



# Planning Committee 9<sup>th</sup> July 2024

<b>APPLICATION NUMBER</b>		24/00080/FUL	
<b>SITE ADDRESS:</b>		Turners Croft, Thatchers Lane, Tansley, Derbyshire DE4 5FD	
<b>DESCRIPTION OF DEVELOPMENT</b>		Construction 1no. Dwellinghouse	
<b>CASE OFFICER</b>	Aspbury Planning	<b>APPLICANT</b>	James Neville
<b>PARISH/TOWN</b>	Tansley	<b>AGENT</b>	N/A
<b>WARD MEMBER(S)</b>	Cllr Steve Flitter Cllr Joanne Linthwaite Cllr David Hughes	<b>DETERMINATION TARGET</b>	22/03/2024  Extension agreed: 14/06/2024
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Requested by Ward Member: Cllr Hughes	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

## MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Highway safety

## RECOMMENDATION

Approval subject to conditions and that the application be linked to the S106 Legal Agreement pertaining to hybrid planning permission 20/00037/FUL.

## **1.0 THE SITE AND SURROUNDINGS**

- 1.1 The site originally formed part of 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. The current application site forms one of the plots and is located to the south eastern part of the site.
- 1.2 The approved housing development is largely accessed off Thatchers Croft, a relatively recently built residential development, the application plot is accessed via a shared driveway with the adjacent plot to the east, off Thatchers Lane. The site is situated within the Settlement Framework Boundary for Tansley as identified in the Adopted Derbyshire Dales Local Plan (2017).

## **2.0 DETAILS OF THE APPLICATION**

- 2.1 Full planning permission is sought to provide details of Plot 17, Turners Croft, 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 dwelling not having not been submitted. In addition, the proposed dwelling is of a different layout to that approved with the hybrid permission.
- 2.2 The dwelling is proposed to remain as a three bedroomed bungalow, as detailed in the hybrid planning permission. The approved indicative plan shows a roughly L-shaped form to the bungalow with a detached garage. The proposal now put forward is a layout consisting of two sections joined by a central link, with an integral garage. The accommodation is proposed to comprise an open plan kitchen/dining room/living room, with a hallway, linking to the bedrooms with ensuite, study, laundry, utility and bathroom.
- 2.3 The materials of the development are proposed to match those of other dwellings and outbuildings within the overall development. The materials proposed are Walls: Birchover Coursed Gritstone, Roof: Natural Blue Slate, Windows: Agate Grey Aluminium, Doors: Anthracite Grey aluminium.
- 2.4 Boundary treatments proposed comprise retention of the existing beech hedge to the north boundary of the plot, existing timber fence to the east and the existing drystone wall to the south. The proposed east boundary is to be fenced with a post and rail fence and additional beech hedge planting.

## **3.0 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 The National Planning Policy Framework (2023)
- 3.6 National Planning Practice Guidance

#### **4.0 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 – APPROVED with conditions   |
| 20/00037/DCOND | Discharge of Conditions 6, 7, 9, 10, 11, 12, 14, 19, 21, 22, 23, 26, 27, 28, 31, 33, 34, 35, 37 and 42 of application 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 – Discharged Conditions in Full |

#### **5.0 CONSULTATION RESPONSES**

##### Tansley Parish Council

##### 5.1 Objects on the following grounds:

- There is not a design/access statement for this application, 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.
- This site is already covered by an outline planning application, this proposal relocates the dwelling on the plot, and appears to have a larger footprint.

- There are concerns related to sightlines when accessing the proposed property.
- There is no indication of the badger corridor which was on the original plan.

## 5.2 Highways

The proposal is to provide a new dwelling with access off Thatchers Lane, previously the Highway Authority has raised concerns with regards the suitability to serve any additional dwellings due to its narrow nature with no footways or street lighting.

Whilst I would prefer to see the proposal served from the new access roads off Thatchers Croft, in view that the proposal is for a single dwelling it would be difficult to sustain a highway objection to the proposal. Conditions of approval are recommended.

## 6.0 REPRESENTATIONS RECEIVED

6.1 2 representations have been received with comments summarised below: -

### 6.2 **Objection:**

- Concerns related to sight lines when exiting the proposed property.
- DCC Highways did not recommend any additional entry points on this narrow single-track lane which has no pedestrian margin or street lights, however these objections were over ruled by DDDC.
- Flood Risk, the proposal is within 20 mtrs of a watercourse. It is important that new assessments are done to ensure the land drains and the culvert is not damaged or built over.
- The road adjacent to the proposed new entrance to the dwelling floods, and water goes into the site.
- A drainage verification report is required prior to any of the properties on the site being occupied, two properties are occupied, there is no verification report.
- Protected Priority Species
- 6 planning applications (all undecided) for this site on the Planning Portal
- What maintenance plan is in place to maintain the private drainage on the site, these do not appear to be on the Portal, or with these recent plans.
- I have been informed that all conditions related to the original hybrid application relate to the piece meal development taking place on this site.

### 6.3 **Support**

Further to initial concerns about the impact of development of this site on our outlook the developer has since fully engaged with us in drawing up the plans. Similarly, consulting with us on landscaping and planting such that we are happy to confirm our support for this application which will no doubt improve the use and outlook of the plot.

## 7.0 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 the indicative plan submitted for the outline planning application. The scale is maintained at single storey with three bedrooms and the layout has been amended from the indicative plan provided for the approved outline section of the development. The amended plans are considered acceptable in terms of appearance.
- 7.4 Concern has been raised by the Parish Council with regard to the application that hedges have been ripped out and that there is 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. The beech hedge to the north of the plot is to be retained. In addition to this landscaping details are conditioned within the hybrid approval (no.s 4 and 5). 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. P49 and that proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

#### Drainage matters

- 7.8 Details of condition 13 of planning approval ref: 20/00037/FUL requiring a drainage verification report were approved on 21<sup>st</sup> June 2023 under discharge of conditions application 20/00037/DCOND. It is therefore considered that flood risk and drainage matters have been satisfactorily addressed.

#### Protected Species

- 7.9 Conditions 7, 8 and 9 of hybrid approval 20/00037/FUL are in place to address the safeguarding of protected species.

#### 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.

## 8.0 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 Site Location Plan Drawing no. P47 (1:1250) received on 29th January 2024 Drawing Nos. P23, P24, P49 and P50 received on 29th 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 proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In the interests of highway safety.

4. The development hereby approved shall not be occupied until the access and parking facilities have been provided as shown on Drawing No. P49.

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).

5. 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 Drawing no. P47 (1:1250) received on 29th January 2024  
Drawing Nos. P23, P24, P49 and P50 received on 29th January 2024.

## Highways

1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at:

[www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx)

or email: [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.