

APPLICATION NUMBER		20/00037/FUL	
SITE ADDRESS:		Land Off Thatchers Croft, Thatchers Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Hybrid planning application comprising of a full application for the erection of 5 no. dwellinghouses and an outline planning application for the erection of 12 no. dwellinghouses with approval being sought for access, layout, scale and landscaping	
CASE OFFICER	G. A. Griffiths	APPLICANT	Mr. James Neville
PARISH	Tansley	AGENT	Evans Vettori Architects
WARD MEMBER(S)	Cllr P. Cruise Cllr S. Flitter Cllr D. Hughes	DETERMINATION TARGET	21 st April 2020
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	At the request of Officers to allow Member's to fully appreciate the site and its context.

MATERIAL PLANNING ISSUES

- Planning policy and the principle of the development
- Character and appearance
- Amenity
- Developer contributions
- Affordable housing provision
- Housing mix
- Highway matters
- Flooding and drainage
- Open space provision
- Landscaping
- Nature conservation
- Biodiversity enhancement
- Climate change

RECOMMENDATION

Subject to the applicant entering into a Section 106 Legal Agreement for on-site affordable housing provision, a financial contribution towards education provision and open space/play area provision, that a hybrid planning permission be granted subject to conditions

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is a field, and part of the domestic curtilage to Thoresby, Alders Lane. It is on the southern outskirts of the village of Tansley to the south of the A615 between Thatchers Lane and Alders Lane. The site is proposed to be primarily accessed off Thatchers Croft, a relatively recently built residential development.
- 1.2 The area is substantially a greenfield site bounded by new residential development to the north, Thatcher's Lane to the south and further residential development to the east and west. The site 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 This is a hybrid planning application comprising a full application for the erection of 5 no. dwellinghouses and an outline planning application for the erection of a further 12 no. dwellinghouses, with approval being sought for access, layout, scale and landscaping. The initial proposals were for 21 dwellings but the scheme has been reduced to 17 units

further to concerns raised by Officers with the applicant with regards to the site density and constraints such as parking and turning facilities.

- 2.2 The dwellings for which full planning permission is sought are those plots which have B3, C2 and D1 housetypes in the north of the site. The B3 and C2 houses comprise two x 2 bedroomed dwellings and a three bedroomed dwellinghouse, in the form of a terrace. The D1, detached houses are 3 bedroomed hybrid bungalows on the east side of the access road. They are referred to as hybrid as, whilst not being two storey in height, they nevertheless step up the sloping site to accommodate a bedroom/bathroom level with 5 steps up to the living room/kitchen/dining room level. Those dwellings which form part of the outline planning application element have been detailed only in layout form and scale.
- 2.3 The applicant has submitted details of the open market housing proposed as follows:
- 2 x 2 bedroomed terraced houses
 - 1 x 3 bedroomed terraced house
 - 3 x 3 bedroomed (down-sizer) detached hybrid bungalow
 - 4 x 2 bedroomed (down-sizer) detached hybrid bungalow
 - 2 x 4 bedroomed family house
 - 1 x 3 bedroomed bungalow.
- 2.4 The applicant has submitted details of affordable housing provision. This is proposed to be as follows:
- 1 x 1 bedroomed semi-detached house (rent)
 - 1 x 2 bedroomed semi-detached house (rent)
 - 1 x 2 bedroomed semi-detached house (shared ownership)
 - 1 x 2 bedroomed semi-detached house (rent).
- 2.5 The applicant proposes that the dwellings will be constructed with Birchover gritstone, sawn cut with quartered tooling and with ashlar stringcourses and corbel detailing. The roofing materials are proposed to be blue slate and have blue clay ridge tiles. The windows frames, doors and rainwater goods are proposed to be in coated aluminium.
- 2.6 The applicant has submitted land drainage reports. It is advised that the land is well drained and that it consists of topsoil with approximately 2.5m of bolder clay and gritstone at a lower level. It is proposed that surface water would be piped to soakaways constructed using polystorm crates (5m³ for each 100m³ of surfaced area) and that permeable block paving will be used to reduce surface water run-off. A strategy is set out by SEA Consulting Engineers for surface water drainage, SuDS and maintenance which, if adopted, will not contribute further to flood risk.
- 2.7 The applicant has submitted a Preliminary Ecological Appraisal prepared by Whitcher Wildlife Ltd. This advises that numerous local wildlife sites and potential local wildlife sites were identified. However, the closest lies approximately 200m from site with no connective habitat between. It is therefore considered that works will have no impact upon any designated sites in the area. In addition, previous surveys of this site carried out by Whitcher Wildlife Ltd. and Derbyshire Wildlife Trust have concluded that the grassland on site is of poor conservation value. The survey confirms that there is no change to the value of the grassland and no other important habitat was identified on site.
- 2.8 The Appraisal advises that there will be a requirement under the National Planning Policy Framework to provide some biodiversity enhancements on the site and recommends that at least two of the following biodiversity enhancements are undertaken:

- bat roosting opportunities are created in the form of either integrated bat boxes, small gaps in the eaves of the buildings or bat slates - at least four such features should be included within the entire development
- nesting bird opportunities are created in the form of nest boxes that cater for a variety of birds - at least four nest boxes should be included within the entire development, ideally integrated bird boxes
- wood piles or rockeries are created in shaded areas to create habitat for invertebrates
- at least 50% of the planting scheme includes native plant species or are selected due to their value for wildlife such as scented flowering plants, night scented flowering plants and fruit/berry bearing plants.

2.9 The applicant has submitted a letter from Jon Coe Tree Consultancy with regard to the protected ash tree in the grounds of Ash Tree Cottage. This has been reduced to a pollard stem of 4m in height to address decay at the base. As such, it is advised that the root protection area is greatly reduced, to some 3.5m radius, and that its stem diameter does not reflect its overall size as it has no branched crown structure. It is also advised that the tree is unlikely to have longevity as ash trees are currently being lost to ash die back.

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 Provision
HC11	Housing Mix and Type
HC14	Open Space, Sports and Recreation Facilities
HC15	Community Facilities and Services
HC17	Promoting Sport, Leisure and Recreation
HC18	Provision of Public Transport Facilities
HC19	Accessibility and Transport
HC20	Managing Travel Demand
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

Application Site

16/00134/OUT	Residential development of up to 19 dwellings (outline) - Granted
14/00765/OUT	Residential development of 6 dwellings (Outline) – Refused
12/00781/OUT	Residential development of 16 dwellings (outline) – Refused – Appeal Dismissed
1093/0735	Erection of dwelling (outline) – Refused – Appeal Dismissed
0693/0392	Erection of dwelling (outline) – Refused
0992/0750	Erection of four dwellings (outline) - Refused
0792/0548	Erection of 10 dwellings, 6 for local needs housing - Withdrawn

Thatchers Croft

09/00281/FUL	Erection of 8 no. residential units, associated access and play area – Granted
06/00898/FUL	Erection of 2 no. semi-detached dwellings – Granted
06/00616/FUL	Erection of dwelling - Granted
06/00133/REM	Erection of 2 no. dwellings (approval of reserved matters) – Granted
05/00989/FUL	Erection of 4 no. dwellings (revisions to planning permission 05/00690/FUL) – Granted
05/00690/FUL	Erection of 4 no. two storey dwellings (Plots 5-8) and associated access alterations - Granted
05/00689/OUT	Erection of two dwellings and associated access (outline) – Granted
04/08/0720	Erection of 4 no. two storey dwellings (approved reserved matters) – Granted
02/06/0467	Erection of four dwellings (outline) - Granted
0497/0213	Residential development (outline) - Granted

5. CONSULTATION RESPONSES

Parish Council

5.1 Original Scheme

- fully agree with, and support the response received from the Highway Authority
- In the original application DCC said that there should be no access onto Thatchers Lane, within this new application there are 3 accesses planned, which is onto a narrow road. Within the original application in 2016 the social housing have space but now they look just like a row of terraced houses with car parking immediately to the front of the properties and very small rear gardens.
- there are too many houses within the site, making it too dense
- the style and construction of the houses are not acceptable
- query whether a viability test has been carried out at this site
- not clear what the application is actually for, there is full application for the two dwellings, but the rest of the application is slightly ambiguous in that there is outline planning application for 17 dwelling houses but is the approval for the access, layout, scale and landscaping full planning or outline, this is not clear
- application has two properties backing onto the 'green corridor' which is unacceptable - this should be retained
- a dwelling is to be built on garden land, 'garden grabbing' and is within very near proximity of Ash Cottage

- DCC Flood Team have refused the planning application, a Flood Assessment has not been carried out, neither have a number of other assessments, including an Arboricultural one
- inadequate turning space for larger service vehicles - these then have to back out onto Thatchers Lane which is extremely narrow, making this a very dangerous planned manoeuvre
- parts of Thatchers Lane and the footway are privately owned.

Amended Scheme

- no comprehensive information to indicate how the site might drain - Flood Team advised refusal because of the lack of vital information.
- no 'green corridor' as advised by a government Inspector.
- DCC Highways recommend refusal, as the site does not link to the adopted highway and state 'Thatchers Croft is not suitable for additional homes'.
- does not appear to be any plan related to adoption of the existing streets which are within the developer's control
- no indication of walkways being completed or the installation of street lighting
- not clear whether LGVs' and emergency services will be able to turn in the cul de sac - all vehicles should be able to leave the new development in a forward gear
- not advisable for emergency services to have to reverse either up or down this cul de sac as it would not be in the public interest and would be a safety hazard.
- pathway leading to the single track lane could be a security issue as it leads to a lane without a pedestrian margin which is single track and has no street lighting.
- DCC Highways emphatically state that no new accesses for development should be allowed to exit or enter onto Thatchers Lane, as the geometry and narrowness of the road is not suitable for more development.
- object to garden land being used for development.
- do not think a wildlife corridor should go over driveways.
- monies should be made available for upgrading the very tired and dangerous play area.
- monies should be made available for a pedestrian crossing on the A615.

Strategic Planning (Derbyshire County Council)

- 5.2
- request financial contribution of £105,715.14 towards additional education facilities at Highfields School
 - Part R of the Building Regulations which took effect on 1st January 2017 which requires that new buildings and buildings subject to major renovation works accommodate the physical infrastructure required to connect to high speed electronic communication networks.

Urban Design Development Control (Derbyshire County Council)

- 5.3
- issue with the original submitted scheme was the density and layout
 - previously there was an application approved for 19 dwellings which has increased to 21 with larger detached dwellings and a denser layout of terraced and semi-detached dwellings - overall difference would be limited but it does result in a more constrained layout overall
 - have no problems with the site access as a continuation of an earlier phase of development, nor the use of occasional access of Thatcher's Lane, as long as the essential rural character of Thatcher's lane is maintained.
 - intention to phase the scheme and deliver at first just 4 hybrid bungalows specifically designed for elderly people works well - these units are located well within the overall scheme and will allow for a degree of privacy to the residents, as there will not be too much activity directly opposite them - only concern is the outlook will eventually be onto the flank wall of A2 and A3 and this could be softened with a slightly wider verge
 - there is an area of children's play off Thatcher's Croft and this works well also for this proposal as it is very accessible

- concerned that Thatcher's Croft itself will become a poor street scene with parking cluttering the area
- needs very careful landscaping with parking contained within carefully positioned feature trees - with the rear parking of properties opposite this will appear as one car dominated parking court and be a poor outlook for the new terrace of houses
- concerned that the size and height of buildings (type E) from Thatcher's Lane, will be too imposing on views - they appears slightly dominant in the section next to house type D2
- can see that this scheme has gone through a number of iterations and the applicant has genuinely tried to arrange the site to respond to the local area and site conditions and to introduce a housing mix that is sustainable
- can see that the standard of design is good with the use of local materials and traditional building forms such as terraces, along with a distinctive architectural response
- the scheme involves introducing more housing than previously approved and this has led to a reduction in incidental amenity space - an improvement would be to have a footpath link running up through the site to link to Thatcher's Lane which would improve links to other housing and walks into the countryside - presently the site is well used for dog waging and there is an informal path through
- a slightly larger verge area or perhaps taking out A2 would strengthen place making qualities of the scheme, improve the relationship between the POS, Phase 1 and Phase 2, and aid walkability in the neighbourhood and connectivity, as the scheme has a tendency to be internal looking
- the garden by the Ash Tree in the south-west corner of the site appears to be excessively large, whilst other garden areas look very small in the terraced section of scheme in comparison.
- the size of large gardens of the detached houses along Thatched Lane show quite a distinctive division in space standards
- the very large garden, in particular, could accommodate a terrace of four dwellings and if this were to be the case a more centralised area of green could be located on entering Thatchers Croft
- in terms of landscaping, trees are well spaced strategically throughout the scheme and hope some sort of protection would prevent any from being removed - choosing the right native species will be very important to ensure root growth, height and leaf filtering of sunlight works well in this density of development.

Lead Local Flood Authority (Derbyshire County Council)

- 5.4 - having reviewed the information submitted for this application, which was received on 24 September 2020 with additional information received in May 2022, advise of no objection subject to conditions.

Environment Agency

- 5.5 - site lies fully within Flood Zone 1 and therefore have no fluvial flood risk concerns
 - there are no other environmental constraints associated with the site.

Highways Derbyshire County Council

- 5.6 - object
 - happy to accept 2.4m x 17m visibility sightlines in accordance with the outline consent 16/00134/OUT, however, the layout submitted these cannot be achieved towards the end of the cul-de-sac due to the location of the parking bays which will obstruct the visibility sightlines
 - turning area does not appear to be of sufficient size to accommodate refuse vehicles
 - swept drawings are still required

- maintain that Thatchers Lane is not suitable to serve the proposed dwellings and would not wish to see any pedestrian link as Thatchers Lane has no footways and would not wish to encourage pedestrian use in this location
- the Highway Authority conditioned that no access was to be taken from Thatchers Lane as part of the outline consent 16/00134/OUT due to Thatchers Lane being of an unsuitable nature to serve an increase in use.

Housing (Derbyshire Dales District Council)

- 5.7 - concerns raised with regard to the size of the affordable dwellings.

Environmental Health (Derbyshire Dales District Council)

- 5.8 - no objection.

Derbyshire Wildlife Trust

- 5.9 - no objection subject to conditions

Arboriculture and Landscape Design Officer (Derbyshire Dales)

- 5.10 - no objections
- recommendations on landscaping protection and enhancement provided
 - recommend a condition on landscaping management.

Coal Authority

- 5.11 - application does not fall within the defined Development High Risk Area and is located within the defined Development Low Risk Area and that there is no requirement for a Coal Mining Assessment to be submitted
- refer to standing advice being an informative note to the applicant in the interests of public health and safety

Derbyshire Fire and Rescue Service

- 5.12 - no objection but will expect any new build to comply with B5 approved Document B Volume 1 dwellings which covers access and facilities for the fire service
- provide informative to applicant regarding domestic sprinkler provision or adequate pipework to allow installation in the future

County Councillor S. Burfoot

- 5.13 - are there now two access points proposed off Thatchers Lane and is there an adequate turning circle in the development for fire engines - know developers have to comply with regulations stated by Derbyshire Fire and Rescue Service
- very keen that all new developments should include sprinklers for obvious reasons - realise that this is only advisory but much recommended by the Fire Service and has this, or will this, be recommended to the developer?
 - will the proposed development be adopted to highway standards and include street lighting?

6. REPRESENTATIONS RECEIVED

- 6.1 A total of 23 representations have been received from neighbours and local residents. A summary of the representations is outlined below:

Planning History

- planning permission for a single dwelling on Thoresby was refused three times – any dwelling should similarly be considered harmful
- consider it inappropriate to start a new build before finishing the previous one – pavement outside house is unfinished and a trip hazard and there are no streetlights so a torch is needed when venturing out after dark

- need to know that advice given by expert consultees is adhered to and DDDC take note of the history of the site and mistakes made as at this time there is little confidence that the Local Authority will ensure a safe and acceptable development
- planners need to ensure the S106 agreement is in place and signed and sealed before anything is done on this site
- previous outline planning permission (16/00134/OUT) is preferable

Planning Policy

- planning circumstances and policies have not changed
- feel there are enough houses already in this area
- land outside of the Local Plan allocation site boundary and not included in the outline application for the adjoining field – site can accommodate 19 houses so unnecessary to expand onto land adjacent to Ash Tree Cottage
- question if the site is sustainable as there are no safe walking or cycling routes into the main part of the village and no safe crossing point on A615 with many families reliant on the car to take children to school
- local amenities are poor
- lack of reports to ensure the site is sustainable is shocking and that the Local Authority do not ensure all required documentation is available before validation
- there are many valid reasons for refusal of the application – DCC Highways, DCC Flood Team, DDDC Landscape Officer and Fire and Rescue all have expert knowledge and have strong reservations with Highways and the Flood Team recommending refusal

Impact on the Character and Appearance of the Area

- development is too dense and can hardly be described as enhancing the surrounding area
- 19 and 21 units seems overcrowded
- 50% denser than the other properties on Thatchers Croft
- low quality of the worst kind with only the intention of maximising profit
- houses are not in keeping with the surrounding houses and will look totally out of place
- dwellings are referred to being in natural millstone grit but properties labelled D have elevations in facing bricks and would set a precedent for those to be built later
- heights and massing are too dense for edge of settlement site
- four bed homes will overpower the adjacent country lane and gardens to such family homes are paltry and cramped and will be dark as they will be shaded by the proposed homes
- the rows of parking bays will give any future occupant the feeling of having a car park for a view
- gardens are too small
- hope natural gritstone does become reconstituted stone
- all properties on a level with the 5 larger houses should be bungalows to be in keeping with the surrounding houses
- outbuildings built into the existing drystone wall along Thatchers Lane will interrupt the gentle 'country lane' character of this edge of village location
- Planning Inspector recommended a green corridor – none is apparent
- to enhance Tansley, the whole site should be stone bungalows and reduce the number of properties to 14 - enhanced views with lower roofs, better car parking and gardens and enhanced quality of life for occupiers and neighbours
- Local Plan and previous Inspectors have stated that the Ancient Green Corridor from Matlock to Dethick which goes through the site should be incorporated into any scheme
- the two hybrid bungalows are not bungalows - they have two storeys and will totally dominate the skyline and should be removed from the green corridor
- the first development respected the green corridor

- proposed plans give little opportunity for innovative hard or soft landscaping
- why would tourists from the city come to a very overcrowded and built up village

Amenity Issues

- loss of privacy, light, quietness and quality of life
- plans appear to give residents little privacy
- phasing of the development is a concern as this means prolonged construction activity and noise for a considerable number of years
- have found that just one house being has generated considerable noise pollution and affected the quality of life of people living nearby
- site hours should be reduced to give local residents a break – suggest Monday – Thursday 08.30 to 16.30, Friday 08.00 until 15.30 and not at all at weekends which is generally in line with construction industry hours
- noise on this hillside travels far and will affect neighbours some distance away, even on the opposite side of the A615
- project should be limited in duration for the sake of local residents health and well being
- development must not encroach on boundary of Westbourne, Alders Lane and request any overlooking windows be obscure glazed
- Ash Tree Cottage has no back garden and backs directly onto the application site with only a low stone wall inbetween – rear area provides only views and the end of the proposed bungalow would sit across kitchen and bathroom windows and would have no protection without erecting a fence 1m from the windows
- occupants of the new house would be entirely overlooked and any screening they provided would block light
- encroachment into garden forced by introduction of footpath
- 4 properties would overlook Orchard House
- homes proposed as downsizer bungalows are without charm, have little outdoor space and have no outdoor storage

Highway Safety

- DCC Highways have come to the conclusion that the access road is unsuitable to safely cater for traffic, either vehicular or pedestrian and not safe for further development
- genuine concerns over highway safety have been ignored by representatives of DDDC and more homes were built
- access road is too narrow to allow future owners to park as the road is already used by existing owners to park
- have children and this is a small lane in which they can play
- road incidents pulling into and exiting Thatchers Croft
- inadequate parking at present and have requested a further parking space from the developer
- have only 50% of the parking spaces of other properties on Thatchers Croft
- people come and park to take their dogs for a walk and will probably still do so even if site developed
- no turning head for refuse collection, fire appliances, ambulances, etc.
- the highways department have already stated that Thatchers Lane is not suitable access for any additional homes at this location
- road is not wide enough for more traffic and has restricted visibility
- already frequently blocked by services, delivery and tradesmen's vehicles
- road is narrow and winding and stands on a concealed bend
- having more houses would worsen the danger on Thatchers Lane
- there are no footpaths and even now it is dangerous to walk on the lane
- two accesses, six parking spaces and pedestrian access onto Thatchers Lane
- have been several near misses

- increased use of the lane by drivers as a quick run to Nottingham Road
- require continued access from Alders Lane onto Thatchers Lane and onto Holly Lane to allow safe crossing of A615
- safe pedestrian crossing on A615 is now essential so that amenities in main village can be safely accessed
- need regular speed patrol checks on the main road due to safety concerns of residents who are entering and exiting from Thatchers Lane
- construction traffic on Thatchers Lane will damage boundary walls and the road is not wide enough and turning onto Alders Lane is unsuitable
- will create problems for bin men
- important that any new properties meet the standard for emergency service compliance on this single track lane and question the location of the nearest water hydrant
- police have expressed concerns related to lack of streetlighting – before any further highway infrastructure is created existing street and pavements need making financially secure for present and future users and streetlights provided as per condition
- matters with regard to there being no legal agreements or bonds to ensure security of residents on this private road
- no Section 328 or 278 entered into
- public bus stop is situated on private land which forms part of the unadopted highway and insurances related to resident's safety whilst waiting at this location are continually ignored by DDDC and DCC highways have stated that they have no responsibility for the unadopted streetworks

Open space/playspace

- proposed children's play facilities are insufficient
- current play area is small and lacks a larger, greened area for more general play such as football
- no green areas
- children no longer use play area due to the state of the equipment
- due to lack of a safe crossing on A615 real lack of accessible play facilities for families south of A615

Drainage

- concerns over surface water drainage
- local experience suggests if surface water run-off is obstructed by houses, it will quickly converge into a rapid running surface stream
- plan doesn't show where the suds are going or where the sewers are to run
- have all seen the site flood with houses on Thatchers Croft having surface water up to their back doors
- access to the two proposed dwellings on Thatchers Lane is an area prone to flooding and substantial run-off
- underground watercourse runs from properties on Alders Lane and onto the application site and capping is turfed and could be easily disturbed
- DCC Flood Team objected to the development in February 2020 as applicant has not provided appropriate evidence of how the site will drain i.e. surface water outfall, run-off calculations and basic ground investigations

Wildlife

- [REDACTED]
- no provision shown of wildlife corridor
- all know that there is a sett adjacent to the site

Trees

- impact on RPA of Ash Tree (TPO156)
- latest plans show hard landscaping in the RPA which could undermine the root system
- plans appear to disturb a number of mature trees adjacent to Ash Tree Cottage which provide screening and visual amenity

Other matters

- plans inaccurate in relation to Thoresby, Alders Lane and does not allow for accurate assessment – DDDC has asked for this to be rectified but it hasn't happened
- had a problem of dumping waste in the field and it is where children play
- access to the 3 bedroomed bungalow off Thatchers Lane utilises neighbour's land and legal consultations are progressing
- issues raised with applicant's accounts
- developer has been allowed to forego paying S106 monies which were written off by DDDC – a catalogue of half-finished work and non-compliance with building regulations and conditions, with little or no response from DDDC
- DDDC know problems of the site which have been caused by a lack of enforcement by DDDC
- why are empty offices not assessed given more people are working from home and redevelop these instead of churning up beautiful countryside and greenbelt
- there are more suitable plots in Tansley

7. OFFICER APPRAISAL

Planning Policy and the Principle of Development

7.1 The site is within the settlement boundary for Tansley and is a designated housing development site under policy H2 (z) of the Adopted Local Plan (2017). Outline planning permission has also been granted (ref: 16/00134/OUT) in March 2020 for the erection of 19 dwellinghouses. The applicant has chosen to submit a hybrid application rather than a reserved matters application. As such, the principle of residential development of the site is clearly established. It should also be noted, as the District Council cannot currently demonstrate a 5 year housing land provision going forward, that there is a presumption in favour of granting planning permission unless doing so would be significantly and demonstrably outweighed by any adverse impacts.

7.2 In this respect, the matters for consideration are as follows:

- Character and appearance
- Amenity
- Developer contributions
- Affordable housing provision
- Housing mix
- Highway matters
- Flooding and drainage
- Open space provision
- Landscaping
- Nature conservation
- Biodiversity enhancement
- Climate change

Character and Appearance

- 7.3 The character, appearance and design of the first scheme presented was critiqued by Urban Design Development Control Officers at (Derbyshire County Council) and their comments have been taken on board by the applicant in the revised scheme for 17 dwellings. The development does not reflect the existing development at Thatchers Croft in terms of its character and appearance. However, the number of units proposed, and their character and appearance in relation to each other, does create a separate but homogenous development with the 17 units and the proposed development would create its own sense of place. In addition, whilst some are split level, the bungalows will also reflect on existing dwellings to the east and west of the site.
- 7.4 Further to the initial submission, the dwellings are now proposed to be largely detached and semi-detached, reflective of the prevailing character of Thatchers Croft. Car parking has been amended to remove the rows of parking initially proposed to the front of the affordable housing units. Each house is proposed to be light and bright with the use of large windows. Local stone and natural slate are proposed to be used in the build. As such, it is considered that the dwellings are appropriate in their character and appearance in the context of existing dwellings.
- 7.5 In terms of layout, three dwellings are proposed to have access directly onto Thatchers Lane and a footpath is also proposed linking Thatchers Croft to Thatchers Lane. This was suggested by Officers to create a sense that there would be interconnectivity to the open countryside, allowing a green corridor and pedestrian permeability and ensuring that the development would not just turn its back on it. The footpath link was also suggested by the Urban Design Development Control Officers at Derbyshire County Council as such a link, running up through the site to link to Thatcher's Lane, would improve links to other housing and walks into the countryside. It has been noted that the site is presently used for dog waging and there is an informal path through.

Amenity

- 7.6 Concerns have been raised with respect to the impact that the development would have on the amenity of occupiers of existing properties. There have been amendments sought further to the initial submission which has resulted in alterations to the layout and number of properties. To this end, two bungalows are now proposed to the west of Orchard House instead of 4 dwellinghouses. These are some 15m away and there is a intervening hedge between the properties in the neighbours' ownership and, being 'bungalows', there is considered to be no significant overlooking with the revised proposals.
- 7.7 To the south west of the site, concern has been raised by the owners of Ash Tree Cottage and Westbourne with regard to the bungalow proposed in part of the rear garden to Thoresby. The dwelling initially proposed in this location did not encroach into the garden of Thoresby; the initial proposal was for the garden to Thoresby to become the curtilage to the proposed dwellinghouse. With the concerns raised by Officers with regard to the density of the site, and with the desire to secure the footpath link onto Thatchers Lane for accessibility and visual reasons, it was considered that a bungalow could encroach into this garden space. As this is a single storey development, it is considered that there would not be significant overlooking of the domestic curtilage to Thoresby itself, nor Westbourne, nor a significant overshadowing of those properties. It is considered the dwellings themselves are too far away to have any significant impact on outlook.
- 7.8 With regard to Ash Tree Cottage, this currently overlooks part of the rear garden to Thoresby and would instead overlook the garden to the proposed bungalow. It is considered that the orientation of windows of the proposed bungalow could be provided so as not to face towards Ash Tree Cottage. Given that the proposed bungalow would be to

the north of Ash Tree Cottage, there would be no overshadowing of that property by the proposed development.

- 7.9 The dwellinghouse proposed side on to Slavanka is considered to not cause overshadowing of the garden of that property. Any side facing, first floor windows would need to be obscure glazed to restrict overlooking of the garden to that property.
- 7.10 The dwellinghouses proposed to front Thatchers Croft would be some 24m from the existing dwellings, except for the existing flats which would be some 14m from the proposed corner plot dwellings; these are considered to be reasonable distances of separation across a highway. Given the above, it is considered that the dwellings proposed are now sited at reasonable distances to each other, and to existing properties, to ensure there is no significant impact on light, outlook and privacy.
- 7.11 Concern has been raised with regard to the hours/days of construction and a suggestion made as to how they should be reduced. However, it is considered reasonable to attach a condition that reflects upon the standard condition that the District Council normally requires in such cases so as not to be deemed prejudicial to the applicant/developer.

Developer contributions

- 7.12 DCC advises that pupil numbers are calculated looking at the five year projection of numbers on roll based on birth rates (this projection does not include the impact of any new housing with planning permission or allocated in local plans) and then adding the pupil yield from approved planning applications in the normal area of the school. The requirement for financial contributions towards education provision is based on the net capacity and current number on roll as well as projected pupil numbers over the next five years.
- 7.13 Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 4 primary pupils arising from the proposed development. In addition, analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications, shows that the normal area secondary school would not have sufficient capacity to accommodate the 3 secondary and 1 post 16 pupils arising from the proposed development.
- 7.14 To this end, the analysis indicated that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. DCC therefore request £68,706.36 towards additional education facilities at Tansley Primary School and £105,715.14 towards additional education facilities at Highfields School.
- 7.15 The applicant has raised concern with the extent of monies requested as education contributions given other developments within the area have needed to make lower contributions than requested with regards to this planning application. In addition, the applicant has an extant outline planning permission for 19 dwellings for which the total education contribution was calculated at £22,798.02, significantly lower than the £174,421.00 requested for 19 dwellings that were initially proposed.
- 7.16 Nevertheless, the number of dwellings has now been reduced to 17. When reconsulted on this in March 2022, DCC advised that primary school would now have sufficient capacity but a revised figure of £105,385.04 would be required towards additional education facilities at Highfields School for secondary phase (with post 16) pupils.

7.17 It should be noted that no education contribution was required with respect to the development approved at Whitelea Lane (ref: 17/00850/FUL). That permission was for 26 dwellings and that application was submitted after the applicant outline planning application (ref: 16/00134/OUT) was submitted, albeit a decision was issued first on the Whitelea Lane site.

7.18 Given the above, whilst it is recognised that education facilities will continue to alter, it is considered that the increase in payment, by in excess of £80,000, is considered unreasonable in this case as the applicant could merely withdraw this hybrid application and present it as a reserved matters application to outline planning permission 16/00134/OUT. DCC advises that it assesses each application using the most up to date data available at that time and, should the applicant wish to implement a previous permission, that is their prerogative.

Affordable Housing Provision

7.19 Concerns were raised by Housing Services with regard to the size of the affordable dwellings. The proposals have since been amended and the applicant advises that these properties have now been shown at a size which meets the housing HQI standards and this requirement has been incorporated within the S106 for the previous outline planning permission and will be included in the new or revised S106. The applicant also advises that Peak District Rural Housing Association have agreed, in principle, for them to be the registered Social Landlord.

Housing Mix

7.20 To meet the aims of policy HC11 of the Adopted Local Plan (2017), the site would be expected to yield the following percentage of dwellings:

	1 bed	2 bed	3 bed	4 bed
Market	5%	40%	50%	5%
Affordable	40%	35%	20%	5%
All dwellings	15%	40%	40%	5%

7.21 The development as proposed would yield the following:

	1 bed	2 bed	3 bed	4 bed
Market	0%	46%	38%	15%
Affordable	25%	50%	25%	0%
All dwellings	6%	47%	35%	12%

7.22 Given the above, it is considered that whilst one bedroomed accommodation is lower than expected, and four bedroomed higher, the general mix of housing is considered acceptable with the majority being smaller properties. The housing mix is also considered to be benefitted with the introduction of bungalows, even if most are in a hybrid form with ground floors on different levels.

Highway Matters

7.23 The Local Highway Authority has advised that the existing internal estate street network, known as Thatcher's Croft, is not adopted highway and remains the responsibility of the developer. Whilst some surfacing works have been undertaken, no street lighting has yet been provided by the developer, to comply with previously imposed planning conditions. However, it has been advised that the adoption of any new street is purely a voluntary agreement between the developer and the Local Highway Authority; acceptance of the

proposals for planning purposes, and the granting of planning permission in no way compels the County Council, to adopt the resultant estate street. However, the Local Highway Authority needs to ensure that future residents have reasonable and robust access arrangements to and from the public highway and this is reflected in conditions which have been suggested.

- 7.24 The Local Highway Authority raised concern with regard to the visibility splay being encroached upon when accessing onto the existing road of Thatchers Croft. To this end, as part of the amendments sought to the proposals, the car parking bays to the front of the dwellings fronting Thatchers Croft have been removed. Concern has also be raised with regard to the manoeuvring of large vehicles on the site. To this end, again as part of the amendments to the scheme, the applicant has detailed tracking for refuse vehicles.
- 7.25 The Local Highway Authority has raised concern with regards to vehicles accessing Thatchers Lane directly from the application site. The proposal is that three of the dwellings would access the lane. There is also concern with regard to a footpath link onto Thatchers Lane. It appears that local residents use the application site for walking on and taking their dogs for walks. It is also noted that the lane is used from time to time as a bridleway. To this end, Officers consider that the formation of a footpath would amount to some access improvements for walkers, where they can enter onto the road beyond the bend in the Thatchers Lane to the east and have adequate visibility in both directions prior to stepping onto the road. It is the Officers' view that this would not only be of benefit to residents of Thatchers Croft and the application site, but also to others seeking to access the open countryside from the village.
- 7.26 In summary, whilst the concerns of the Local Highway Authority are noted, the benefits of assimilating the design of this edge of village location, by allowing some vehicle access and a pedestrian route are considered to outweigh the highway safety concerns given the prevailing vehicle numbers and speeds.

Flooding and Drainage

- 7.27 The Lead Local Flood Authority has considered the reports submitted by the applicant and has advised of no objections to the proposed development subject to conditions with respect to the submission of a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within the Storm Drainage Strategy and the additional information submitted by the applicant, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015). In addition, there is a need to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as follows:
- i) *into the ground (infiltration);*
 - ii) *to a surface water body;*
 - iii) *to a surface water sewer, highway drain, or another drainage system;*
 - iv) *to a combined sewer.*
- 7.28 The applicant is also required to submit for details for approval indicating how additional surface water run-off from the site will be avoided during the construction phase and may be required to provide collection, balancing and/or settlement systems for these flows. Finally, a verification report carried out by a qualified drainage engineer, must be submitted to and approved by the Local Planning Authority to demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations) and which provides the details of any management company and state the

national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Open Space Provision

- 7.29 The applicant has previously provided a play area as a requirement of the previous development at Thatchers Croft. This is currently managed by the applicant, albeit there are complaints as to how well it is managed. Nevertheless, it is considered reasonable to secure a financial contribution to upgrade this area without the requirement for an additional play facility within the application site given the close proximity. However, this will need to be addressed through a Section 106 Legal Agreement or a modification to the existing legal agreement, with regard to the play area.
- 7.30 The development is such that there is no public open space within the application site nor the previous developments. However, any meaningful area would have an impact on the ability to deliver an appropriate number of dwellings on the site and would be of limited public benefit given its modest size.

Landscaping

- 7.31 The proposals have been assessed by the District Council's Arboriculture and Landscape Officer. It is advised that all native hedgerows around the site should be retained and these, together with retained trees, should receive appropriate protection during development to protect their aerial parts and their rooting systems within root protection areas as defined by BS5837:2012.
- 7.32 It is noted that construction of a surfaced access, a dry stone wall and a landscaped lawn area is indicated which is likely within the root protection area of the large mature retained ash close to the south-west corner of site. Other retained trees alongside Thatchers Lane may also be at risk from construction works and ground works. To this end, and to allow clear understanding of the extent of tree removals to facilitate the development, it is recommended that an Arboricultural Impact Assessment (AIA) be submitted for approval and to allow assessment of proposed tree protection, it is also recommended that a detailed, site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) should be submitted for approval,. These should be prepared according to the guidelines in BS5837:2012.
- 7.33 The AMS and TPP should relate to all retained trees in the site and within 15m of the red line boundary and these documents should reference all buildings, surfacing, ground level change, all underground service runs, necessary facilitation pruning, the position of all tree protection fencing in relation to the proposals and temporary roads, contractors parking areas and materials storage/handling areas. It is advised that this information be required to be submitted for consideration and approval to inform the decision regarding appropriate site layout. However, it is considered that the proposed native hedgerow along the southern, roadside boundary and soft landscaping in shared public areas, consists of suitable species but details of the planting density and maintenance schedule are required to be submitted for approval.
- 7.34 Whilst it is suggested that the hedgerow should be located outside of property boundaries, it is considered that this could be best managed by residents. Existing trees and hedges along the western boundary are largely in the ownership of the neighbouring property owners. The only significant area where there would be hedging proposed is along parts of Thatchers Lane. This would be likely to be set on a slope up to the boundary wall and would provide a degree of screening from persons overlooking the properties when walking along Thatchers Lane. Planting and plant specifications for all proposed trees and soft landscaping can be required to be submitted for approval.

7.35 It is appreciated that the application layout plan details the proposed planting of potentially large growing tree species relatively close to proposed house sites which could pose problems in future. To this end, it is recommended that an appropriate specialist engineer should prepare the specification for the foundations of buildings, within influencing distance of the trees, to ensure that they are designed to resist potential root growth damage. Root barriers may need to be installed to prevent tree root growth damaging surfacing of access roads and paths and a scheme of appropriately designed root barrier systems will need to be submitted for approval. The hybrid proposals for the first 5 dwellings would not have such constraints. There are significant lengths of dry stone wall incorporated into the scheme, which are welcomed but these should be constructed from local random rubble gritstone in a manner similar to those previously provided on Thatchers Croft

Nature Conservation and Biodiversity Enhancement

7.36 The applicant has submitted a Preliminary Ecological Appraisal of the site undertaken by Whitcher Wildlife Ltd Ecological Consultants in May 2020. Derbyshire Wildlife Trust has advised that there is no evidence of badgers using the badger corridor created adjacent to an adjacent road, but that this may be because badgers do not need to use this corridor at the current time. As such, DWT advise that they fully support the recommendations in 5.1 and 5.3 of the report that access for badgers is maintained along the western boundary of the site by establishing a fenced corridor between the development site and the boundaries, as shown on the plan within the PEA at 5.2 and that this corridor should be clearly stated in the deeds of the adjacent properties.

7.37 The site has a number of trees and shrubs on its boundary, particularly to the west, which would likely provide a habitat for birds. In this respect, it is considered reasonable to attach a condition to any grant of planning permission that no trees or shrubs that may be used by breeding birds, shall be removed between 1st March and 31st August inclusive, unless an up-to-date survey has been undertaken by a competent ecologist to assess the nesting activity on the site during this period.

Biodiversity Enhancement

7.38 Policy PD3 of the Adopted Local Plan (2017) and recent government guidance in the update National Planning Framework require for development to create a net biodiversity gain. However, consideration needs again to be given to the extant outline planning permissions where such requirements were not made.

Climate Change

7.39 Policy PD7 of the Adopted Plan (2017) seeks to ensure that development mitigates against its carbon footprint. Guidance is also provided in the District Council's Climate Change Supplementary Planning Document (2021). To this end, the site is within a sustainable village location within bus travel, cycling and walking distance of facilities thus presenting less reliance on the use of the private car. In terms of the building design, the applicant has advised that the minimum standards set out in Building Regulations would be met. In terms of water usage, it is proposed that appliances will be selected which will be low in water usage and rainwater collection would be encouraged.

Conclusion

7.40 There are several matters for consideration here and Officers have not followed the recommendation of the Strategic Planning and Local Highway Authority of Derbyshire County Council. In terms of the financial contribution towards education, the amount being requested by the Local Education Authority is well in excess of that which was previously

required and, as the applicant advises, he could withdraw the current application and submit a reserved matters application. This is considered a reasonable fallback position to not require the higher contribution to be made. However, given this position, and the time that has lapsed, it is considered reasonable to require the previous amount requested to be paid on this basis, albeit the development would be reduced by two dwellings.

- 7.41 In terms of highway safety, it is appreciated that the Local Highway Authority has concern with regard to accessing onto Thatchers Lane. However, this is a single width road and it is the view of Officers that vehicle speeds are regulated by this, the presence of pedestrians and horse riders. Access onto Thatchers Lane would be in a position where the curve of the bend would allow views in traffic coming from either direction. The area in which the property on the s-bend is currently served by an informal parking area. It is also considered that the increase in traffic, by possibly 12 vehicle movements a day associated with the three dwellings would not be significant.
- 7.42 In terms of the footpath, this effectively replaces a route already informally used across the applicant's site. Where the footpath meets Thatchers Lane, there would be visibility of approaching cars in either direction and the roadside verge, if maintained or not, would allow pedestrians to step aside to avoid vehicles.
- 7.43 Given the above, it is considered that matters of concern, which also include land drainage, have been adequately addressed in the application. It is considered that the character and appearance of the development is acceptable and there will not be significant harm to the amenity of neighbouring residents.

8. RECOMMENDATION

- 8.1. That, subject to the applicant entering into a Section 106 Legal Agreement for on-site affordable housing provision and open space/play area provision and a financial contribution of £6,500 towards offsite play provision, a payment of £22,798.02 towards education provision and payment towards affordable housing should an RSL not be identified to take up the proposed on-site affordable housing, that outline planning permission be granted for the erection of 12 no. dwellinghouses, with approval being sought for access, layout, scale and landscaping, subject to the following conditions:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the external appearance of the development (hereafter referred to as the reserved matter) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works and the development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The development hereby approved shall be carried out in accordance with the original submitted plans and specifications except as amended by Drawing Nos. P01, P02A, P02B, P03, P04, P05 and P06 received on 25th October 2022 and except as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the 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)

4. Notwithstanding the details on the submitted drawings, prior to the dwellings being first occupied, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and the hard landscaping shall be provided prior to the occupation of the dwellinghouses.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any dwelling or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. No development shall take place until a landscape management plan, including long-term management responsibilities and maintenance schedules for all landscaped areas and areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping is maintained in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. No works, which include the creation of trenches or culverts, or the presence of pipes, shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:-
 - a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day;
 - b) open pipework greater than 150 mm outside diameter being blanked (capped) off at the end of each working day; and
 - c) storage of any chemicals.

Reason:

In the interests of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason:

In the interests of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9. A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-
 - a) details of the creation of a 1m badger access corridor (as shown on the plan in section 5 of the PEA, Whitcher Wildlife Ltd, May 2020);
 - b) details of the planting scheme and inclusion of at least 50% native species. Location of features to be created, planted, enhanced and managed; and
 - c) locations of 4 integrated bat boxes and 8 integrated swift nest boxes and 2 sparrow terraces, hedgehog access holes and habitat piles (include specifications/installation guidance/numbers)
 - d) aims and objectives of management.

The approved plan will be implemented in accordance with the approved details.

Reason:

In the interests of safeguarding protected species and achieving a net gain in biodiversity provision in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

10. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. Sea Consulting Engineers (April 2022) Storm Drainage Strategy, R-00048-001-SDS-0 and Neville, J. (2022) Email to Jo Crawshaw-Moore, 31 May, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team ; and
 - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority which, once approved, shall be implemented fully in accordance with the approved details prior to the occupation of each phase of development.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted to comply with Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

11. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
 - i) into the ground (infiltration);
 - ii) to a surface water body;
 - iii) to a surface water sewer, highway drain, or another drainage system;
 - iv) to a combined sewer.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options to comply with Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to commencement of the development, the applicant shall submit details indicating how additional surface water run-off from the site will be avoided during the construction phase for approval to the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase."

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

13. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

14. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason:

In the interests of highway safety.

15. Throughout the period of construction, within any phase, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason:

In the interests of highway safety.

16. Before any other operations are commenced, a new estate street junction shall be formed to Thatcher's Croft, laid out, constructed to base level and provided with 2.4m x 17m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other subdivision of the site.

Reason:

In the interests of highway safety.

17. The proposed access driveways to the estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

Reason:

In the interests of highway safety.

18. The premises, the subject of this permission, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, visitors, service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local

Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure adequate parking and manoeuvring space for vehicles in the interests of highway safety and to provide means for encouraging sustainable travel to comply with policies S1, S3, PD7 and HC21.

19. Prior to the commencement of the development hereby permitted, details of the means of refuse storage, including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

Reason:

In the interests of highway safety.

20. 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 dwellings to those existing and proposed neighbouring properties 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).

and notice is hereby given that Derbyshire Dales District Council as the Local Planning Authority have Granted with conditions:

Full planning permission for the erection of 5 no. dwellinghouses

As described on the application form and shown on the accompanying documents and subject to the following conditions:

21. Condition ST02a Time Limit on Full

Reason:

Reason ST02a

22. The development hereby approved shall be carried out in accordance with the original submitted plans and specifications except as amended by Drawing Nos. P01, P02A, P05, P06, P07, P08, P09A, P09B, P10, P11 and P12 received on 25th October 2022 and except as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the 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)

23. Notwithstanding the details on the approved drawings and specification, before each building is faced, samples of all facing and roofing materials proposed for the dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved samples.

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) and with policy DES1 of the Ashbourne Neighbourhood Plan (2019-2023).

24. Notwithstanding the details on the approved drawings and specification, before the development commences precise details of the doors and windows, to include their materials, colour and depth of recess from the face of the building, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in precise accordance with the approved details

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).

25. Notwithstanding the details on the approved drawings and specification, prior to being provided on the dwellings, details of all gutters, downpipes, all other external pipework and meter boxes shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details.

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).

26. Notwithstanding the details on the submitted drawings, prior to the dwellings being first occupied, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and the hard landscaping shall be provided prior to the occupation of the dwellinghouses.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

27. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced

in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any dwelling or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:

To ensure a satisfactory standard of landscaping in accordance with the aims of Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

28. No works, which include the creation of trenches or culverts, or the presence of pipes, shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:-
- a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day;
 - b) open pipework greater than 150 mm outside diameter being blanked (capped) off at the end of each working day; and
 - c) storage of any chemicals.

Reason:

In the interests of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

29. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason:

In the interests of safeguarding protected species in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

30. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Sea Consulting Engineers (April 2022) Storm Drainage Strategy, R-00048-001-SDS-0 and Neville, J. (2022) Email to Jo Crawshaw-Moore, 31 May, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team ; and
 - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority which, once approved, shall be implemented fully in accordance with the approved details prior to the occupation of each phase of development.

Reason:

To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted to comply with Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

31. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
- i)* into the ground (infiltration);
 - ii)* to a surface water body;
 - iii)* to a surface water sewer, highway drain, or another drainage system;
 - iv)* to a combined sewer.

Reason:

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options to comply with Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

32. Prior to commencement of the development, the applicant shall submit details indicating how additional surface water run-off from the site will be avoided during the construction phase for approval to the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase."

Reason:

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

33. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason:

To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

34. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials,

site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason:

In the interests of highway safety.

35. Throughout the period of construction, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason:

In the interests of highway safety.

36. Before any other operations are commenced, a new estate street junction shall be formed to Thatcher's Croft, laid out, constructed to base level and provided with 2.4m x 17m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other subdivision of the site.

Reason:

In the interests of highway safety.

37. The proposed access driveways to the estate street shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

Reason:

In the interests of highway safety.

38. The premises, the subject of this permission, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, visitors, service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure adequate parking and manoeuvring space for vehicles in the interests of highway safety and to provide means for encouraging sustainable travel to comply with policies S1, S3, PD7 and HC21.

39. Prior to the commencement of the development hereby permitted, details of the means of refuse storage, including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

Reason:

In the interests of highway safety.

40. 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 dwellings to those existing and proposed neighbouring properties 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 Highway Authority previously requested the following notes be attached to the decision notice in relation to outline planning permission 16/00134/OUT:
 - a) Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 - b) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway / street, discharging to a drain or soakaway within the site.
 - c) Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. In this instance a Section 38 Agreement could not be entered into for this development in isolation as it would not connect to the existing public highway, which is a pre-requisite of this Authority entering into any adoption Agreement.
 - d) Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

- e) Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).
2. Surface water discharge is proposed via soakaways, subject to infiltration testing at the proposed soakaway locations at detailed design stage demonstrating that this is feasible. If it proves not to be feasible, the alternative strategy would be to discharge to the watercourse to the north. Please note that the Lead Local Flood Authority (LLFA) prefers domestic soakaways to be in public areas to facilitate maintenance, especially where soakaways serve more than one property. The Local Drainage Authority has requested the following notes be attached to the decision notice:
- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.
- H. On Site Surface Water Management;
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response

which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

- I. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365 at the locations of proposed soakaways.
 - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
 - Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
 - Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
 - Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
 - Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

- J. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

- K. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

3. The Fire and Rescue Authority strongly recommend the installation of a Domestic Sprinkler System in the proposed dwellings. Should this not be installed at this stage, it is recommended that a minimum 32mm water supply, capable of delivering the required volumes of water, be provided to allow installation to be carried out easier, and at less cost, should this be proposed in the future.
4. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of an amended scheme that overcame initial concerns relating to the design, appearance and layout of the proposed dwellings and parking and manoeuvring space.
5. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
6. This decision notice relates to the following documents:

Amended Drawing Nos. P01, P02A, P02B, P03, P04, P05, P06, P07, P08, P09A, P09B, P10, P11 and P12 received on 25th October 2022

Amended Design and Access Statement received on 25th October 2022

Land Drainage Report received on 21st January 2020

Additional Information with regard to Land Drainage received on 15th July 2020

Storm Drainage Strategy (SEA Consulting Engineers) received on 22nd April 2022

Ash Tree Assessment (Joe Coe Tree Consultancy) received on 24th January 2022

Preliminary Ecological Appraisal (Whitcher Wildlife Ltd. May 2020) received on 21st January 2020.