

6. FULL APPLICATION – SINGLE EARTH-SHELTERED DWELLING ON DERELICT LAND TO THE WEST OF YOULGRAVE (AMENDMENTS TO APPROVED PLANS), THE CHASE, COLDWELL END, YOULGRAVE (NP/DDD/0415/0374, P4421, 420514 364036, 28/04/2015/KW)

APPLICANT: MR ANDREW BAKER

Site and Surroundings

The application site comprises a 0.5 ha elongated strip of disused agricultural land, which lies outside of the boundary of the Youlgrave Conservation Area at the western entrance to the village but beyond the existing houses on the edge of the settlement. The site is bounded by a minor (C111) road to the north, and there is an existing vehicular access on to this road. There is residential housing to the east and the steeply sloping and wooded valley sides of Bradford Dale to the south and west. A public right of way descends from the road into Bradford Dale to the west of the site. On the opposite side of the road is the village recycling centre and a range of allotments to the rear. The site slopes steeply down to the south towards the valley bottom and is bounded on all sides by low drystone walls.

The site frontage extends to 109m and comprises two distinct areas. The eastern half of the site comprises a steeply sloping grassed hillside, which abuts the last property in the village. From the adjacent roadside footpath, there are open views through this side of the site and across Bradford Dale and beyond. This part of the site also contains a small roadside limestone barn, which is intact albeit with a sheeted roof that has some damage. The western half of the site has a narrower depth and is bounded to the south by dense tree planting that curtails any views across Bradford Dale. Within this part of the site is a collapsed former cattle shed with only partial remains of its walls still standing.

Proposal

The current application is for an amended scheme for a single earth-sheltered dwelling on the same part of the site as that granted full planning approval in September 2014. As with the previous scheme, this amended scheme proposes part demolition of the roadside barn, demolition of the derelict cattle shed and erection of a single detached earth-sheltered dwelling within the eastern half of the site. The revised proposal is for an amended design for a new dwelling of a smaller size, form and design, on a simpler, reduced footprint compared to that approved in 2014.

The proposed dwelling would have three storeys of which only the top one would be wholly above the ground. The top floor of the house would project above ground level in the form of a new pitched-roof building on the level area of the land close to the road. This part of the house has been designed to replicate a traditional barn and measures 15.5m x 5.1m x 2.4m/4.2m to the eaves/ridge. It would be constructed in natural limestone under a blue slate roof and incorporates a 5.2m long car port at its western end. The south-facing roofslope would be covered almost entirely with solar panels. This ground floor level building would be provided with a 9.8m long x 1.6m wide terrace area.

The lower two storeys of the house would be dug into the steep contours of the site such that only south facing glazed elevations would be visible. These two storeys step down the steeply sloping hillside and would be provided with level terraced garden areas overlooking Bradford Dale. The middle storey (upper basement level) would be provided with a 22.5m long x 4.8m wide and the lower storey (lower basement level) would be provided with a 18.5m long x 5.3m wide level terrace area. The south facing walls of the lower floors would be clad in a combination of slender horizontal sections of natural limestone walling with predominant sections of recessed vertical timber clad panels which would frame expansive areas of glazing. The overall internal

floor area of the dwelling (excluding the car port and full-height void space over the open plan/dining room space on the upper basement floor) amounts to 205.68m². A further 19.8m long x 4.6m wide level terraced area is to be created below the lower basement terrace and is to be laid down mainly to vegetable garden with a shed and greenhouse structure at either end.

In landscaping terms, the existing mature ash trees close to the roadside frontage would be retained. A middle-aged ash tree located close to the lower boundary of the new building is incompatible with the new development and is to be felled. This loss is to be mitigated by new planting and tree management proposed within the western half of the site. Along the roadside a new section of mixed species hedge is proposed to screen views from the road. Groups of smaller trees, including fruit trees would provide further seclusion and especially screen views from the west along Middleton road. Areas of natural limestone grassland will be managed around the boundaries of the site. The existing drystone wall along the main road is to be retained at its present height and repaired.

The concrete foundation of the demolished modern agricultural buildings would also be removed to create a new area of grassland on the western half of the site. This would include the introduction of species akin to rich hay meadows characteristic of the White Peak landscape. The lower bankside of this part of the site would be managed as native deciduous woodland. Towards the eastern side of the site, aggregates excavated from the site would be re-used as a 'white roof' seeded with grasses and wild flowers to provide further habitat. The intact barn to the east of the proposed vehicular access would be retained but its roof would be modified to a low sloping 'green roof' to allow for the required visibility splays.

Another key element of the scheme is to create a sustainable development, a low-tech, low energy building, which is primarily heated through solar gain. The design has been carefully calculated to balance solar gain with high thermal mass, super-insulation and heat recovery ventilation. These mechanisms are to use standard materials that would ordinarily be part of the fabric of any building, thereby minimising build and running costs. It is anticipated that the bulk of the building materials will be gained from the site. Other materials are to be sourced locally wherever technically possible. Other sustainable features of the proposed dwelling include: rain-water harvesting; grey water system; sustainable urban drainage system; carbon neutral cooking and water heating; green roofs; and photo voltaic and solar collectors (hot water) panels.

It should also be noted that the previous proposal that was approved in September 2014 also contained an offer by the applicants to transfer an existing house (Middle Cottage) owned by the applicant within the village to the newly formed Youlgrave Community Land Trust (CLT). Whilst the applicant's offer to enter into a legal agreement with the Authority in respects of Middle Cottage was considered to be highly commendable and undoubtedly made in good faith, officers could not provide a clearly evidenced justification for acceptance of the proposed obligation in law. Consequently officers were unable to recommend that the Authority enter into a joint legal agreement with the applicant, as proposed, and this policy stance was subsequently endorsed by the Planning Committee. Nevertheless, the applicants have confirmed that they have already unilaterally entered into a legal agreement to transfer Middle Cottage to the newly formed Youlgrave Community Land Trust

RECOMMENDATION:

That the application be APPROVED subject to the following conditions/modifications:

Statutory Time Limit

- 1. The development hereby permitted shall be commenced within three years of the date of the permission.**

Approved Plans

2. The development shall not be carried out otherwise in complete accordance with the submitted plans and specifications subject to the following conditions:

Submission of Details

3. Submit and agree any details of spoil removal arising from the demolition and construction works.
4. Submit and agree Construction Working Method (including working hours) and Ecological mitigation Statement.
5. Submit and agree details of the construction site compound.
6. No development approved by this permission shall be commenced until a scheme for the package sewage treatment plant and for the disposal of surface waters has been submitted to and approved by the Authority. Such a scheme shall be constructed and completed in accordance with the approved plans, prior to the occupation of the dwelling hereby permitted.
7. No development shall take place until a revised scheme of landscaping has been submitted to and agreed in writing by the National Park Authority. The submitted scheme shall include: (i) details of all trees to be retained and protection for those trees during the construction phase of the proposed development; (ii) precise details of all hard and soft landscaping including details of any seeding or planting, surfacing materials and boundary treatments; (iii) precise details of the provision and undergrounding of services; Thereafter, the proposed development shall be carried out in complete accordance with the approved landscaping scheme, which shall be completed prior to the first occupation of the dwelling hereby permitted.
8. No works shall commence on the erection of the newly-built dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the dwelling, including samples of the stone, quoins, sills, lintels, and surrounds to be used in the construction of the external walls, samples of all roof coverings and rain water goods, and samples of all external door and window frames and external finish treatments, have been submitted to and approved in writing by the National Park Authority. Thereafter, the development shall be carried out in accordance with the approved details.
9. Details of the scheme of Environmental Management Measures shall be submitted to and approved in writing by the authority. The agreed Environmental management facilities shall then be installed in accordance with a timetable that has been submitted to and approved in writing by the authority.
10. Submit and agree details of external lighting.

Service Lines

11. All new service lines associated with the approved development and on land within the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.

Architectural Specifications

12. Conditions relating to design details including specifications for construction materials, windows and doors, etc.

Restrictions on Permitted Development Rights

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no ancillary outbuildings or other structures incidental to the enjoyment of the dwelling other than those expressly authorised by this permission shall be erected.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the newly-built dwelling shall be carried out.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or doors other than those expressly authorised by this permission shall be constructed on any elevation.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no walls, fences, or solar panels other than those expressly authorised by this permission shall be erected or installed on the site.

Access and Parking

17. Access entrance, visibility splays, access drive and vehicle parking areas to be carried out in accordance with the amended plan no. AR/XX/01/PD/332/01 Rev A prior to the occupation of the dwelling.
18. Visibility splays and parking/manoeuvring areas (including the car-port) to remain free from obstruction to their intended use.

Curtilage

19. The domestic curtilage shall be restricted to the are edged green on the attached plan no. 1/P.4221

Key Issues

1. Whether the proposed development is required to achieve enhancement of the site in accordance with policy HC1(C)II of the Core Strategy.
2. Whether the amended dwelling scheme is acceptable in terms of it position, size, form and detailing, and represents an overall improvement when compared to the previously approved scheme.
3. Ecological issues.

History

2011 – Planning permission refused for the erection of two detached earth-sheltered dwellings on the site. The subsequent appeal was dismissed.

2012 – Planning permission refused for an almost identical scheme to that refused previously and dismissed at appeal in 2011 despite this application being accompanied by a completed unilateral undertaking that would have placed a local occupancy restriction and associated obligations on an existing one bedroomed cottage in the village (i.e. Middle Cottage).

September 2014 – Full planning permission granted for the erection of a single earth-sheltered open-market dwelling in a similar opposition to the current dwelling proposal. Consent was granted for the dwelling on the basis that it involved the erection of a highly sustainable home of significant architectural merit that was designed to fit into the steeply sloping hillside, and enhance a despoiled part of the site.

Consultations:

External Consultees

County Council (Highway Authority) –No objections to the amended visibility splay and drive plan, subject to attaching of appropriate highway conditions and advisory notes attached to the previous September 2014 decision notice.

District Council – No reply to date.

Parish Council – Objects to this planning application and consider that the applicant should be made to conform to the original plans and conditions laid down in the granted application. The ambiguity in the wording of this application led the parish council to this decision as it states that it seeks to discharge planning conditions that were attached to the granted application. The parish council consider that this could be interpreted as removal of the planning conditions and consequently could not support the alterations as it has no assurance that the latter interpretation may be implied. Without knowledge of what changes planners may make to the conditions, the parish council could see no other possible response.

Officer's comment: It should be noted that the parish council wholeheartedly supported the previous application in 2014. The Council agreed that the house proposed in the previous application was a ground-breaking, innovative and imaginative design that would tidy up the eyesore at this entrance to the village and provide a dwelling for a local family.

Natural England - Noted that they had previously commented on the previous proposal and confirm that as with the previous proposal they have no objections to the proposed development.

Internal Consultees

Authority's Ecologist - Further survey is required before this application can be positively determined, as follows:

- A survey of slow worms is required to establish the extent of the population. The report must include an appropriate mitigation and compensation scheme to take account of these during proposed site works and post development.
- There are two existing buildings on site, with the more intact one (the cattle stall) described as having a low potential for use by bats, although the 2010 Ecological Assessment does state that cracks and crevices in the building offer some potential for

occasional transient roosting bats. These features must be checked with an endoscope to determine whether there is any current use. Appropriate mitigation/compensation will be required should bats be found to be present.

- It is unclear whether the site has been re-checked for other protected species or other evidence during the 2014 walkover survey. This information needs to be submitted to the PDNPA Ecologist along with appropriate mitigation/compensation measures.

The results of the above surveys along with any recommendations for mitigation/compensation or precautionary measure must be provided to the PDNPA Ecologist for consideration prior to determination.

Representations

12 letters of support for the current application have been received by the Authority. The reasons that the proposals are supported include the following grounds:

- The proposed home is lower, smaller, will have less impact than the previously approved dwelling and seems to improve the scheme.
- The proposal is an innovative way of renovating currently wasted land. The building will be an enhancement to the village.
- At a time when climate change issues, sustainability, supporting local foods, recycling to reduce our effects on the planet are key issues in regard to future living, this project is in the forefront in supporting many of these key areas that we should be focussing on especially in a National Park where consideration of our environment now and in the future should be the key.
- This will be a very good example of not only energy conservation and renewable energy but also enhancement of the local environment.
- This is a well-planned and ecologically sound development.

Eight letters of objection and a further representation have been received which raise the following concerns and comments:

- This is not an affordable dwelling and is not in keeping with any other old or new dwelling in this beautiful village.
- It is outside of the village boundary.
- The 'derelict nature of the plot' and 'unsightly gateway to the village' reasons given to dig away the side of the dale, no longer stand. The small agricultural building has been mended and it is queried whether the, so called, gateway to the village is in need of improvement.
- It would be more ecological just to demolish the disused derelict buildings in order to tidy up the site, rather than building an 'out of character' house outside the village boundary. The site is also a habitat for slow worms.
- The 'green' nature of this project is also queried; the depth of rock to be removed will create such an ecological upset and use so much energy to build that will not be offset during the life of the current owner.
- Concern raised that the applicants have planning permission and only now discover they

cannot build what they had approved. The conditions on the approved scheme should be enforced.

- It was thought that the dwelling was to be built on the site of the old derelict building.
- The destruction of the very bedrock of the dale will make the surrounding rocks unstable and will affect any buildings local to it.
- There are many houses available in the village ripe for development and it is not necessary or 'green' to go to such devastating lengths.
- The proposed development is not as well received in the village as publications would have the Authority believe.
- The same planning conditions should be applied to this latest proposal.
- The accompanying design and access statement states that the topography of the site, which was previously unknown, is the reason for moving the building further down the site. This is incorrect as the topography of the site was clearly shown in great detail on the original application. Many people questioned whether it was possible to construct such a property on the site in the first instance, but this was ignored.
- The applicant's previous commitment to transfer the ownership their existing property (Middle Cottage) to the Youlgrave Community Land Trust should be honoured.

Main Policies

Local and Housing Policy

In the first instance, the current application proposes a new open market house and it is therefore considered that the key issues in the determination of the current application rest primarily on the application of national policies on housing in rural areas set out in the National Planning Policy Framework ('the Framework') and housing policies set out in the Development Plan. It is also considered the key policy considerations in the Framework, and the housing policies in the Development Plan take a generally approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the NPPF goes on to say that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Core Strategy policy DS1 indicates that new build development for affordable housing will be acceptable within or on the edge of the settlements it lists, which includes Youlgrave. Policy HC1 of the Core Strategy is permissive of new housing where it addresses eligible local needs, but also states that provision will not be made for housing solely to meet open market demand. These policies are supported by saved Local Plan policy LH1, which reiterates the requirement in HC1 that new housing to address identified eligible local need must remain affordable, and with occupation restricted to local people in perpetuity. Saved Local Plan policy LH2 defines what is meant by people with a local qualification for housing for the purposes of LH1.

However, the specific provisions of HC1(C)II also allow for open market housing where it is required to achieve conservation or enhancement within a settlement, whilst paragraph 55 of the Framework sets out the special circumstances in which an isolated new home may be permissible, which otherwise includes the exceptional quality or innovative nature of the design of the dwelling.

Wider Policy Context

The housing policies set out above also sit within a wider range of landscape conservation and design policies in the Development Plan. These policies include Core Strategy policies GSP1, which promotes sustainable development within the National Park, GSP2 which promotes development that would enhance the National Park, GSP3 that promotes high standards of design in accordance with the Authority's Design Guide, and L1, which seeks to conserve and enhance the landscape character of the National Park in accordance with the aims and objectives of the Authority's Landscape Strategy and Action Plan.

These policies and saved policy LC4 in the Local Plan, which gives further detailed criteria to assess new development, are considered to be consistent with the core planning principles set out in paragraph 17 of the Framework, and the policies in the Framework, taken as a whole, because they promote and encourage high quality sustainable developments that would be sensitive to the valued characteristics of the National Park. However, as set out below, many of the design and conservation issues covered by these policies have already been settled in the previous appeal decision and in the determination of the previous applications.

Assessment

Issue 1 - Whether the proposed development is required to achieve enhancement of the site in accordance with policy HC1(C)II of the Core Strategy.

Background

This application follows a history of two refusals of planning permission and a dismissed appeal for residential development on the application site, and the subsequent approval in September 2014 for a single earth-sheltered dwelling on the eastern half of the site frontage, rather than two houses as had previously been proposed in the previous submissions. The 2014 scheme was initially recommended for refusal by officers at the August 2014 Planning Committee.

In these respects, Members broadly agreed with a number of conclusions reached in the officers report presented to the August 2014 Planning Committee, but also reached a number of their own conclusions on key considerations relevant to the planning merits of the current proposals including:

- agreement that the new house would not be affordable to local people on a low or moderate income and that the intended first occupants of the new house would not have a local qualification (as defined by Local Plan policy LH2)
- agreement that the new house would not be truly ground-breaking, innovative or of exceptional quality (as defined by Paragraph 55 of the Framework), but it would generally meet the requirements of design policies in the Development Plan and the Framework because the contemporary design of the house would be architecturally interesting and sensitive to local character whilst a range of sustainability features have been incorporated in its design;
- agreement that there were no concerns that the new house would be unneighbourly because of its orientation relative to the nearest neighbouring residential development

and the intervening distances; and that there were no overriding concerns that the recommendations made by the Highways Authority could not be resolved by way of planning conditions imposed on any permission for the current application;

- agreement that the new house would not have a negative impact on the wider landscape, or have any adverse visual impact on the streetscene or wider townscape by virtue of the new house being set back from the road, the levels on site that would allow much of the physical bulk of the development to be undergrounded, and the presence of the managed woodland that would foil views into the site from Bradford Dale and other more distant public vantage points above the Dale broadly to the south of the application site;
- agreement that the proposals would not result in harm to any protected species or any other nature conservation interest, or would have any negative impact on any extant archaeological interest or any other heritage asset;
- agreement that the proposed house would not be isolated development in open countryside because it would be reasonably well related to the existing pattern of development on this side of the village, and the application site should otherwise be considered to be within the limits of the settlement also taking into account the presence of the recycling facilities opposite the site, the allotments further to the west of the site, and the presence of the nearby public car park, toilets and children's playground that all have a significant influence of the character and appearance of the immediate setting of the application site;
- agreement that the legal agreement made between CLT and the applicant could not weigh heavily in the determination of this application (as acknowledged by the applicant), but the applicant's offer to enter into a legal agreement that would restrict the future occupancy of an existing house warranted further consideration; and
- agreement that the proposals would meaningfully enhance the character, appearance and amenities of the site and its setting at the western entrance to the village of Youlgrave.

Therefore, Members were generally satisfied that the new dwelling proposed in the previous application would enhance the National Park and would meet the requirements of design and conservation policies in the Development Plan and the Framework, and were therefore minded to approve the 2014 application subject to:

- an amended landscaping scheme to address concerns that several trees that contribute positively to the character of the local area may be adversely affected by the development proposals, and concerns that the hay meadow proposed along part of the frontage of the site would be unlikely to be viable;
- further consideration of the detailed treatment of the proposed fenestration for the new dwelling;
- further analysis of whether the proposals fully complied with policy HC1(C)II of the Core Strategy; and
- further analysis of the applicant's offer to enter into a legal agreement to place a local occupancy restriction and associated obligations on an existing dwelling in the village.

An amended report on the 2014 application was then presented to the September Planning Committee which addressed the first three points above because the proposed design of the dwelling and associated landscaping were integral to further analysis of whether the proposals

fully comply with policy HC1(C)II of the Core Strategy. This analysis was also required before further analysis of the weight to be attached to any offer of a legal agreement because, as set out in the previous report on this application, the proposed legal agreement would not be necessary if the current application was considered to be in accordance with policies in the Development plan and national planning policies in the Framework.

Following further consideration of these issues, the application was approved at the September Planning Committee, as the new house was considered to be in accordance with policy HC1(C)II of the Core Strategy, but the offer of a legal agreement by the applicant was not accepted by the Authority.

As with the application previously approved in 2014, the current application proposes the erection of a single detached earth-sheltered dwelling within the eastern half of the site. The current proposal is for an amended dwelling design of a smaller size, form and design, on a simpler, reduced footprint.

In respect of the principle of this proposal, it is considered that the permission granted in 2014 is a material consideration and consequently, the principle for the current proposal is considered to be acceptable as it adopts the same design approach and has similar impacts to the scheme approved last year. Nevertheless it is considered prudent and necessary to re-visit the issues relating to the principle of the development that ultimately led to the previous approval in 2014.

Enhancement

Policy HC1(C)II of the Core Strategy allows for the provision of open market housing on an exceptional basis where the impetus of open market values are required for conservation and enhancement purposes within a named settlement. It has previously been determined that two new open market houses would not be reasonably required to achieve conservation or enhancement of the site. In this case, by omitting one house, the current application proposes a more proportionate response to the issues arising on the site also taking into account there are no abnormal costs arising from site contamination, for example.

It is also acknowledged that it is highly unlikely that the land comprised within the application site could or would be put into a productive use other than where the impetus of open market housing was involved, or that it could otherwise be reasonably expected that the land could or would be brought back into farming. Officers would agree that the distinctive character of the application site, and in particular the steeply sloping nature of the site would distinguish this particular plot of land from many other 'untidy sites' that would have less constraints on future development or could be more easily used for agricultural purposes.

Notwithstanding the parish council's concerns in respect of the present submission, relating to deviations from the originally approved scheme and that previously accepted conditions appeared to be prejudiced by this latest submission; it is also relevant that the Parish Council had previously expressed long standing concerns that the site detracts from the character and appearance of the village taking into account the site occupies a relatively prominent position at this entrance to the village. The Parish Council's views have also been supported by a number of local residents, and in light of the existing permission, any harm to the amenities of the local area arising from the condition of the site cannot be resolved by a s.215 notice or any other form of formal planning enforcement action. Whereas these issues serve to further distinguish the application site from other pieces of 'untidy land' within the National Park, they also serve to demonstrate that the potential enhancements to the site would be meaningful at a local level.

In these respects, and subject to an amended landscaping scheme, the proposed development would enhance the valued characteristics of the village but the only way that these enhancements could be achieved would be through the impetus of the open market value of a new house given the constraints of the application site. On this basis, also taking into account

only a single house is being proposed in this application, the current application is considered to be compatible with policy HC1(C)II.

It also weighs in favour of the application that the new house would not be isolated residential development in open countryside, it would be reasonably well related to the village and, if it were to become a family home, would contribute to the viability of local community services and the vitality of the village, whilst the architectural and sustainability credentials of the new house distinguish it from many other residential developments proposed in the National Park.

It is therefore considered the proposed house would also be a sustainable form of development promoted by policy GSP1 and GSP2 of the Core Strategy, and national planning policies in the Framework that is otherwise required to achieve a meaningful enhancement to the application site in accordance with the provisions of policy HC1(C)II.

Subject to planning conditions reserving approval of external finishes, securing an amended landscaping scheme, and removing permitted development rights, the proposals would not conflict with the wider range of design and conservation policies in the Development Plan and the Framework. These conditions would ensure any permission would secure the enhancement of the site and the development would be completed to the high standard of design anticipated in the submitted application whilst ensuring that achieving these objectives would not be undermined in the future by the 'unfettered' use of permitted development rights.

Accordingly, the current application is considered to be acceptable as it adopts the same design and sustainability approaches as the previously approved scheme and consequently, meets the terms of the above-stated Core Strategy and Local Plan policies. Acceptance of this proposal is therefore dependent upon this amended scheme offering the same or an improved enhancement/design/sustainability approach over that which was previously approved and that any ecological and highway issues are satisfactorily addressed. These issues are considered in the remaining sections of this report.

Issue 2 - Whether the amended dwelling scheme is acceptable in terms of its position, size, form and detailing, and represents an overall improvement when compared to the previously approved scheme.

The application is accompanied by a series of plans and elevations, which provide a useful comparison between the position and form of the current submission when compared to the 2014 approval. Core Strategy policies GSP1, GSP2 and GSP3, saved policy LC4 in the Local Plan and the Authority's adopted design guidance give further detailed criteria to assess new development. Core planning principles set out in paragraph 17 of the Framework, and the policies in the Framework because they promote and encourage high quality sustainable developments that would be sensitive to the valued characteristics of the National Park.

Position and form of the proposed dwelling

The submitted comparison plans demonstrate that the design approach and form of the dwelling is the same as the previous approval. This consists of three main components, an above ground car-port/entrance/study building on the upper level, with two further semi-underground, earth sheltered accommodation levels stepping down the steeply sloping bankside.

These lower accommodation levels are to be partially excavated into the bankside creating a single, south-aspect dwelling. The comparison plans show that the overall dwelling footprint on the ground floor and upper basement levels are to be significantly reduced, particularly on the upper basement, which is to be reduced in length towards the eastern direction (village side) by 7 metres. The footprint on the Lower Basement level has the same frontage length as the previous approved scheme, but is to be repositioned 7 metres to the west. It has, however a simpler form and the overall footprint is significantly reduced in size from 102.93m² to 80.25m².

The size, gable width and height of the above-ground car-port reception building is also to be reduced, such that its ridge height is 1.2m lower than that previously approved.

The reduction in the footprint sizes further reduces the extent of the projecting terraced walling as they step down the bankside. These reductions range between 1.0 – 1.4m. The staggered form of the dwelling frontages on the lower two levels are removed and replaced by simpler frontages.

The resulting size, position and form of the proposed dwelling, therefore, requires reduces the extent of the excavation works into the existing bankside, and whilst retaining a similar form and design approach, reduces the overall impact of the proposed dwelling in relation to that which was previously approved. Given these reductions are mainly towards the eastern end of the site adjacent to the nearest property, this would also reduce any perceived un-neighbourly impact throughout the construction period and following subsequent occupation of the dwelling.

It is therefore considered that the position, reduced size, and profiles of the proposed dwelling are acceptable and officers consider that this would represent an overall improvement in the previously approved scheme.

Design details and architectural specifications

As with the previous scheme, the present submission provides for a limited pallet of building materials. The above ground car-port building is to be clad in natural rubble limestone with a natural blue slate roof on its main publicly visible roadside elevation. The roof of the building facing towards Bradford Dale is to be clad almost entirely with solar panels to take maximum advantage of its southern aspect, with the remaining private elevations clad in a combination of limestone, and silvered timber vertical boarding interspersed with full-length glazing.

Similarly, the frontage elevations of two lower tiers of the building are to be clad in a combination of limestone, and silvered timber vertical boarding (Scottish larch) interspersed with full-length glazing. The external faces of projecting terraced areas are to be clad with slender sections of natural rubble limestone with contemporary balustrading to reduce their impact.

As with the previous submission, therefore, the building employs a relatively limited pallet of materials that reflect the local building tradition of the surrounding area and also its wooded bankside setting. Moreover, officers consider that the revised elevational details now being proposed generate a more pleasing composition that represents a significant improvement over the more robust and monolithic appearance of the previously approved scheme.

In summary, therefore, it is considered that in terms of the position, size and form of the proposed dwelling and the composition of the elevations; the proposed scheme represents a significant improvement over the previously approved scheme.

Issue 3 – Ecological Issues

Core Strategy policy L2 and Local Plan policy LC17 require that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate to their setting. National planning policies in the Framework otherwise seek to safeguard biodiversity interests and promote and encourage the active conservation and enhancement of wildlife interests.

An Ecological Assessment originally prepared in November 2010 accompanies the application. This concludes that the site offers very few habitat opportunities for a range of protected flora and fauna, although it does offer potential for a protected species, but there was no evidence of this species during the initial walk-over survey. The report also recommended that an endoscopic search of any cavities in the intact building for any bat species be carried out and a

carefully destructive search of the barn/outbuilding was conducted for slow worms outside the hibernation period.

The report states that habitats on the site have suffered deterioration over several years, which has reduced species diversity and, hence biodiversity value. The report proposes that a programme of grassland management should be reintroduced on the site in order to redress this and enhance the biodiversity value of the site. However, the Authority's Ecologist has been consulted on the development proposals and considers that further survey is required before this application can be positively determined, as follows:

- A survey of slow worms is required to establish the extent of the population. The report must include an appropriate mitigation and compensation scheme to take account of these during proposed site works and post development.
- There are two existing buildings on site, with the more intact one (the cattle stall) described as having a low potential for use by bats, although the 2010 Ecological Assessment does state that cracks and crevices in the building offer some potential for occasional transient roosting bats. These features must be checked with an endoscope to determine whether there is any current use. Appropriate mitigation/compensation will be required should bats be found to be present.
- It is unclear whether the site has been re-checked for other protected species or other evidence during the 2014 walkover survey. This information needs to be submitted to the PDNPA Ecologist along with appropriate mitigation/compensation measures.

The Authority's Ecologist states results of the above surveys along with any recommendations for mitigation/compensation or precautionary measure must be provided for consideration prior to determination.

The applicant is a qualified ecologist and has responded to the Authority Ecologist's concerns. Firstly, he states that the extant permission granted in September 2014 has no ecological conditions attached, however, as a professional ecologist, he is very aware of the legal obligations regarding protected species, including bats and slow worms. He wishes to emphasise that his aim has been to produce a building that has minimum environmental impact, including impacts upon the ecology of the site.

The applicant also states that the landscape design includes a number of features that are designed to enhance the ecology of the site, including green roofs, retention of grassland, retention and enhancement of woodland and critically a garden structure that will allow the slow worm population to remain within the site. Finally, the applicant confirms that the ecological status of the site has not changed since the extant permission was granted. He confirms that there are no bat roosts or other protected species on the site.

In respect of slow worms, the applicant acknowledges that there are a population of slow worms on the site, which are protected under the Wildlife and Countryside Act 1981 (as amended) Section 9 (1) killing and injuring only and (5) which relates to offering for sale. He has already instigated a programme of moving the slow worms to an area within the site that has been fenced off with retille fencing. Trapping has now been going on for almost two months and the translocation will continue until groundworks begin, when a final destructive search will be undertaken.

The reptile fencing will remain in place for the duration of the construction programme. Once complete, the fence will be removed and the slow worms will be able to recolonise the grounds around the building, including the green roofs, the drystone garden walls and the garden. He confirms that there are no other ecological constraints on the site. The Authority Ecologist's comments on the applicant's ecological assessments and mitigation strategies for the site will be

reported orally at the committee meeting.

Issue 4 – Highway Issues

An amended plan has been submitted demonstrating that the appropriate visibility spays either side of the access entrance can be achieved. The amended plan also demonstrates that three off-street parking spaces and associated turning area can be provided. The Highway Authority has been consulted on the amended plan and have confirmed that this meets their requirements, subject to the attaching of appropriate highway conditions and advisory footnotes.

Conclusion

The submitted scheme is for an amended design for the earth-sheltered dwelling granted consent in September 2014. There are no additional material considerations that have arisen since this previous approval that would affect the principle of this proposal. The submitted amended scheme is based on the same design approach and sustainability/ecological principles as the previous submission.

The size and footprint of the proposed dwelling is, however, smaller and consequently, impacts less on the character and setting of the bankside and the locality. The detailed elevational treatment also generates a more pleasing composition that represents a significant improvement over the more robust and monolithic appearance of the previously approved scheme. Moreover, the development will be subject to the same conditions as the previous proposal, thus ensuring that the any future changes can be strictly controlled. Consequently, it is considered that the amended scheme for the dwelling is acceptable and complies with the requirements of the above-stated Core Strategy and Local Plan policies and national planning policies in the Framework.

Accordingly, the current application is recommended for approval subject to the conditions listed in the above report.

In this case, it is considered that a number of details including method statement for construction, landscaping, and package treatment plant should be reserved by condition because agreement on these details is reasonable and necessary to minimise the impact of the proposed development on the character, appearance and amenities of the local area, and promote and encourage a sustainable development. Other items such as access and parking and design details need to be secured by conditions to ensure the development is completed to the high standard of design, which is a key reason for approval of this application.

Similarly, as this is an enhancement scheme that is recommended for approval on an exceptional basis, it is considered that exceptional circumstances that justify remove permitted development rights from the completed development so future alterations to the dwelling can be managed appropriately.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil