

Planning Committee 14th November 2023

APPLICATION NUMBER		23/00768/FUL	
SITE ADDRESS:		Land Off Thatchers Croft, Thatchers Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Erection of 4no. dwellinghouses	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr James Neville
PARISH	Tansley	AGENT	
WARD MEMBERS	Cllr. S. Flitter Cllr. D. Hughes Cllr. J. Linthwaite	DETERMINATION TARGET	13 th October 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development under construction

MATERIAL PLANNING ISSUES

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

RECOMMENDATION

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

1. THE SITE AND SURROUNDINGS

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



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the dwellinghouses (Plots 1-4) further to their approval in terms of siting and layout under hybrid planning permission (ref: 20/00037/FUL). The reason for this submission is because the dwellinghouses are currently under construction with the reserved matters of the external appearance of these dwellinghouses not having not been submitted. The dwellings are also set in line with each other, as opposed to Plots 1 and 2 being stepped back from Plots 3 and 4, as detailed with the hybrid application.
- 2.2 The proposal is that the dwellinghouses would be two storey and semi-detached. The accommodation is proposed to comprise a kitchen/dining room, living room and wc on the ground floor. A two bedroomed dwelling is proposed to be attached to a one bedroomed dwelling (Plots 1 and 2). A two bedroomed dwelling is also proposed to be attached to a three bedroomed dwelling (Plots 3 and 4). All would have first floor bathrooms. At the request of the Case Officer, an amended plan has been submitted in order that the bathroom to Unit 1 is moved to the rear and the bedroom put to the front to avoid obscure glazing on the front elevation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S2 Settlement Hierarchy
 - S3 Development within Defined Settlement Boundaries
 - S7 Matlock, Wirksworth, Darley Dale Development Area Strategy
 - S10 Local Infrastructure Provision and Developer Contributions
 - PD1 Design and Place Making
 - PD3 Biodiversity and the Natural Environment
 - PD4 Green Infrastructure
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - PD8 Flood Risk Management and Water Quality
 - HC1 Location of Housing Development
 - HC2 Housing Land Allocations
 - HC4 Affordable Housing
 - HC11 Housing Mix and Type
 - HC14 Open Space and Outdoor Recreation Facilities
 - HC15 Community Facilities and Services
 - HC17 Promoting Sport, Leisure and Recreation
 - HC18 Provision of Public Transport Facilities
 - HC19 Accessibility and Transport
 - HC20 Travel Demand Management
 - HC21 Car Parking Standards
- 3.2 Derbyshire Dales District Council - Landscape Character and Design Supplementary Planning Document (2018)
- 3.3 Derbyshire Dales District Council – Developer Contributions Supplementary Planning Document (2020).
- 3.4 Derbyshire Dales District Council – Climate Change Supplementary Planning Document (2021).

3.5 National Planning Policy Framework

3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

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

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - object to the parking area which runs the length of the front of the home
- the movement of vehicles which will have to either reverse in or out of the designated spaces will be a hazard for residents living in the adjacent social homes - there appears to be no thought for the safety of the children on the development, many who play in the street owing to the lack of garden space
 - design of the development fails to provide little green infra structure or amenity space for families
 - no indication within the application of the maintenance of the access road or surface water drains
 - request this application goes to Committee, as there is inadequate information related to the maintenance of infra structure and too many issues for delegation.

Local Highway Authority

- 5.2 - no objections to the proposed development from a traffic and highway point of view.

Derbyshire Wildlife Trust

- 5.3 - site has been significantly cleared under hybrid planning reference 20/00037/FUL and do not consider that update ecological surveys would be necessary or proportionate in this instance
- precautionary measures for wildlife during construction remain applicable, including a nesting bird condition, for any trimming of the trees towards the western boundary of the site
 - biodiversity enhancement measures are recommended.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Policy Principle

- 7.1 The wider site is currently under construction as a development of 17 dwellinghouses. The proposal does not alter the number of dwellings approved; it merely seeks full planning permission for the 4 dwellinghouses instead of submitting a reserved matters application. Having established the general siting of the dwellinghouses and their scale as part of the

hybrid planning permission, the matters for assessment are the character and appearance of the proposed dwellinghouses and any impacts that they may have on amenity by way of their design detail.

- 7.2 The wider residential development is subject to a Section 106 Agreement, for affordable housing provision, open space/play area provision and a financial contribution towards education provision. Whilst the proposal does not increase or reduce the number of dwellings approved, it is nevertheless considered that the dwellinghouses should be similarly subject to the legal agreement, for the avoidance of doubt, and this can be subject to a linking legal agreement.

Impact on the Character and Appearance of the Area

- 7.3 In terms of its character and appearance, the dwellinghouses are proposed to reflect on the materials, scale and form of other dwellings approved in full, some of which are now completed and occupied on the wider site. To this end, it is considered that the character and appearance of the dwellinghouses is acceptable.

Impact on Residential Amenity

- 7.4 The proposed dwellinghouses are not considered to have an impact on the amenity of existing properties around the application site, as assessed with the layout approved under the hybrid application, and the positioning of windows and doors do not cause a loss of amenity with respect to the overlooking and privacy of neighbouring properties. Within the site, the interrelationship and scale of the dwellinghouses is not considered to significantly harm the amenity of the dwellinghouses under construction, or to be constructed on the wider development site.
- 7.5 The Parish Council consider that the design of the development provides little green infrastructure or amenity space for families. Each property has a rear garden space and there is an equipped play facility within the wider residential development.

Highway Matters

- 7.6 The Parish Council object to the parking area, which runs the length of the front of the homes and there are three double bays of parking to the east of Plots 1-4. However, frontage parking was previously approved and the revised scheme has enabled the dwellinghouses to be moved further away from the boundary to the west by taking away parking to the side of dwellings. There is some break between the parking areas with the front garden to Plot 4. The parking arrangement has also allowed for the dwellings to the east to be brought forward as a screen to the parking spaces to the side when approaching the development along Thatchers Croft.
- 7.7 The Parish Council also raise concern that the movement of vehicles which will have to either reverse in or out of the designated spaces and will be a hazard for residents living in the adjacent social homes and that there appears to be no thought for the safety of the children on the development, many who play in the street owing to the lack of garden space. However, such a general arrangement for parking has been previously approved and the Local Highway Authority has assessed the proposals and advised of no objection and a reason for refusal could not be substantiated in this respect.

Trees and Landscaping

- 7.8 The original proposals were assessed by the District Council's Arboriculture and Landscape Officer in the consideration of the hybrid planning application. It was 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.

- 7.9 It was 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.
- 7.10 To this end, the applicant has advised that there are two mature pine trees, but that are relatively small in height, within the garden adjacent to Plot 1 and that these are located to the other side of a culvert which has limited root growth towards the dwelling. It is also advised that a mains electricity cable was previously dug to a depth of approximately 1.2m along the boundary of the site some 14 years ago and would have cut through roots growing in the direction of Plot 1.
- 7.11 The applicant advises that the diameter of the trunks would necessitate a root protection area of 5.4m and Plot 1 is located outside of this area and no roots were located. The applicant advises that his arboriculturalist visited the site on two occasions and no concerns were raised.

Ecology

- 7.12 Derbyshire Wildlife Trust has assessed the application and have requested that a Biodiversity Enhancement Plan be submitted, as a condition of any planning permission, to achieve a net gain in biodiversity in accordance with the NPPF 2023 and conditions with regard to protected species. However, it is considered that such matters controlled under Conditions 7, 8 and 9 of the hybrid planning permission to which any grant of planning permission would need to be linked.

Conclusion

- 7.13 Given the above, it is recommended, subject to a legal agreement linking the plot to the existing Section 106 Agreement and planning permission for the wider site (ref: 20/00037/FUL, that planning permission be granted subject to conditions with respect to the materials of the proposed buildings matching those approved in the discharge of conditions under the hybrid planning application, and currently being used in the construction of the development. There is also a need to secure the parking provision and to highlight that the internal layout of Plot 1 should be in accordance with the amended plan. It is again considered reasonable to remove permitted development rights, as was the case with the hybrid planning permission, given that uncontrolled alterations may have an impact on the character and appearance of the buildings and the amenity of neighbouring properties. However, it is not considered necessary to attach all the conditions attached to the hybrid planning permission, given that these will need compliance under that permission.

8. RECOMMENDATION

Subject to the dwellings being linked to the Section 106 Legal Agreement attached to hybrid planning permission 20/00037/FUL, that planning permission be granted subject to the following conditions:

1. This planning permission relates to Drawing Nos. P336 and 37 received on 18th August 2023, except as amended by Drawing No. P14 received on 11th October 2023 and except insofar as required by other conditions to which this permission is subject.

Reason:

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

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

Reason:

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

3. The dwellings, the subject of the permission, shall not be occupied until the space has been provided within the application site, in accordance with the application drawings for the parking of residents' 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 to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

Given the proximity of the 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 Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the position of the bathroom window on the front elevation to Plot 1.
- 1.
2. This decision notice relates to the following documents:

Drawing Nos. P33, 35, 36 and 37 received on 18th August 2023

Amended Drawing No. P14 received on 11th October 2023

Additional Information received on 11th October 2023.