and on its legal alignment.

- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path width and no fencing should be installed without consulting the Rights of Way section

1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.

2. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.