

<b>APPLICATION NUMBER</b>		24/00061/FUL	
<b>SITE ADDRESS:</b>		Land Off Thatchers Croft, Thatchers Lane, Tansley	
<b>DESCRIPTION OF DEVELOPMENT</b>		Construction of 1no. dwellinghouse and associated garage	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Mr James Neville
<b>PARISH</b>	Tansley	<b>AGENT</b>	
<b>WARD MEMBERS</b>	Cllr. S. Flitter Cllr. D. Hughes Cllr. J. Linthwaite	<b>DETERMINATION TARGET</b>	27 <sup>th</sup> March 2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the proposed development in its context

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> <li>• Highway safety</li> </ul>

<b>RECOMMENDATION</b>
<i>Approval subject to conditions and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.</i>
<b>UPDATE:</b>
<p>Members will recall that this application was deferred at the 9<sup>th</sup> April Planning Committee for the following reason(s):</p> <ol style="list-style-type: none"> <li>1. Information from the Highways Authority on the road adoption.</li> <li>2. Can the garage be omitted from the scheme to allow the landscaping and larger garden area.</li> <li>3. Clarity provided on S106.</li> </ol> <p>The clarification sought is as follows:</p> <ol style="list-style-type: none"> <li>1. Members attention will be drawn to a plan provided by the County Council in their capacity as the Highway Authority prior to the report being presented by Officers.</li> <li>2. The principle of removing the garage has been considered but the proposed development (under consideration) creates a larger amenity space than the previous scheme. Therefore, it is not considered appropriate in this instance to require the deletion of the garage.</li> <li>3. The S.106 Agreement exists, as per the original hybrid application, with subsequent planning application ties into the S.106 through a deed of variation. The numerous sites have all resulted in subsequent deed of variation.</li> </ol>

**The remainder of the report is unchanged and presented in italics.**

## **1. THE SITE AND SURROUNDINGS**

- 1.1 *The site was a field on the southern outskirts of the village of Tansley to the south of the A615, between Thatchers Lane and Alders Lane. The field is currently being developed with dwellinghouses, further to the granting of a hybrid planning permission (ref: 20/00037/FUL) the erection of 5 no. dwellinghouses, which also includes an outline planning permission for the erection of 12 no. dwellinghouses. This current application site forms one of the plots.*
- 1.2 *The housing development, will be primarily accessed off Thatchers Croft, again a relatively recently built residential development, and is situated within the Settlement Framework Boundary for Tansley as identified in the Adopted Derbyshire Dales Local Plan (2017).*



## **2. DETAILS OF THE APPLICATION**

- 2.1 *Full planning permission is sought to provide details of Plot 11, approved under hybrid planning permission (ref: 20/00037/FUL), to address matters of appearance. The reason for this submission is because the dwelling was approved with the reserved matters of the external appearance of the dwellinghouse not having not been submitted. In addition, the proposed dwelling is of a different scale and layout to that approved with the hybrid permission.*
- 2.2 *The dwelling is now proposed to be a three bedroomed dwellinghouse, rather than a five bedroomed dwellinghouse, as detailed in the hybrid planning permission. It is still proposed to retain the approved, roughly L-shape form. The accommodation is proposed to comprise an open plan kitchen/dining room/living room, a bedroom with ensuite, hallway, utility and wc on the ground floor with two bedrooms (one ensuite) and a bathroom on the first floor.*

2.3 *It is proposed to provide for a detached, single garage, with an attached shed, to the west side of the dwellinghouse. The materials of the development are proposed to match those of other dwellings/outbuildings within this specific development.*

### **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

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

- S1 *Sustainable Development Principles*
- S2 *Settlement Hierarchy*
- S3 *Development within Defined Settlement Boundaries*
- S7 *Matlock, Wirksworth, Darley Dale Development Area Strategy*
- S10 *Local Infrastructure Provision and Developer Contributions*
- PD1 *Design and Place Making*
- PD3 *Biodiversity and the Natural Environment*
- PD4 *Green Infrastructure*
- PD5 *Landscape Character*
- PD6 *Trees, Hedgerows and Woodlands*
- PD7 *Climate Change*
- PD8 *Flood Risk Management and Water Quality*
- HC1 *Location of Housing Development*
- HC2 *Housing Land Allocations*
- HC4 *Affordable Housing*
- HC11 *Housing Mix and Type*
- HC14 *Open Space and Outdoor Recreation Facilities*
- HC15 *Community Facilities and Services*
- HC17 *Promoting Sport, Leisure and Recreation*
- HC18 *Provision of Public Transport Facilities*
- HC19 *Accessibility and Transport*
- HC20 *Travel Demand Management*
- HC21 *Car Parking Standards*

#### **3.2 Derbyshire Dales District Council – Landscape Character and Design Supplementary Planning Document (2018)**

#### **3.3 Derbyshire Dales District Council – Developer Contributions Supplementary Planning Document (2020).**

#### **3.4 Derbyshire Dales District Council – Climate Change Supplementary Planning Document (2021).**

#### **3.5 National Planning Policy Framework**

#### **3.6 National Planning Practice Guidance**

### **4. RELEVANT PLANNING HISTORY**

20/00037/FUL *Hybrid planning application comprising of a full application for the erection of 5no. dwellinghouses and an outline planning application for the erection of 12no. dwellinghouses with approval being sought for access, layout, scale and landscaping* **Granted**

## **5. CONSULTATION RESPONSES**

### Parish Council

- 5.1 - object
- no design/access statement for this application and there are no background papers on the planning portal regarding this application
  - the hedges have been ripped out and are considered to be replaced, but there is little room now for a hedge to be planted
  - the application states that there are no watercourses, but this is within 20 metres of a culvert
  - the site is already covered by an outline planning application but this proposal has changed from a 5 bed property to a 3 bed property, although the ground floor covers a larger footprint than the original
  - the application states that trees will be planted but there is little room for the planting of any trees due to the increase of the footprint, and the siting of huge rocks adjacent to the boundary wall
  - as a Section 106 agreement was to be in place for the original application for this site, is this planning application to be covered by this
  - PC verbally asked DDDC representative to request the application went to Committee.

### Local Highway Authority

- 5.2 - request a condition that the development shall not be occupied until the access and parking facilities have been provided as shown on Drawing No. P45.

### Trees and Landscape Officer

- 5.3 - no trees at the site
- given that planning permission was granted at the site recently for a similar development, do not have any objections from a trees or a landscape impact point of view.

## **6. REPRESENTATIONS RECEIVED**

- 6.1 None

## **7. OFFICER APPRAISAL**

### Principle of Development

- 7.1 The wider site is currently under construction as a development of 17 dwellinghouses. The proposal does not alter the number of dwellings approved; it merely seeks full planning permission for the dwellinghouse instead of submitting a reserved matters application. Having established the general siting of the dwelling and its scale as part of the hybrid planning permission, the matters for assessment are the character and appearance of the proposed dwelling and any impact it may have on amenity by way of their design detail.
- 7.2 The wider residential development is subject to a Section 106 Agreement, for affordable housing provision, open space/play area provision and a financial contribution towards education provision. Whilst the proposal does not increase or reduce the number of dwellings approved, it is nevertheless considered that the dwellinghouse should be similarly subject to the legal agreement, for the avoidance of doubt, and this can be subject to a linking legal agreement.

### Impact on the Character and Appearance of the Area

- 7.3 *In terms of character and appearance, the dwellinghouse is proposed to reflect on the materials, scale and form of other dwellings approved in full, some of which are now completed and occupied on the wider site.*
- 7.4 *Concern has been raised by the Parish Council with regard to the application in that trees are proposed to be planted but there is little room for such planting due to the increase of the footprint of the dwellinghouse. The Parish Council also raise concern that hedges have been ripped out and that there is again little room now for a hedge to be replanted.*
- 7.5 *Whilst the concerns above are appreciated, it is not considered fundamental to the quality of the development that a hedge is replanted. The site is bounded by a well-constructed, drystone wall which clearly defines the edge of the development and the proposed dwelling would be set down to the extent that the ground floor area would be unlikely to exceed the height of the wall. Other properties in the in the area also bound directly onto the road without intervening soft landscaping. As such, planting a hedge to seek to soften the view of the development is considered unnecessary, albeit if the applicant were to propose to provide such this would also be deemed acceptable. To this end, it is considered that the character and appearance of the dwellinghouse, and its setting, will be acceptable.*

### Impact on residential amenity

- 7.6 *The proposed dwellinghouse is not considered to have an impact on the amenity of other proposed properties around the application site, as assessed with the layout approved under the hybrid application.*

### Highway Matters

- 7.7 *The Local Highway Authority has assessed the application and advised of no objection subject to a condition that the development shall not be occupied until the access and parking facilities have been provided as shown on Drawing No. P45.*

### Conclusion

- 7.8 *Given the above, it is recommended, subject to a legal agreement linking the plot to the existing Section 106 Agreement and planning permission for the wider site (ref: 20/00037/FUL, that planning permission be granted subject to conditions with respect to the materials of the proposed buildings matching those approved in the discharge of conditions under the hybrid planning application, and currently being used in the construction of the development. It is again considered reasonable to remove permitted development rights, as was the case with the hybrid planning permission, given that uncontrolled alterations may have an impact on the character and appearance of the building. However, it is not considered necessary to attach all the conditions attached to the hybrid planning permission, given that these will need compliance under that permission.*

## **6. RECOMMENDATION**

**That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission subject to the dwelling being linked to the Section 106 Legal Agreement attached to hybrid planning permission 20/00037/FUL and subject to the following conditions:**

1. *This planning permission relates to Drawing Nos. P22 and P45, received on 31<sup>st</sup> January 2024, except insofar as required by other conditions to which this permission is subject.*

*Reason: To define the planning permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).*

- 2. The facing and roofing materials, doors and windows (to include their materials, colour and depth of recess from the face of the building), all gutters and downpipes and hardstanding, shall match those approved for the development approved under hybrid planning permission 20/00037/FUL.*

*Reason: To ensure the satisfactory appearance of the development to comply with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).*

- 3. The development hereby approved shall not be occupied until the access and parking facilities have been provided as shown on Drawing No. P45.*

*Reason: To ensure the provision of adequate off road parking in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).*

- 4. 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 extensions or alterations shall be carried out to the dwelling, and no outbuildings, sheds or other structures erected within the curtilage, without the prior written approval of the Local Planning Authority upon an application submitted to it.*

*Reason: Given the proximity of the dwelling to proposed neighbouring properties and in order to preserve the character and appearance and amenity of the area in accordance with Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).*

#### **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. This decision notice relates to the following documents:*

*Site Location Plan (1:1250) received on 22<sup>nd</sup> January 2024  
Drawing Nos. P22 and P45 received on 31<sup>st</sup> January 2024.*