
Delegated report Officer: James Norton

Application ref. DMPA/2019/0845

The demolition of the existing barn outbuilding and the erection of 2 dwellings at Rye Close Farm, Duck Street, Egginton, Derby, DE65 6HG

Valid date: 15/07/2019

Consults expired: 06/09/2019

EIA development? No

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2003/1372 – Outline application for the erection of two dwellings – Refused – 24/12/2003

9/2017/1381 – demolition of existing barn and the erection of two 1.5 storey dwellings with parking and amenity space - Refused 14/09/2018

Responses to consultations and publicity

Environment Agency – No objection but cite their Flood Risk Standing Advice. Applicants should follow this standing advice applicants should submit a completed form with their planning application submission.

County Highways – previously commented on an application for two dwellings adjoining Rye Close Farm where no objection was raised subject to conditions. The proposal remains acceptable subject to conditions.

County Archaeologist – The barn proposed for demolition is a single storey range of buildings in typical vernacular style pre-dating 1849 Tithe map and forming a group with the parallel two storey range to the west. This part of the village is characterised by brick built vernacular buildings of this period including Oak Tree Farm and the former Methodist Chapel opposite (Derbyshire HER 19634) and the buildings at Ports Farm Barn. Further to the east. The barn is therefore a heritage asset per se. The group of farm buildings in this part of the village make a positive contribution to the townscape. There are no listed buildings and no conservation area but the heritage assets are nonetheless a material planning consideration.

The new application is accompanied with a heritage statement which contains a useful appraisal and statement of significance, and also shows that the building is becoming structurally unsound and unlikely to be feasible to adapt without a substantial or complete rebuild. The new application also shows the proposed replacement building on a similar footprint which would to some extent conserve the group value of the range and contribution to townscape noted above. The heritage statement document seems to provide a sufficient record of the building's salient features and significance to stand as a record under NPPF para 199, and I will arrange for it to be added to Derbyshire HER. There are therefore no objections to the proposals as resubmitted.

Derbyshire Wildlife Trust – A preliminary bat roost assessment was provided and concluded that the building as having high bat roosting potential. Three further bat activity surveys were undertaken in the form of dawn and dusk surveys in order to characterise the roost. The assessments undertaken meet the guidance set out in Circular 06/2005 and as such sufficient information has been supplied to the LPA to make an informed decision. Given the proposal will result in the destruction of a bat roost, the Bat and Bird Report states that a Natural England licence will be required. However, on the basis of the above information and subject to conditions DWT has no objection.

Environmental Health (including Contaminated Land) – No objection, subject to a condition relating to land quality.

Egginton Parish Council has sought to query whether a licence has been sought from Natural England. In addition they query who will police roosting areas following the sale of the property. The PC also comments on the type of nesting facilities that might be appropriate suggesting the inclusion of a roof window for Swallows as they are unlikely to nest in darkness.

One neighbour objection has been received raising the following issue:

- Overlooking from the dormer windows in the 'rear' elevation which would be better as roof lights.

Relevant policy, guidance and/or legislation

Development Plan Policies

The relevant policies are:

2016 Local Plan Part 1: S1, S2, S6, H1, SD1, SD2, SD3, SD4, BNE1, BNE2, BNE3, BNE4, INF2
2017 Local Plan Part 2: SDT1, BNE5, BNE7, BNE10

National Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Guidance

SDDC Design Guide SPD

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle;
- Heritage;
- Design and Amenity;
- Highways/parking;
- Trees; and
- Ecology

Planning assessment

Principle

Egginton is a rural village location where limited development is considered acceptable. Policy H1 of the LP1 allows for development of a limited nature within the settlement boundary and up to 15 dwellings adjacent to it as an exceptions or cross-subsidy site. In addition, limited infill (further explained under LP2 policy BNE5) and conversions will also be considered acceptable where development would be outside any defined settlement boundary.

In this case the site is adjacent to but outside the Egginton settlement boundary following adoption of the LP2 in November 2017, which introduced a revised settlement boundary for the village. The settlement

boundary was amended following a review set out in the Settlement Boundary Topic Paper. Part 1 of this paper sets out principles or criteria used in the review of existing settlement boundaries and, in this case, Principle 4d is relevant. The site is considered to be an important gap and, as the settlement is fragmented, the way to protect this important gap is to specifically exclude it from the settlement boundary to protect the settlement's character.

However, whilst the site is outside the settlement boundary and the gap is protected, the proposal could still be considered to be policy compliant as the two dwellings can be supported as a limited infill proposal without 'closing' the important gap given the new dwellings are proposed in broadly the same location as the existing disused agricultural building. The proposal therefore complies with H1 of the LP1 and BNE5 of the LP2.

Heritage

The agricultural building proposed to be demolished is not listed, nor is it located within a conservation area, but the County Archaeologist considers the building to be a non-designated heritage asset as part of a group of vernacular style farm buildings on Duck Street – all of a similar period pre-dating the 1849 Tithe map. This group of buildings as a whole is considered to make a positive contribution to the village. Paragraph 197 of the NPPF states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The County Archaeologist notes that the heritage assessment contains a useful appraisal and statement of significance, and also shows that the building is becoming structurally unsound and unlikely to be feasible to adapt without a substantial or complete rebuild. The new application also shows the proposed replacement building on a similar footprint which would to some extent conserve the group value of the range and contribution to townscape noted above.

It would appear that the main reason for recognising the building as a heritage asset aside from its age is the contribution to the character of the area. Whilst there is a presumption in the NPPF in favour of conservation of heritage assets, the building is no longer in use and appears in very poor condition and not capable of conversion. The proposal seeks to bring the site back into use and provide two additional dwellings in a location and at a scale that would be sympathetic to the wider character of the area. This would go some considerable way to preserving the character and appearance of the non-designated group being on a similar footprint to the existing dwelling.

The heritage report suggested some alterations to the original scheme advising that 'it would not be a good idea to build a pseudo barn conversion in place of the original'. However the report author goes on to suggest that the proposed chimneys appear unnecessary and that dormers are hard to detail. The proposed changes to the design as well as the relocation closer to the original footprint of the existing barn have been accepted by the applicant. The Council's Conservation Officer previously stated that 'should the total loss of the barn be justified, the suggestions set out in the report would aid the visual impact of the in reducing the visual impact of the loss and a replication of the materials character and simple form of the building as well as the location of the gable end adjacent to the highway to reinforce the historic character and layout'. Given the building is not listed, has fallen into disuse and is not capable of conversion without significant alteration, the current proposal would have the benefit of bringing the site back into use by replicating the type of linear buildings in this part of Egginton and provide two modern dwellings such that the proposal appears to comply with policies BNE2, BNE10 and NPPF paragraph 197.

Design and Amenity

The original proposal to demolish the existing barn and erect a pair of semi-detached dwellings has been subsequently amended to take on some of the recommendations set out in the Heritage Assessment. The existing barn is 25.96m long and at the gable end adjacent to the highway and eaves height of 1.91m and height to ridge of 3.68m and width of 4.79m. The replacement building would be of similar length (25.7m) but wider at 5.75m an increase of approximately 1.0m but also an increase in height to ridge to 7.85m – 4.17m higher than the original barn with height to eaves being 3.8m. Whilst this is a significant increase, the building is side on to the road and the side elevation has no windows facing Duck Street. Window openings on the front and rear elevations are not affected by, nor cause any issues with overlooking in accordance with the design SPD noting that the adjacent garden to the west is a front garden. The replacement building still has a linear form and replicates the character of the barns in this part of the village but is still somewhat smaller than the threshing barn to the northwest on the opposite side of the 'courtyard'. This increased height allows the inclusion of two storey accommodation with rooflights providing light at first floor level. The

proportions of the building from the south east are appropriate but there is a large gap between the top of the bi-fold doors on the northwest elevation before the eaves. However, this elevation is well screened from public view by trees on the adjacent property. The front elevation is well proportioned with centrally positioned front doors with overhead porches which gives a cottage style.

The properties have two parking spaces each and a dedicated turning area at the north of the application site and sufficient outdoor amenity space to the rear of the proposed dwellings. External materials will be important to retain the character of the area and could be conditioned. The proposal therefore complies with policies BNE1 and SD1.

Highways/Parking

Access to the site is via the existing field access. The driveway itself is not within the application site but is in the control of the applicant. A turning head at the north end of the site is included in the block plan with two spaces per dwelling provided in parallel with the front of the properties. Subject to conditions the proposal therefore complies with INF2.

Trees

There are a number of trees to the north west of the site. The Council's Tree Officer previously stated that the trees within the red line are not of TPO quality. These can therefore make way for the proposed development subject to the inclusion of a condition relating to landscaping. Trees outside the site but on the boundary of it are high quality pine trees that provide a high level of amenity. They are not directly under threat and therefore a TPO is not considered necessary at this stage, but they should be protected during construction. A plan showing the root protection areas should be provided prior to construction. This could be conditioned. The proposal therefore complies with policies BNE3 (in so far as impact on trees), BNE4 and BNE7.

Ecology

The application was submitted with a preliminary bat roost assessment and three further bat activity surveys in the form of dawn and dusk surveys. The assessments undertaken meet the guidance set out in Circular 06/2005 and as such sufficient information has been supplied to the LPA to make an informed decision. Given the proposal will result in the destruction of a bat roost, the Bat and Bird Report states that a Natural England licence will be required. Whilst this will result in the loss of habitat, DWT does not object to the proposal subject to conditions relating to a Natural England Licence prior to demolition and alternative swallow nesting opportunities being provided. The proposal therefore complies with BNE3.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	09/10/2019
Report agreed:	09/10/2019
Authorised officer:	Richard Stewart
