



Planning Committee 14th November 2023

APPLICATION NUMBER		23/00912/FUL	
SITE ADDRESS:		Land Off Thatchers Croft, Thatchers Lane, Tansley	
DESCRIPTION OF DEVELOPMENT		Erection of 2no. single storey 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	18 th October 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposed development in its context

MATERIAL PLANNING ISSUES
<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

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 to provide detail of two dwellings (Plots 14 and 15) approved under hybrid planning permission (ref: 20/00037/FUL), to address matters of appearance. The reason for this submission is because the dwellings are currently under construction with the reserved matters of the external appearance of these dwellinghouses not having not been submitted. In addition, the proposed dwellings are of a different layout to that approved with the hybrid permission.
- 2.2 The proposal is that the dwellinghouses would be detached bungalows. The accommodation is proposed to comprise a kitchen/dining room, living room, hallway, bathroom, a master bedroom with ensuite, a second bedroom and a third bedroom/study. The bungalows essentially have a front to back gabled element with gable projection off to the side and a gable projection extending forward off that. Plot 15 is a handed version of Plot 14.

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 Granted
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

5. CONSULTATION RESPONSES

Parish Council

- 5.1
- would like to see plans which give a true representation of plans passed at Committee
 - object to the piecemeal development which Officers are enabling at this location
 - the two proposed homes appear larger than the original, taking up more of the land and providing less amenity space
 - appear very cramped, with no garages or outdoor storage
 - proposed properties overlook and overshadow the proposed social homes taking away any privacy in the gardens of the proposed adjacent dwellings
 - DCC Highways question/have concerns related to the proposed driveways which they say appear to be using space from the cul de sac (eating into the highway)
 - have concerns related to the lack of parking and the fact cars will not be able to turn within their own curtilage meaning to exit driveways cars will have to reverse into the cul de sac
 - a swept path plan for the cul de sac is still not available on-line
 - question where visitors will park
 - front gardens appear to be non-existent
 - there is no maintenance agreement which covers highways and drainage
 - assume the Section 106 agreement will cover these proposed dwellings
 - requests that because of so many unresolved issues the application goes to Committee.

Local Highway Authority

- 5.2
- application site forms part of a previous application 20/00037 and is on land which was shown for 2 smaller dwellings
 - the parking looks like it may overlap the turning head
 - assuming this is an oversight on the drawing, there are no highway objections to the proposal
 - the proposed parking will need to be constructed prior to the dwellings being occupied and maintained as such throughout the life of the development.

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

Principle of Development

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

bungalows, the character and appearance of the proposed dwellings 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 character and appearance, the bungalows 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.
- 7.4 Concern has been raised with regard to the bungalows appearing cramped on the site. However, these are single storey buildings which would be suitable for elderly persons or persons with mobility difficulties and the extent of curtilage in relation to the size of the dwelling is considered acceptable in this respect. These bungalows are also set within a housing development that has quite closely interrelated properties in part. To this end, it is considered that the character and appearance of the bungalows is acceptable.

Impact on residential amenity

- 7.5 The proposed dwellinghouses are not considered to have an impact on the amenity of other proposed properties around the application site, as assessed with the layout approved under the hybrid application. Whilst the positioning of windows on the north elevation to Plot 14 will look directly towards the house to the north of the plot, it is considered, with an appropriate boundary fence height, of up to 2m, that overlooking and a loss of privacy will not result from looking out of the kitchen/dining room window and would not cause a loss of amenity with respect to the overlooking and privacy of the neighbouring properties.

Highway Matters

- 7.6 The Local Highway Authority has assessed the application and raised initial concerns with regard to the layout not corresponding to the layout plan approved with the hybrid planning application; the layout plan has been amended accordingly.

Conclusion

- 7.7 Given the above, it is recommended, subject to a legal agreement linking the plot to the existing Section 106 Agreement and planning permission for the wider site (ref: 20/00037/FUL, that planning permission be granted subject to conditions with respect to the materials of the proposed buildings matching those approved in the discharge of conditions under the hybrid planning application and currently being used in the construction of the development. It is again considered reasonable to remove permitted development rights, as was the case with the hybrid planning permission, given that uncontrolled alterations may have an impact on the character and appearance of the building 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.

6. RECOMMENDATION

Subject to the dwelling 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 the Block Plan Drawing Nos. P33, P41 and P42 received on 23rd August 2023 and Amended Drawing No. P2A received on 6th October 2023 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 layout of the site and turning area.

2. This decision notice relates to the following documents:

Drawing Nos. P33, P41 and P42 received on 23rd August 2023

Amended Drawing No. P2A received on 6th October 2023

Additional information received on 11th October 2023.