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| APPLICATION NUMBER | | 22/00298/FUL | |
| SITE ADDRESS: | | Heather View, Whitelea Lane, Tansley | |
| DESCRIPTION OF DEVELOPMENT | | Erection of 1 no. dwellinghouse | |
| CASE OFFICER | Mr. G. A. Griffiths | APPLICANT | Mr M & G Twigg |
| PARISH | Tansley | AGENT | Abbotsbury Ltd |
| WARD MEMBERS | Cllr. P. Cruise Cllr. S. Flitter Cllr. D. Hughes | DETERMINATION TARGET | 16 th June 2022 |
| REASON FOR DETERMINATION BY COMMITTEE | Given the level of objection | REASON FOR SITE VISIT (IF APPLICABLE) | To assess the proposed development in its context |

| MATERIAL PLANNING ISSUES |
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| <ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of the area • Impact on residential amenity • Highway safety • Flooding and drainage • Climate change |

| RECOMMENDATION |
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| That planning permission be granted subject to conditions |

1. THE SITE AND SURROUNDINGS

1.1 The site is the rear most part of the garden to Heather View which is a property fronting Whitelea Lane. The property is within the Settlement Boundary for Tansley. The land to the south and east is currently being developed as a new residential estate.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a three bedroomed bungalow within the rear part of the rear garden serving Heather View. The site area measures some 575 sq.m. The rear garden that would remain with Heather View would amount to some 270 sq.m.
- 2.2 The bungalow is proposed in a roughly L-shaped form. The east-west element is proposed to measure 13.5m wide by 8.4m deep. Coming off this would be the north-south element measuring 8.4m wide by 7m deep. The bungalow would have a ridge height of 5m.
- 2.3 The bungalow would have an open plan living room/dining room/kitchen, three bedrooms (one en-suite), a study/bedroom, a bathroom and hall and it would also have an integral garage.
- 2.4 Access to the site is proposed via the road serving the residential estate currently under construction. The applicant advises that the new dwelling should be seen as an integral part of the adjacent development, effectively forming an extension of the site. The applicant also advises that, in terms of architectural style and vernacular, the new dwelling will be in keeping, and of the same materials, as the new development.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
 - S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - PD1 Design and Place Making
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - PD9 Pollution Control and Unstable Land
 - HC1 Location of Housing Development
 - HC4 Affordable Housing Provision
 - HC21 Car Parking Standards
2. Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
3. National Planning Policy Framework
4. National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

Adjacent Residential Site at Whiteleas Nursery

21/00771/VCOND Variation of Condition 2 (approved plans) of planning permission 17/00850/FUL to allow for the substitution of house types – Granted with variation to S106 Legal Agreement

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| 21/00763/VCOND | Variation of Condition 4 (stonework to dwellings) of planning permission 17/00850/FUL to allow for the use of tumbled Birchover stone – Granted with S106 Legal Agreement |
| 17/00850/FUL | Erection of 26 dwellings and widening of existing access to serve development and retained property on site - Granted |

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - object
- there is no Section 38 in place
 - building on back garden land, which is considered to be 'garden grabbing'
 - application is over the old water sough and, as such, should not be allowed as this might cause future problems
 - there is no access onto Whitelea Lane - the internal roads are not adopted and there is no management agreement in place
 - no certainty that the application might not be change to construct a house.

Local Highway Authority

- seems to be no guarantee that the bungalow will be served off the residential estate and that it could be constructed separately and served by a separate single access
- appears that appropriate space is available to provide sufficient parking provision for the new dwelling, based on the submitted layout
- no objection subject to conditions with respect to parking space provision and access onto Whitelea Lane being provided

6. REPRESENTATIONS RECEIVED

- 6.1 A total of five letters of representation have been received. A summary of the representations is outlined below:

Policy Principle

- the Whitelea Lane area has seen excessive development compromising the village feel of the area
- would like to ask the planning department to help existing residents to preserve the village as it has asked us to constantly accept changes that negatively impact on our daily lives
- proposed dwelling house is to be built in the back garden of Heather View which goes against government guidance on urban development.

Character and Appearance

- The character and appearance of the existing bungalow would be compromised as garden land is planned to be used, Government guidance advises that family gardens should be preserved, and 'back land not be built on' It is evident looking at the planning application that plans have been drawn by Woodall Homes, who say the proposed new building will reflect the vernacular of the new development, to include the materials used for the roofs. The material used by Woodall for the roofs , is not per condition
- bungalow is to be like the ones on the Woodall site - not in keeping with Tansley village and does not match Heather View
- bungalow is not in keeping with this part of the village as the properties on the lower side of Heather View are fully made of dressed stone with natural slate roofs (no render)

- the rear elevation on Heather View facing the proposed bungalow is toothed natural stone
- concerned that if the site gets planning permission for a bungalow the next step would be to have this permission modified to build two storey housing compromising the privacy of the neighbouring properties
- demolition of Heather View and the construction of additional houses could also be a possibility
- density of buildings in this area should be taken into consideration - Heather View and the surrounding houses will be very close together, moving away from the traditional spacing of houses in the village giving it a housing estate appearance
- materials used in the construction of the proposed building differ from those seen along Whitelea Lane which have pitch faced stone, draughted margins, pointed roof verges and slate roofs - the new bungalow has rendered walls, plastic verges and rumbled stone - none of these features are seen along Whitelea Lane.

Amenity

- The site plan shows the bungalow facing the Woodall Tansley Gardens development rather than Whitelea Lane, windows and patio doors facing the existing houses St Keverne, Neilroy and Foxglove House
- the new bungalow should be part of Whitelea Lane rather than the new development
- the majority of windows and doorways to the front and back of the bungalow should face towards and away from Whitelea Lane not towards the existing houses which would help to reduce any loss of privacy to properties and be of benefit to the proposed bungalow
- proposed property seems to have the site plan considering the aesthetics and courtesy towards Tansley Gardens rather than Whitelea Lane
- the lounge windows of the proposed bungalow face directly into the lounge windows of Heather View and at an angle to neighbours' kitchen windows
- have had a year of noise, dust, congestion and stress - any additional development should be combined with measures to help residents with these problems such as time limits on construction and road markings to stop pavement parking and blocking access to our properties.

Highway Matters

- there is no access to the adopted highway from the proposed site, as the Woodall site where access is proposed has no planning permission in place (no secure link to the adopted highway can be provided at this time)
- area has seen large amounts of development over the last few years resulting in parking problems, such as blocking driveways, pavement parking and obstructed visibility - additional developments would add to these problems by generating more traffic and adding to on street parking for visitors and deliveries
- the pavement leading from this site is unsuitable in terms of disabled persons access as it is very uneven and slopes excessively and is often blocked by pavement parking - any development should take this into consideration, particularly because a the bungalow might attract residents with mobility issues

Drainage and Utilities

- a major concern is that the planned dwelling will be built over the sough which drains surface water and is to be used as a drain for overflow from the planned balance pond
- experience drainage problems as garden often floods
- a culvert runs under the site but no consideration has been made to address these problems

- the developers and new residents should accept responsibility for any drainage problems resulting from construction.
- application for one dwelling fails to provide a block plan showing the route of the underground sough, which traverses the application site - this sough is planned to take surface water from the site of 26 homes
- lack of information on the drawing regarding route of foul drain, how they will deal with surface water, how they will stop water flowing down the road from the main site (Heather View is approximately 2m below the level of the Woodall home site), how they will ensure they do not damage the existing sough that will be under the foundations of the proposed bungalow, as the sough runs diagonally across the garden, and how the boundaries of the proposed bungalow will be finished
- experiencing compromised services due to the Tansley Gardens development - water pressure has dropped and sewerage systems are as yet untested and any additional development could add to these problems.

Consultation

- three of the letters of notification were sent to unoccupied homes on the new site? And the site notice is not obvious as is attached to a telegraph pole on the Woodall site?
- our property is two doors down from the proposed bungalow and yet we received no notification of it
- three unoccupied, newly built houses on the Woodall site did receive notification
- site notification is on a telegraph pole on Woodall's site and was turned away from the road - is this a fair and transparent way of doing business?
- the site notice is not visible from the public highway
- the list of 5 consultees fails to notify interested parties - 3 of the 5 neighbour consultation notices have been sent to empty homes on the Woodhall site
- adjacent neighbours on Green Lane have no knowledge that a dwelling house is to be built adjacent to their gardens.

Comments on the adjacent Woodall Homes development

- common knowledge that Woodall Homes have no planning permission for the existing site and all properties have been changed - what is there to stop this application being changed, without permission
- the whole of the site is without planning permission, without financially secure roads and no Section 106 in place
- in the past, Officers' Reports have stated 'Conditions' will ensure building is to the standards expected - if DDDC enforced, maybe residents would have confidence in 'the Reports' - however it would appear Officers waste their time as there is never enforcement
- Woodall development does not reflect the local vernacular, because the LA did not feel it fit to enforce
- local vernacular comprises of stone built dwellings throughout Tansley, with either slate or Staffordshire blue tiles, some properties having stone roof tiles
- drawings show that it is one bungalow in the rear garden of Heather View, the access is from the Woodall site and the minimal description of the bungalow is that it will be similar to the properties on the Woodall site - application is obviously for Woodall Homes (it is common knowledge that Heather View is in the final stages of being sold to Woodall Homes).
- having seen what Woodall Homes have got away with on the main site, altering the original approved site plan around and adding more garages and extra floors in the properties making them 2.5 storeys believe that if planning permission is given they will change everything around, probably demolishing Heather View and adding extra properties

- from the rear of our property all we see of the site is a mass of rendered walls and steep roofs with artificial slate - definitely not what we expected when we bought our bungalow 35 years ago
- developers, Woodhall, who will be building the proposed dwelling house have shown scant regard to planning permissions and change what they build despite planning decisions
- they have been known to submit amended plans and build whatever they want before permission has been granted, this could mean that the bungalow becomes a two storey house or multiple dwelling houses
- Part of the planning permission granted included a need for a lorry wheel wash to stop mud being dragged onto the road - this never happened so the road outside our homes is not only dangerously slippery but mud is dragged onto our drives
- resulting dust has covered our car and entered our home
- road sweeper that Woodall commissioned comes whilst the site is operational so with their workers cars parked along the road and on the footpath our side of the road is rarely cleaned - despite this being reported to the Council and the police, nothing is done
- in the four years we have lived here we have had to tolerate three extensions to the Gate Inn and the ongoing development at Whitelea Lane - all this has caused us stress due to noise, dirt, and difficult or no access to our drive
- have felt powerless and unsupported and granting planning permission for further development will reinforce this
- having seen how developer works, could end up being 3 or 4 properties

Other Matters

- use of the term 'dwelling house' is not prescriptive enough
- Woodhall developers have even less regard for the residents of Tansley - had 2 bonfires at the start of the build that created a cloud of smoke and ash right across the village and when this was reported to Environmental Health they attended the site after 17:00 hours when everybody had gone home and the fire had died down and nothing was done - due to Covid we had been asked not to have garden fires to help air pollution but apparently this did not apply to builders
- in January our drive was completely blocked for four weeks with no prior warning, the workmen could not see that this was a problem, the council attended on three occasions but nothing was done.
- developers are being allowed to ride rough shod over rules that residents are expected to adhere to
- LA have been responsible for a catalogue of broken conditions over other sites in Tansley.

7. OFFICER APPRAISAL

Principle of the development

7.1 The application site is within the Settlement Boundary of Tansley where the principle of residential development is acceptable in accordance with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017) unless other material considerations determine otherwise. In addition, as the District Council is unable to demonstrate a 5 year housing land supply going forward, regard has to be given to the National Planning Policy Framework (2021). This places an emphasis on approving housing development unless there are significant reasons not to. In the case of this application, the material considerations are considered to be as follows:

- Impact on the character and appearance the area
- Impact on residential amenity

- Highway matters
- Flooding and drainage
- Climate change

Impact on the Character and Appearance of the Area

- 7.2 The immediate area is characterised by largely detached dwellings set in linear curtilage plots. Heather View marks the end of the dwellings in the streetscene prior to the new residential estate which is currently under development at the former Whiteleas Nursery. To this end, whilst the character of the garden plots would be altered, Heather View can be regarded as an end property where incursion into the characteristic plot could be accommodated without significantly compromising this characteristic of the immediate area.
- 7.3 In terms of the design, materials and appearance, the bungalow, would be appreciated contextually with the residential estate development and would harmonise with that development. Its interconnectivity is emphasised with access to the property off the estate road and in its form and appearance.

Impact on Residential Amenity

- 7.4 The bungalow is a single storey development; no dormer windows are proposed. To this end, the outlook towards, and overlooking, the neighbouring properties would be limited. The windows facing St. Keverne would be some 12m away from the window looking directly towards the application site. There would also be a distance of some 12m between the windows on the north elevation to the rear windows of Heather View. This would also be limited further with boundary treatments, such as 2m high fences, that would restrict direct outlook into neighbours' dwellings and private gardens. Nevertheless, it is considered reasonable to attach a condition that details the floor slab level of the bungalow to ensure the bungalow is not raised to a point where overlooking the boundary would lead to potential privacy concerns. The main outlook would be from the dining room and kitchen windows facing towards Heather View and the lounge patio doors facing St Keverne.
- 7.5 Concerns have been raised that, if the bungalow is approved, that this would ultimately lead to an application being submitted for a two storey dwellinghouse. If that was the case, the dwellinghouse would have to be assessed through a new planning application in terms of its character, appearance and context and also with regard to the amenity of neighbouring residents. Such a development would be likely to be unacceptable given the potential for overlooking and the potential loss of light and outlook to existing properties. This is not proposed by the developer, nor is it expected to be proposed.
- 7.6 Nevertheless, such is the proximity of the bungalow to St Keverne and Heather View, it is considered reasonable to remove permitted development rights to extend the dwellinghouse or to erect outbuildings that may impact adversely on the neighbouring property. It is also considered reasonable to remove permitted development rights for any dormer windows and rooflights that could possibly be introduced and any additional windows or doors, other than those detailed on the submitted drawings, which may lead to concerns over loss of privacy.

Highway Matters

- 7.7 The Local Highway Authority advises that there seems to be no guarantee that the bungalow will be served off the residential estate and that it could be constructed separately and served by a separate single access. This is not the case as the proposals would clearly not allow for such and access is detailed onto the estate road which has its visibility splays governed by the permission for that development. The conditions to secure the proper laying out of the access road and provision of visibility splays can be repeated for this

application. The Local Highway Authority advises that it appears that appropriate space is available to provide sufficient parking provision for the new dwelling, based on the submitted layout, and this can be required as a condition of any planning permission.

Flooding and Drainage

- 7.8 Whilst drainage of the residential estate is an emotive issue, the location of the proposed bungalow is such that it is not considered to interfere with existing land drainage. The routing of the sough has been identified as being where it enters and exits in the south west corner of the application site. No development is proposed. Nevertheless, this will be a matter to be addressed through building regulations.

Climate Change

- 7.9 The application does not set out how the development would seek to mitigate against climate change to address Policy PD7 of the Adopted Local Plan (2017) and guidance given the District Council Climate Change Supplementary Planning Document (2021). The orientation of the dwelling will allow for effective use of solar panels and there would be opportunities for other provision such as heat pumps which could be integrated into the development. To this end, it is considered reasonable to require details of such mitigating measures be submitted for approval in writing by the Local Planning Authority.

Conclusion

- 7.10 Whilst this can be construed as backland development, the proposed bungalow relates to the estate development in how it is approached and access is not sought past Heather View. Whilst the characteristic, deep rear garden would be impacted upon, it is considered that being at the end of the streetscene, and its context to the new estate, that this impact on the underlying character and appearance of the area is somewhat mitigated. It is also considered that, whilst there will be some impact on amenity as a result of the development, that this can be mitigated against with ensuring the floor levels of the building area appropriate and that there is appropriate boundary treatment.
- 7.11 Given the above, it is recommended that planning permission be granted subject to conditions with regards to floor level, climate change mitigation, materials and detailing, parking provision, boundary treatment, the removal of permitted development rights for alterations and extensions to the bungalow and that no outbuildings are erected without the permission of the Local Planning Authority.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Condition ST02A Time Limit on Full

Reason:

Reason ST02A

2. Before the first occupation of the dwelling, full details of the access route and associated visibility splays onto Whitelea Lane shall be submitted to and approved in writing by the Local Planning Authority and shall then be provided prior to the first occupation of the dwelling.

Reason:

In the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before the space has been provided within the application site in accordance with the application drawings for the parking (of 2 vehicles) and manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure the provision of adequate off road parking in the interests of highway safety in accordance with policies S3, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

4. The stone work to the dwelling shall be tumbled Birchover stone to 150mm bed heights with at least three random lengths and without quoins, unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

5. The roofing materials of the development shall match those currently used on the residential estate site, off which the access to the proposed bungalow would be served, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. The render shall match that of the dwellings on the residential estate site, off which the access to the proposed bungalow would be served, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finish to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

7. The verges, eaves, window, door, garage door and rainwater goods shall match that of the bungalows on the residential estate site off which the access to the proposed bungalow would be served, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an appropriate finishes to the development in accordance with policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before the slab level is formed, details of measures to be incorporated in the development to mitigate the impact of the development on climate change, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details prior to its occupation.

Reason:

To mitigate the impact of the development on climate change in accordance with policies S1 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) and in accordance with guidance contained in the District Council's Climate Change Supplementary Planning Document (2021).

9. Construction work, deliveries and other activities on or to the site shall only be carried out between the hours of 0800 and 1800 on Mondays to Fridays; 0900 to 1300 on Saturdays and no working on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason:

To protect the amenity of the occupants of nearby dwellings in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to the bungalow being constructed to floor slab level, finished site levels and contours shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason:

Given the proximity of the dwelling to neighbouring residential 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).

11. Prior to the bungalow being constructed to floor slab level, all means of enclosure during construction, and the means of enclosure once the bungalow is occupied, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details prior to the bungalow being first occupied and thereafter retained and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason:

Given the proximity of the dwelling to those existing 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).

12. Prior to being laid, samples of the proposed hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

Reason:

To ensure a satisfactory hard landscaped setting for the development in accordance with Policies S1, S3, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations shall be carried out to the dwelling, and no outbuildings, sheds or other structures erected within the curtilage, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

Given the proximity of the dwelling to those existing 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. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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.
3. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
4. This decision notice relates to the following documents:

Drawing Nos. 2202-P01 Rev. A, P02 and P03 received on 17th March 2022
Design and Access Statement received on 17th March 2022.