

<b>APPLICATION NUMBER</b>		22/00441/FUL	
<b>SITE ADDRESS:</b>		Nether Hillside Farm, Biggin, Ashbourne	
<b>DESCRIPTION OF DEVELOPMENT</b>		Demolition of existing dwelling and erection of a replacement dwellinghouse (resubmission)	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Mr Tim Tomlinson
<b>PARISH/TOWN</b>	Kirk Ireton Biggin (access)	<b>AGENT</b>	Ms D Phillips – Green 4 Architecture
<b>WARD MEMBER(S)</b>	Cllr R Bright	<b>DETERMINATION TARGET</b>	13 <sup>th</sup> June 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	5 or more 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>– Principle of development</li> <li>– Impact on residential amenity</li> <li>– Character and appearance</li> <li>– Highway Issues</li> <li>– Ecology</li> <li>– Climate Change</li> </ul>

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

## **1.0 THE SITE AND SURROUNDINGS**

- 1.1 This 0.9 hectare site is located to the north east of Hullan Ward with access off Hoonwell Lane. The farmhouse is accessed via a farm track used by Winster Cottage to the west and Hayes Farm to the south east. Hillside Farm is on the higher land to the north. Bennywell Brook runs adjacent to the western boundary of the land associated with the dwelling.
- 1.2 The farmhouse is orientated with its front elevation due south east at the end of the access track and is set on a plateau with land sloping steeply down the brook to the west and higher land to the north east. Outbuildings screen part of the western gable and in turn are screened by vegetation. Woodland screens the lower part of the valley with land rising on the opposite side with views across. The landscape is undulating characterised by sporadic farmsteads with associated agricultural buildings. Biggin FP 15 runs 218m to south east of the dwelling and Kirk Ireton FP 18 runs approximately 32m north west.
- 1.3 The farmhouse is faced in traditional sandstone with a tiled roof with chimneys from the gables. A two storey side extension is attached to the western gable with a lower ridge and eaves height. The extension has two bay windows on the ground floor front elevation and was not completed with Acrow props supporting the roof structure and cracking evident. An uncompleted single storey extension exists on the north eastern gable and a flat roof box dormer on the rear elevation of the original farmhouse. The rear of the extension and outbuildings to the west have vegetation coverage and small trees growing on or close to the stonework.

## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Planning permission is sought for a replacement five bedroom dwelling with the main section oriented as the original dwelling with the gable to the south, however, it would be located further south east than the original dwelling. The significant difference in land levels to the south would be utilised by the creation of a basement level incorporating the garage with a section above housing the living room and guest bedroom. The basement section would provide garaging for six cars together with a small swimming pool, saunas and gym beneath the kitchen and office. The accommodation within the main two storey section comprises of a kitchen / dining area, lounge, cinema, office plus entrance hallway, utility, lift, coatroom, pantry and toilet on the ground floor. The first floor would accommodate a master bedroom with dressing room and en-suite including a balcony off the western gable, four en-suite bedrooms, a landing and terrace above the office to the rear.
- 2.2 The dwelling would be stone with a pitched slate roof and would both utilise existing land levels and be set within the existing bank to the north. The southern gable would have recessed framed balconies with four paned sliding doors with the lower section to the east replicating this glazing horizontally with the garage doors below. The front elevation that faces east has a two storey entrance glazed gable feature which appears rendered and windows are a mix of high level with a horizontal emphasis on the first floor with narrow vertical windows on the ground floor with render surrounds. The single storey end gable would appear as an attached outbuilding extending 19.5m east beyond this gable feature. The southern gable section would be evident from this elevation but would be obscured from view from the frontage by the single storey element to an extent.

- 2.3 The western elevation measures 31.5m and replicates the window styles of the front (eastern) elevation with both horizontal and vertical emphasis. A central gable feature mirrors the entrance gable albeit with a glazed terrace. A lower glazed terrace is also proposed that is above the basement level with the windows of the gym and sauna partially visible as the land level steepens.

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

- 3.1. Adopted Derbyshire Dales Local Plan 2017  
S4 Development in the Countryside  
S9 Rural Parishes Development Strategy  
PD1 Design and Place Making  
PD3 Biodiversity and the Natural Environment  
PD6 Trees, Hedgerows and Woodlands  
PD5 Landscape Character  
PD7 Climate Change  
HC7 Replacement dwellings  
HC19 Accessibility and Transport
- 3.2 Kirk Ireton Neighbourhood Plan  
P2 –Protecting Views
- 3.3. Other:  
The National Planning Policy Framework (2021)  
National Planning Practice Guide

### **4.0 RELEVANT PLANNING HISTORY:**

21/01083/FUL - Demolition of existing dwelling and erection of a replacement dwellinghouse, Withdrawn

### **5.0 CONSULTATION RESPONSES**

#### Kirk Ireton Parish Council

- 5.1 Object to this application as Councillors consider that the application does not comply with the Kirk Ireton Neighbourhood Plan. Councillors have been made aware of the concerns of Biggin Parish Council and support their views.

#### Biggin Parish Council

- 5.2 The Chair of the Parish has been contacted by a large number of Biggin residents, all of whom object to the proposed demolition and development. Although as a neighbour of Nether Hillside Farm, it is declared that they would be personally affected by it, this summarised response represents the objections to the proposal made on behalf of the Parish. The planning application avoids acknowledging the historic nature of the farmhouse that is the core building at Nether Hillside Farm. It appears on early maps, the earliest of which (Burdett's Map of Derbyshire) dates from 1767 and again in the early Ordnance Survey maps and the photographs in the application show that it contains an unaltered staircase and there is an original fireplace with a massive stone lintel on brackets with moulded cornice typical of that period.

It is a Georgian farmhouse typical of the area. It is strongly suggested that there should be a site visit by the planning committee to see for itself.

The Vice Chairman of the Derbyshire Historic Building Trust, Mr Barry Joyce, has written to us as follows:

*“The original building appears to be of 18th century date, as far as I can see from the photos. The extensions are of no architectural merit and appear to be of a poor standard of construction. However the original building does have architectural merit and I would hope DDDC would take that into consideration.*

*The Derbyshire Historic Buildings Trust does not operate as an amenity Society and therefore cannot help in opposing the application for demolition by lobbying the local authority however please feel free to quote my view that the 18th century part of the property merits retention as a ‘non designated heritage asset’.*

The Building Condition Report states “*completely uninhabitable*”, “*structurally compromised*” or “*completely derelict*” are all the accretions to the core farmhouse building. It is to be noted that the farmhouse was occupied by the same family for many, many years until the previous owners’ death and since its purchase by the new owner and applicant, it continues to be lived in. Importantly the farmhouse forms part of a historic landscape and community. It can be seen from a wide area and indeed, the existing building can even be seen clearly from Biggin Lane, which runs down to Biggin Mill Lane from the A517. The valley as a whole presents as an agricultural landscape, dotted with small farms such as Nether Hillside Farm and other buildings of a similar period (there are in fact 8 listed properties recorded for Biggin).<sup>1</sup> It is a substantially unspoilt landscape. Nether Hillside Farm is part of, and contributes to, this wider historic landscape.

The new building is proposed not only to be bigger but also brought forward on the land on which the present building stands and its aspect changed to face the South rather than the East, so that it will have an even more visible presence than the current building. We would refer in this context to Policy PD5: *Landscape Character*. As acknowledged on behalf of the applicant by the Architects, this policy outlines the Council’s aspirations to protect, enhance and restore the landscape character of the District and “*there is a requirement that development will only be permitted if the location, materials, scale and use are sympathetic and complement the landscape character*”. We say the development fails to meet this requirement.

The planning policy that is central to the decision is HC7 in the Local Plan. This policy provides that the replacement of dwelling houses outside defined settlement development limits will only be permitted where all of the criteria listed are met. The key criteria for this application are (d) and (e):

*d) the existing dwelling does not make a positive contribution to landscape character or distinctiveness such that it should be retained;*

*e) the scale, form, design and massing of the replacement dwelling does not detract from the character or appearance of its setting or surroundings.*

We will consider (e) below, but as far as (d) is concerned, for the reasons set out above, the existing building clearly does make a positive contribution to landscape, character and distinctiveness such as it should be retained. Whatever the view of the proposed building, paragraph (d) is not satisfied.

Although the basement is apparently designed to be half-sunk below ground level, this has merely reduced the height of the South elevation (which will be the most visible face) to just over 10 metres up to roof level: The East and West elevations are 13.302 metres on the South side and 10.002 metres on the North side. As for the overall length of the building, the dimensions are as follows:

East and West elevation length: approximately 32.35 metres.

South and North elevation length: approximately 41.76 metres.

While the design has been altered from the initial plans, the proposed building still remains a building with a great deal of glass, particularly on the elevations which would face into the valley and be widely seen.

The effect of these East and South facing glass panels means reflected light during the day and light pollution during the night, all from a building halfway up the side of the valley. It will be highly visible. This change of aspect and position, combined with its very substantially increased size and generous use of glass, will make the building highly visible. Unlike the existing buildings, it will not blend into the landscape.

To summarise, criteria (e) of HC7 is not satisfied: the scale, form, design and massing of the replacement dwelling undoubtedly detracts from the character or appearance of its setting or surroundings

Policy S4(n) in the Local Plan states that "*In the case of replacement buildings they must bring about environmental improvement.*" However, with its large rooms and overall size, the use to which these rooms are being put (including swimming pool, cinema, saunas) and its large amount of glass, the proposed building's energy footprint will be extremely large; it cannot be said to "*bring about environmental improvement*".

We would also raise the issue of vehicles and impact on traffic and access. The proposal is for a 5 bedroomed dwelling with garaging for 6 vehicles. This is a rural community with children, residents and ramblers, some with dogs, walking and horse riders and cyclists on the lane and on the unmade track. Introducing a far larger dwelling, to which, as well as the residents, there are bound to be visitors, deliveries etc, will inevitably increase traffic along narrow, winding, unlit rural lanes.

In conclusion, from the soundings made in the Parish, we suggest that, rather than demolishing the whole of the existing building, the historic core building (i.e. the farmhouse but not the extension and the lean-to on either end) be renovated and incorporated into an extension designed with care to harmonise both with it and with its surroundings.

We would therefore not object to a good and sympathetic scheme to extend the existing building less its accretions. However, the current proposal fails to satisfy HC7 and does not accord with the policies in the Local Plan. The application should be refused and further the Parish requests that the application is considered by the full DDDC Planning Committee.

#### Highways Authority (DDC)

- 5.3 No objections subject to a condition requiring replacement parking and turning to be provided prior to first occupation.

#### Rights of Way Section (DDC)

- 5.4 Confirm that Biggin Public Footpath No. 24 and Kirk Ireton Public Footpath No. 5 run through the proposed development site along the access road, and Kirk Ireton Public Footpath No. 18 runs close to the development site. There are no objection to the proposals as it appears that the routes will be ultimately unaffected by the proposed works.

#### Peak & Northern Footpaths Society

- 5.5 No objection provided that the full width of Biggin FP24, which becomes Kirk Ireton FP5, and would be used for vehicular access to the site, remains unobstructed at all times

#### Ramblers Derbyshire Dales Group

- 5.6 No objection providing that:
- i) Biggin FP 24 and Kirk Ireton FP 5 3 remain unaffected at all times, including the path surface, both during and after any development
  - ii) Both these FPs run along the initial part of the access track to the farm and appropriate

traffic measures should be put in place to ensure walkers' safety

iii) We note that Kirk Ireton FP 18, whilst outside the proposed development area, is close and should remain unaffected at all times

#### Derbyshire Wildlife Trust

- 5.7 Preliminary Ecological Appraisal (Dr. Stefan Bodnar, September 2021) and the separate Bat Survey report (Dr. Stefan Bodnar, October 2021 Revised June 2022). Only one survey is recommended due to low bat roost potential but Section 2.1 states that “two dusk and one dawn activity survey” will be carried out. It then states that “One evening and one dawn activity surveys and a single dawn swarming survey were carried out” The results then seem to show that what was actually undertaken was a dawn survey in June 2022 and a dusk survey in September 2022. No bats were recorded.

We advised that proposals were run through the small sites metric. The application is likely to be fairly low impact and it is up to the LPA whether they wish to insist on this. We are now advising the use of metrics on most applications, in line with the Environment Act 2021, to enable quantitative assessment for net gain. Policy PD3 of the Dales Local Plans requires a minimum of no net loss and wherever possible net gain for biodiversity.

Ultimately, it seems that two surveys were carried out within the acceptable timeframe and given that no bats were recorded, no licensing or mitigation is legally required. National planning policy encourages enhancements to be incorporated within developments and to that effect we support the recommendation to incorporate three bat boxes within proposals, as per Section 6 of the report. This could be secured through a condition. Any new lighting should be designed to reduce unnecessary lightspill and a lighting condition is recommended.

#### Tree and Landscape Officer (DDDC)

- 5.8 Given that the proposed replacement house is in the same location as the existing one then their opinion is that the proposals would cause no significant harm to the visual appearance of the landscape, subject to the design and scale being considered acceptable. The site does not contain any Tree Preservation Orders and is not in a conservation area. Trees and hedgerows are located in and around the site of the proposed demolition and construction of the new house and along the access track. All existing trees should be retained where practicable and provided with appropriate protection during development works and successfully integrated into the completed scheme.

In order for the Council to be fully informed in terms of the potential impact of the proposed development on existing trees, an Arboricultural Impact Assessment and Tree Protection Plan prepared according to the guidelines in BS5837:2012 should be submitted for approval before a decision can be made. Where site operations and/or works would be required in the vicinity of retained trees or within their root protection areas or canopy spread then an Arboricultural Method Statement would also be required to demonstrate how harm to retained trees would be avoided. This should also be submitted for approval, likely as a condition to a grant of consent.

## **6.0 REPRESENTATIONS RECEIVED**

- 6.1 Fourteen objections have been received and these are summarised below:-

- a) The proposal is out of scale and out of character to the local area.
- b) The proposal involves the demolition of a historic property.
- c) The road network is unsuitable to support development of this scale.
- d) Light pollution from reflection during daytime and external lighting at night.

- e) Construction impacts such as HGV using the roads, vibration and noise pollution.
- f) HGV accessing the site have already damaged the bridge and culvert which has caused surface water flooding.
- g) The proposal is three times larger than the existing farmhouse.
- h) Due to the site's prominence the development should be sensitive and in keeping with existing neighbourhood properties in style and scale.
- i) The six car garage would represent a significant increase in traffic on narrow roads with limited passing places.
- j) Access to the property is via a historic bridle / footpath over water.
- k) The expanse of roof would create surface water on a large scale that may increase flooding problems to properties below that already occur due to the valley and clay soils.
- l) Land instability due to digging into the hillside.
- m) The trees have been removed from the south and the proposal extends further south and is wider than the existing property.
- n) The south elevation would overlook Winster Cottage, would cause light pollution and would impact their view of the landscape.
- o) Demolition of the existing property and replacing it with a property of the scale proposed is not sustainable.
- p) The size of the property and amount of glazing would generate the need for increased energy consumption.
- q) The original farmhouse dates back to the 1700s and has period features and a representative from the Heritage Trust should have been consulted on the application.
- r) The extensions to the property could be removed and the original building retained.
- s) Planners and the committee should view the proposal from Winster Cottage.
- t) The proposed dwelling would completely dominate the hillside of this beautiful unspoilt valley.
- u) The correct address should be 'unnamed Road off Hayes Farm access track'.
- v) The applicant has already created a turning circle and intends to have a track to the rear of the new build.
- w) Nether Hillside Farm features on a 1700s Duffield Frith map and is therefore one of the oldest properties in the area.
- x) An application to demolish Birches Farm was not approved by the Planning Department.
- y) The existing property blends into its environment.
- z) The proposed new build is more than double the area (basement) and larger (ground floor) of the existing property.
- aa) The Planning Department has set a precedent for preserving our oldest rural properties.
- bb) The proposal would not enhance the landscape contrary to NPPF paragraph 80.
- cc) The dwelling would be a real 'blot on the landscape' with a south elevation width of 41.76 metres and north elevation of 32.2 metres.
- dd) There is a concern that the proposed dwelling could develop into a commercial venture, perhaps a wedding venue or spa and this should be prevented by condition.
- ee) Noise and dust during construction.
- ff) It would result in a loss of habitat for the local flora and fauna.
- gg) The proposal would be another 'incongruous lightbox on the hill'.
- hh) More tree planting should be proposed to increase screening.
- ii) The drone image is not representative of the neighbouring property.

## 7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance

- Highway Issues
- Ecology
- Climate Change

### Principle of development

- 7.1 Policy S4 deals with development in the countryside and supports new residential development if it comprises the replacement of a single dwellinghouse, in accordance with Local Plan Policy HC7. This policy also requires that development does not lead to excessive encroachment or expansion of development away from the original buildings and safe access can be achieved.
- 7.2 Policy HC7 states that the replacement of dwellinghouses outside defined settlements, such as this, will only be permitted where all of the following criteria are met:
- a) the residential use has not been abandoned;
  - b) the existing use as a dwelling is lawful;
  - c) the number of dwelling units on the site is not increased;
  - d) the existing dwelling does not make a positive contribution to landscape character or distinctiveness such that it should be retained;
  - e) the scale, form, design and massing of the replacement dwelling does not detract from the character or appearance of its setting or surroundings;
  - f) the existing dwelling is not a caravan or mobile home;
  - g) the existing dwelling is demolished.
- 7.3 The residential use has not been abandoned and is lawful and only one dwelling is proposed. A Building Condition Report and Structural Report have been submitted in respect of the original farmhouse. The Condition Report considers that the original dwelling has been inappropriately extended with a two storey side extension that has not been completed with Acrow props supporting the ceiling and cracking is evident showing structural movement. The original structure is a series of small rooms with poor accessibility that would not conform with Building Regulations. The report concludes that due to the extent of remedial works required, the cost of repairs before tax exceeds the cost of constructing a replacement dwelling. The Structural Report states that the interface between the farmhouse roof and the return of the two storey gable was not flashed and the rainwater gutter to the main roof has been removed with rainwater discharging onto the ground adjacent to the wall. Cracks are evident on the south western gable and the roof profile has a significant sag at the midpoint. Cracks in the floor at first floor level and in the lounge wall adjacent to the fireplace were noted.
- 7.4 The Structural Report concludes that there is a concern regarding the foundation of the dwelling and the founding depth in particular the location of the footprint in relation to the grade of the hill the house is built on. The plot has been excavated to form a plateau however the south west end of the property is close to the edge of it. The depth of the foundation and its construction is totally inadequate and partial slipping and settlement is currently taking place. No site investigation has been carried out therefore we are unable to make any comments regarding the suitability of the ground to resist this, but from the observations it is clear that founding on topsoil is unacceptable. Furthermore, the discharge of the rainwater from the overflowing water butts and the missing gutters particularly to the rear elevation would cause washout and a change in the characteristics of the ground.
- 7.5 On the basis of the Structural Survey, it is not considered a viable proposition to retain the original structure and thus its loss is considered acceptable. Furthermore, the original farmhouse is now dominated by inappropriate extensions which have ultimately caused the structure significant damage combined with a lack of maintenance over a long period. The original farmhouse is set into the bank and any public views are overwhelmed by the



extensions and it is on this basis that it is not considered to make a positive contribution to landscape character or distinctiveness such that it should be retained in compliance with criteria (d) of Policy HC7.

- 7.6 In this case criteria f) and g) do not apply. Therefore as a single replacement dwelling is acceptable in principle; the main consideration in this case is how the new dwelling sits in context with its surroundings and its design.

#### Character and appearance

- 7.7 Criteria e) requires an assessment of whether the replacement dwelling is of an appropriate scale, form, design and massing which does not detract from the character or appearance of its setting or surroundings.
- 7.8 In combination with this assessment, there is a requirement to comply with: Policy PD1 for development to contribute positivity 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 and Policy PD5 which seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
- 7.9 Prior to re-submission of the application, the agents have re-considered the design and scale that was informed by drone imagery and a site meeting with Officers. The main issue with the previous design was the scale of the southern elevation and how this would be read within the landscape. The important change was the gable on the south elevation and having significant stone framed recessed balconies together with a visual understanding of how the garage element would be viewed or obscured by the landform. Three dimensional images have been submitted with the application that show how the dwelling would sit within the plateau, the context of other neighbouring properties on the hillside together with including within this image the existing property in order to make a comparison of impact. The architecture of the revised scheme appears more robust in-keeping with the landscape setting and furthermore the stone and how it would weather over time would blend within this part of the hillside. The only requirement outstanding is the extent of render on the eastern elevation and northern elevation of the single storey element that extends to the east. It is considered that the entrance gable feature could be rendered together with the whole of the northern elevation of the single storey element, however, the sections of render surrounding the windows on the eastern elevation of the main dwelling appear odd and this elevation should all be in stone. A condition to this effect shall be added to any permission.
- 7.10 In terms of criteria (e) the assessment it is not whether the replacement dwelling is on the same footprint or scale as the original, it is that the new dwelling is appropriate in its context. Therefore, it is considered that the changes in design negotiated since the previous application have addressed the concerns Officers had in terms of scale and design and in turn impact on the landscape. The design of the dwelling is modern but uses traditional stone that would blend it into the landscape. Due to the significant land level changes the overall scale of the structure is significantly mitigated by the basement level being built the bank and as such would only be partially visible from the south. The southern elevation was the one identified as being the most prominent as the eastern elevation whilst the front of the dwelling would not be highly visible from the surrounding landscape due to intervening landform and trees, furthermore the public footpath in this direction is a significant distance away and is also screened.
- 7.11 The western elevation appears large on plan and measures 31.5 m as opposed to the built form of the original dwelling and outbuildings at 27m, however, this elevation is broken up by the central gable feature and the terraces at lower levels that extend further west than

the main structure. Furthermore, the dwelling is to be sited further to the east and on a north / south alignment than the existing dwelling which is nearer to the footpath boundary and following its orientation. The three dimensional images indicate that the ridge of the replacement dwelling would sit lower in the landscape than the original farmhouse and utilises the bank to a much greater degree which significantly reduces its impact on the view from the south. Therefore in its context it would read as a two storey dwelling as per the one it replaces. One of these images includes the two properties above to the north which are Hillside Farm and Hillside Lodge Farm. Whilst, Hillside Farm appears a modest traditional dwelling recessed into the hillside, Hillside Lodge Farm is a substantial building. This dwelling was granted permission in 2019 and was considered acceptable as an isolated dwelling in the countryside that accorded with the remit of paragraph 79 of the NPPF which has very stringent tests in terms of 'outstanding' and/or 'innovative' with extensive negotiation with the design panel at OPUN. This application differs as it proposes a replacement dwelling where there is a principle in the countryside provided the criteria of Policy HC7 are met. It is considered that these dwellings sit within the context of the application site and as such the dwelling is considered to be acceptable in scale, design, form and massing within this context in accordance with Policy HC7.

#### Impact on residential amenity

- 7.12 Policy PD1 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.
- 7.13 The nearest dwelling to the property is Hillside Farm which is 202 m north, however, this property is not visible from the application property or the part of the public footpath to the west due to a significant rise in land levels to the north and intervening vegetation. At this distance and with limited visibility between the properties this relationship is considered acceptable. Winster Cottage lies approximately 360 m to the south west with the valley of Bennywall Brook in between and woodland on the lower parts of this valley. Concerns from this property related to overlooking and reflection and light pollution from the large windows within the southern gable. Overlooking of any windows is not likely at this distance and due to the significant recessed nature of the balconies serving these windows of a depth of 3m shadowing would occur and the lighting levels would be mitigated. However, the recessed nature of these balconies are an important part of the design of this elevation and this would be lost if these would filled in. A condition ensuring their retention is thus required on any permission. The proposed property is set within an extensive land holding and this both retains the setting of these rural properties together with ensuring amenity impacts on neighbouring properties are limited. On this basis, the proposal is considered to comply with Policy PD1.

#### Highways Issues

- 7.14 The Local Highway Authority raises no objection as the proposal is a replacement dwelling that would not result in an increase in traffic along the lane and consider the access, turning and parking provision to be acceptable. On this basis, the proposal is considered to accord with Policy HC19.

#### Climate Change

- 7.15 Policy PD7 supports the generation of energy from renewable or low-carbon sources provided that the installation would not have significant adverse impact (either alone or cumulatively) and promoting energy and water efficiency and the use of renewable / low carbon energy through retro-fitting or refurbishment of existing buildings. It goes on to

state that proposals should demonstrate the impact of the scheme on visual amenity, the historic environmental and heritage.

- 7.16 The proposal involves the creation of an environmentally sustainable home, with high levels of insulation, photovoltaic arrays with battery electricity storage and ground source and air heat pump systems together with low energy lighting and MVHR unit that aids ventilation to deliver as close to zero carbon heating and electricity as current technology allows. This is considered in accordance with Policy PD7.

### Conclusion

- 7.18 A replacement dwelling in the countryside is acceptable in principle and the proposed dwelling is considered a high quality contemporary design that would sympathetically assimilate in its context without significant adverse impact on the visual amenity of the area or landscape character. The dwelling would incorporate high levels of renewable energy and would be built to the highest standards of insulation with its design taking account of solar gain.

## **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. Samples of any new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. This shall include details of the stone origin, type, coursing and proposed surface finish (tooling) and render. The development shall be constructed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development and use of appropriate materials to comply with Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

3. This consent relates solely to the application plans numbered A001, A003, A004, A101, A102, A103, A200 received by the Local Planning Authority on the 19<sup>th</sup> April 2022.

Reason:

For the avoidance of doubt.

4. Details of all new external window and door joinery (including rooflights) and/or metal framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills, lintels, external finish and elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the dwelling and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details of all new external chimneys, flues, extract ducts, vents, grilles and meter housing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.

Reason

In the interests of preserving the character and appearance of the building and the surrounding area accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. The dwelling hereby approved shall not be occupied until its designated parking and manoeuvring areas has been laid out, hard surfaced, sealed and drained. The areas provided shall be maintained thereafter free from any impediment to its designated use.

Reason:

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

7. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development a site specific Arboricultural Method Statement, to include a Tree Removals and Retentions Plan and a Tree Protection Plan shall be prepared to the guidelines of BS5837:2012 and submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with Policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

8. 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 amenity and impacts on the landscape in accordance with Policies HC7, PD1 and PD5.

9. 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 plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- b) grass seed mixes and sowing rates;
- c) means of enclosure;
- d) car parking and turning area;
- e) hard surfacing materials; and
- f) timescale for implementation.

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 important landscape features in accordance with policy HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Enhancement measures detailed in Section 6 of the Bat Survey Report (Dr. Stefan Bodnar, 2021) shall be implemented in full and maintained throughout the lifetime of the development hereby approved. Photographs of the measures in situ shall be submitted prior to the first occupation of the dwelling.

Reason:

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

11. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority 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. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The development shall thereafter be carried out in accordance with the approved details.

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).

12. Construction work shall only be carried out between the hours of 8am and 6pm on Mondays to Fridays; and 8am and 1pm on Saturdays and at no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings.

13. Notwithstanding the render details shown on the proposed elevations on drawing no. A200, sectional elevations of the eastern elevation of the main dwelling and northern elevation of the section that extends forward of the main dwelling shall be clad with natural stone in accordance with details which shall have first been submitted and approved in writing by the Local Planning Authority.

Reason:

To protect the external appearance of the dwelling and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

14. Prior to the occupation of the replacement dwelling a phasing plan / timetable for the demolition of the original farmhouse shall be submitted to and approved in writing by the Local Planning Authority. The original farmhouse shall thereafter be completely demolished and removed from the site in accordance with the approved details.

Reason:

The development is not considered appropriate other than as a replacement dwelling because it is outside any Settlement Framework boundary and does not accord with the Development Plan policies for general housing, namely policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

15. 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 the 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 the 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 HC7, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

## **INFORMATIVES:**

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

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 and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. 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 £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
3. This decision notice relates to the following plans documents:
  - i. Drawing No's A001, A002, A003, A004, A101, A102, A103 and A200 and received by the Local Planning Authority on the 19<sup>th</sup> April 2022.
  - ii. Tree Survey dated September 2021 by Dr Stefan Bodnar
  - iii. Phase 1 Preliminary Ecological Appraisal Ref Biggin 0921\_PEA
  - iv. Dusk Emergent Bat Survey dated 9<sup>th</sup> October 2021
  - v. Planning Statement in relation to dilapidation of the current structure dated 22<sup>nd</sup> March 2021
  - vi. Structural Report by Aspect Consulting Engineers Ltd dated November 2020
  - vii. Building Condition Report dated 27<sup>th</sup> April 2022
  - viii. Two 3D images
4. The application site is affected by a public right of way (Biggin FP24 and Kirk Ireton FP5 on the Derbyshire Definitive Map). These routes must remain unobstructed on their lawful alignment and the safety of the public must not be prejudiced either during or after the works take place. Details regarding the temporary or permanent diversion of any such routes should be obtained by contacting the County Council's Footpaths Section at County Hall, Matlock on 01629 533262. Application for the permanent diversion of the public right of way shall be submitted to the District Council on the enclosed application form.