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Ctte Date: 19th November 2018

File No: CHE/18/00436/REM
Plot No: 2/760

ITEM 1

RESERVED MATTERS APPLICATION FOR CHE/15/00344/OUT - ERECTION OF 26 DWELLINGS (REVISED PLANS RECEIVED 29/07/2018 and 18/10/2018) AT LAND TO REAR OF 292 MANOR ROAD, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR ARNCLIFFE HOMES LTD.

Local Plan: Unallocated
Ward: Brimington South

1.0 CONSULTATIONS

DCC Highways	Comments received 06/08/2018 and 06/11/2018 – see report
DCC Archaeology	No comments received
Design Services	Comments received 24/07/2018 - see section 5.4
Yorkshire Water Services	Comments received 23/10/2018 – see section 5.4
Urban Design Officer	Comments received 18/07/2018 – see report
Crime Prevention Design Advisor	Comments received 20/07/2018 and 06/11/2018 – see report
Lead Local Flood Authority	Comments received 08/08/2018 and 29/10/2018 – see section 5.4
Housing Services	No comments received
DCC Strategic Planning	No comments received
Derbyshire Wildlife Trust	Comments received 06/08/2018 – see section 5.4
Forward Planning	Comments received 03/08/2018 – see report
Environmental Services	Comments received 19/07/2018 and 01/11/2018 – see section 5.4
Brimington Parish Council	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Five representations received

2.0 **THE SITE**

2.1 The application site comprises some 0.97 hectares of land to the west of Manor Road off Brimington Common. The site is an irregular shaped piece of land, which is currently in agricultural usage as a poultry farm and an existing residential bungalow (No 292 Manor Road). The site comprises open grass land, hardstanding's and building of varying sizes which make up the poultry business operating from the site.

2.2 The site is surrounded on all sides by existing residential development. To the north are the rear gardens of housing facing onto Grove Road; to the east are houses fronting onto Manor Road; to the south are houses on the cul de sac of both Melville Crescent and Southmoor Close; and to the west are the rear boundaries of houses fronting onto Grove Gardens.



2.3 The site is contained by the existing hedges, trees and domestic boundaries on all side; with a stone wall and gated entrance to the site from Manor Road.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/1193/0644 – Erection of egg packing building. Approved on 10/02/1994.
- 3.2 CHE/0396/0145 - Replacement poultry house. Approved on 16/05/1996.
- 3.3 CHE/1197/0632 - Extension to front of bungalow. Approved on 22/01/1998.
- 3.4 CHE/0403/0311 – Extension to bungalow. Approved on 06/06/2003.

3.5 CHE/15/00344/OUT – Outline application for residential development. Approved subject to S106 on 29/03/2016.

4.0 **THE PROPOSAL**

4.1 In March 2016 planning permission was granted in outline for the redevelopment of the entire application site comprising the demolition of the existing bungalow and all the buildings associated with the poultry business for the erection of up to 30 dwellings on site with all matters except for means of access being reserved.

4.2 This is an application which seeks reserved matters approval for that outline planning permission for the erection of 26 no. detached and semi-detached dwellings by Arncliffe Homes Ltd.

4.3 The application submitted is supported by the following list of plans / documents (as revised 29 July 2018 and 18 October 2018):

~~5028 A 00 10 – SITE LOCATION PLAN~~

5028 A 00 10 – SITE LOCATION PLAN (rec'd 29/07/2018)

Site Layout

~~5028 A 90 01 C02 – HARD LANDSCAPING PLAN~~

5028 A 90 01 C02 – HARD LANDSCAPING PLAN (rec'd 29/07/2018)

~~5028 A 00 02 C02 – SOFT LANDSCAPING PLAN (rec'd 29/07/2018)~~

5028 A 90 01 C04 – HARD LANDSCAPING PLAN (rec'd 18/10/2018)

5028 A 00 02 C04 – SOFT LANDSCAPING PLAN (rec'd 18/10/2018)

House Types

~~5028 A 00 01 C01 – BIRKDALE HOUSE TYPE~~

~~5028 A 00 02 C01 – BIRCH HOUSE TYPE~~

~~5028 A 00 03 C03 – MULBERRY HOUSE TYPE~~

~~5028 A 00 04 C01 – RICHMOND HOUSE TYPE~~

~~5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE~~

~~5028 A 00 06 C01 – WENTWORTH HOUSE TYPE~~

~~5028 A 00 07 C01 – WOBURN HOUSE TYPE~~

5028 A 00 01 C02 – BIRKDALE HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 02 C01 – BIRCH HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 03 C01 – MULBERRY HOUSE TYPE (rec'd 18/10/2018)
5028 A 00 04 C01 – RICHMOND HOUSE TYPE (rec'd 18/10/2018)
5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE (rec'd 18/10/2018)
5028 A 00 06 C02 – WENTWORTH HOUSE TYPE (rec'd 18/10/2018)
5028 A 00 07 C02 – WOBURN HOUSE TYPE (rec'd 18/10/2018)

Documents

DESIGN AND ACCESS STATEMENT
PLANNING STATEMENT JUNE 2018
BAT EMERGENCE SURVEY

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

- 5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/15/00344/OUT for residential development for the erection of up to 30 dwellings which was approved on 29/03/2016 subject to 29 no. planning conditions and a S106 agreement covering the provision of public art, affordable housing, an education contribution, management of green space and suds infrastructure.
- 5.1.2 The live outline permission enables applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 28/03/2019) and this reserved matters application concerns that development.
- 5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions and the S106 agreement the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered. Access was agreed at the time of the outline planning permission (subject to compliance with conditions 10 and 11 of that consent).

- 5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**
- 5.2.1 Having regard to design and appearance matters both the Council's Urban Design Officer and the Crime Prevention Design Advisory were consulted on the application submission. Their initial comments on the submission were fed back to the applicant which resulted in a revised scheme being submitted for consideration. The comments of both consultees are considered in the following commentary.
- 5.2.2 The current application seeks permission for 26 dwellings which equates to a gross density of 27dph and represents an appropriate density given the context of the surrounding area. The scheme proposes two-storey dwellings which is compatible with the scale of development in the surrounding area. The drawings and house types suggest a brick and tile construction with stone window heads and cill details, although there is currently no indication of colours or materials. Condition 25 of the outline planning permission requires such details to be submitted for approval prior to works commencing; and therefore this detail can be handled alongside any discharge of conditions application.
- 5.2.3 A single access continues to be shown to Manor Road and the form and layout of the site access road has been reviewed by the Local Highways Authority (see section 5.3 below) and is acceptable. The site has a relatively wide frontage with Manor Road and the layout shows two plots situated either side of the centrally positioned access road. This continues the building line of Manor Road and helps frame an entrance into the site. The enclosure of the frontage with a stone boundary wall will also assist in assimilating the development into the streetscene with Manor Road and these details are a requirement set out in condition 29 of the outline planning permission. The Hard Landscaping Site Layout Plan submitted indicates a 900mm stone wall annotation to this effect, but further details will be required by condition to demonstrate the actual detail of the wall to ensure these reflect the local coursing, style and character.
- 5.2.4 Soft Landscaping details have also been submitted (revised) and these indicate a combination of turf, low level hedges and select tree planting are to be deployed across the site. The soft landscaping has been amended to include three trees along the

frontage with Manor Road and hedge planting is now shown on most plot frontages. Margins between plots remain and are shown as grass, whereas additional shrub and hedge planting between driveways is recommended to assist in breaking up the presence of frontage parking and assimilating this into the streetscene more effectively. Overall there is an absence of detail of the submitted soft landscaping plan indicating species, type and numbers etc so these details will need to be expanded upon in order to be acceptable. An appropriate planning condition will need to be imposed on any reserved matters approval to secure this detail and it is assumed this will be formulated by an appropriate landscape architect / contractor appointed by Arncliffe Homes once the site layout is finalised and agreed.

- 5.2.5 In respect of proposed garden sizes the proposed development comprises both two and four bedroom properties. Accordingly guidance within the residential design SPD, Successful Places (2013) recommends that new development should achieve or exceed minimum rear garden sizes to ensure an appropriate level of amenity space is available for the occupants of each dwelling. Two-bed units should have a single usable garden area of a minimum of 50sqm and four bed units 90sqm and the layout submitted shows that the plots mainly exceed the minimum requirements and are therefore acceptable.
- 5.2.6 Having regard to the relationship created to neighbouring properties the site is bounded by residential development on three sides, as such it is necessary to ensure the proposals do not adversely impact the amenity of adjoining occupiers. Guidance within the residential design SPD, Successful Places (2013) recommends appropriate separation distances between existing neighbouring properties and new development. In this case these distances between all boundary sharing plots and neighbouring properties have been assessed and all plots are within tolerable distances set out in the SPD (having regard to acute angles and garden boundaries etc).
- 5.2.7 As submitted the development proposals comprise 7 no. house types which are laid out around a centre access road and 2 no. cul de sac spurs. Key urban design considerations centre on identification of key corner plots to the development layout, focal points / terminating vistas, parking layout and boundary treatments.

- 5.2.8 The layout includes a number of corner plots (notably plots 1, 3, 12 and 26) and revisions were sought to these plots to introduce corner turning house types or windows to side elevations. The revisions submitted introduced some changes to these house types to include smaller slip windows in these elevations however it is considered that a more substantial intervention should still be introduced to plots 1 and 26 in particular to frame the entrance into the development site. Ideally GF bay windows are recommended to add a feature of interest, but this could take the form of enhanced fenestration details to create a stronger dual aspect design to these plots. In the absence of an agreed amendment to this effect a suitably worded condition can be imposed to enable these subtle changes to be made and agreed.
- 5.2.9 The key focal point to the scheme focuses on plots 19 and 20, which are positioned at the end of the main access road and provide a terminating view in the site. Changes were suggested by the Urban Design Officer (UDO) and whilst the houses type to plot 19 was amended to reflect this, it is considered that this could be improved by handing the house type and relocating the driveway. In the absence of an agreed amendment to this effect a suitably worded condition can be imposed to enable these subtle changes to be made and agreed.
- 5.2.10 In respect of hard landscaping and in particular boundary treatments positioned further into the site a number of plots include side or rear garden boundaries adjoining street frontages. Close boarded timber fencing in such locations can detract from a pleasant streetscene and therefore these should be finished as brick walls rather than close board fencing to ensure an appropriate standard of finish along public frontages. The Section 106 Legal Agreement identifies c. £37k towards the provision of public art and given that the site contains no public space on which artwork might be sited it is recommended that this money could be spent enhancing boundary treatment to feature street frontages. The developer should consider the inclusion of front boundary treatments, such as bespoke artist designed railings, for plots as an acceptable use of the public art contribution. Further details of such can be agreed as an amendment to the already submitted hard landscaping plan, which is already recommended by condition to be expanded upon (see 5.2.3 above).

- 5.2.11 Overall if the above matters are taken into account and followed through in any subsequent revisions / details submitted under respective planning conditions it is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.
- 5.2.12 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design.
- 5.2.13 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

5.3 **Highways**

- 5.3.1 The **Local Highways Authority** (LHA) were consulted on the initial outline application in 2015, which sought approval of the site access as part of that permission. The outline permission considered that the access shown was acceptable and the permission was granted subject to conditions which included several relating specifically to highway matters.
- 5.3.2 Notwithstanding the above the reserved matters detail the subject of this application seeks to amend the position of the access and this must be considered by the LHA again alongside the proposed design and layout on the internal access roads / turning heads (particularly if the developer intends for the access road to be considered for highway adoption in the future).
- 5.3.3 Initially the LHA provided feedback on the site layout plan as submitted, seeking revisions to the alignment of the new site access and the layout and geometry of the proposed estate roads to meet current guideline. These comments were forwarded onto the applicant to address and in consultation with the LHA this

resulted in a revised package of drawings / proposals being submitted for consideration (18 October 2018).

5.3.4 The LHA subsequently provided the following comments on the revisions:

'The access and estate street layout have been revised in line with my previous highway comments – on this basis the proposals are now considered acceptable in principle from a highway safety viewpoint. The highway related conditions previously recommended, and included in the approved outline permission, are still valid, however, I would recommend the following additional conditions are included in any reserved matter consent, to reflect the current access and layout arrangements:-

- 1. Prior to any development exceeding demolition or site clearance taking place on site the permanent access to Manor Road shall be laid out in accordance with drawing number (90)01 – Revision C04, comprising a minimum carriageway width of 5.5m, a 6.8m inlet radius and 8m exit radius. The access shall be provided with 2.4m x 50m visibility sightlines in each direction, or other such dimension as may be agreed in writing with the Local Planning Authority, the sightline being taken up to 1m into the nearside carriageway at the extremity of the splay; the area in advance of these sightlines being laid out as part of the street and not part of any adjoining plot or other sub-division of the site.*
- 2. The internal estate street shall be laid out in accordance with drawing number (90)01 – Rev C04.*

In addition to the above conditions I would be grateful if the advisory notes, included in the highway consultation response dated 9th October 2015, could be included in any decision notice issued, as this provides useful informative advice for the applicant.'

5.3.5 Having regard to the comments made by the LHA above it is considered that in the context of policies CS2, CS18 and CS20 of the Core Strategy the proposed layout of the development is acceptable in principle. The LHA will continue to be involved in the construction approval of the internal road layout (as it is intended that the estate streets are to be adopted – S38 agreement).

5.4 **Technical Considerations**

- 5.4.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the detailed matter thereof will be dealt with under a discharge of conditions applications which are yet to be submitted for consideration. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised will be dealt with separately in connection with each planning condition / discharge of conditions application.
- 5.4.2 Under the provisions of condition 8 of the outline planning permission a bat emergence survey was submitted concurrently with this application. This survey was forwarded to Derbyshire Wildlife Trust for review who confirmed, *'The survey was undertaken in accordance with standard guidelines and did not record any roosting bats. As such, mitigation or licensing is not required. As mentioned in my letter, we would encourage ecological enhancements to result in net biodiversity gain and suggest that three of the dwellings have integral bat boxes (e.g. Schwegler 2FR or Habibat boxes) and three have sparrow terraces. Hedgehog gaps would also be beneficial and can be easily incorporated through cutting small holes in fence panels or using preformed gravel boards in a selection of gardens'*.
- 5.4.3 Having regard to the comments made by DWT above, it is ordinary practice to require ecological enhancement measures to be incorporated into new building fabric (such as bat brick and bird boxes etc) and it is noted that these have not been detailed in the house types provided. It is therefore considered to be necessary to impose an addition condition on any approval to require these additions to be made.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 13/07/2018; by advertisement placed in the local press on 26/07/2018; and by neighbour notification letters sent on 17/07/2018 and 22/10/2018.

6.2 As a result of the applications publicity there have been five letters of representation received as follows:

8 Southmoor Close

Thank you for the further opportunity to comment on the proposed residential development at 292 Manor Road, Brimington. We live in a neighbouring property at 8 Southmoor Close, Brimington, on the south-west corner of the proposed development. I have reviewed the new documents provided in this reserved matters phase of the planning approval including the updated location, site layout and soft landscaping plans.

When I responded to the outline planning application in June 2015 my only concern was that, as part of the residential development, the tall hawthorns on the south-west boundary be maintained with the same consistency as those on the southern boundary. Mr Hawkins initially disputed responsibility, suggesting that these were part of 20 Grove Gardens. He eventually conceded to my request and provided one cutting to remove growth resting on our fragile garage roof. No further cutting or maintenance has occurred since 2015 and this hawthorn is beginning to infringe on the garage roof again, see photo attached. I will ask Mr Hawkins to tend to this. The soft landscaping plan does not show whether the existing hedgerow, including these hawthorn, will be kept. I am assuming that they will be removed as they will overwhelm the rear garden of plot 16 in the layout plan. If they are to be kept the developer should undertake to cut and maintain them to prevent encroachment on neighbouring properties. Otherwise I have no objection to the residential development to proceed as proposed.

313 Manor Road

We are writing this letter to raise a few queries in respect of the above planning request, however we are not writing completely reject the planned work, only to raise some concerns and ensure they are dealt with before any approval is provided.

Firstly I would like some clarification as the conditional reason on the initial planning request CHE/15/00344/OUT and whether action has already been taken 3 years later to fix that problem.

We have been made aware of potential problems with the sewer system along Manor Road and to emphasise this the treatment / central point leaked raw sewage over the nearby field and flooded the Westwood stream. Please can you clarify that the sewer system is capable of the addition of new properties when is already has problems.

You have expressed the need for more children's places to be funded for the development; however funding will not provide actual places at the local infant school which is already at capacity.

As well as the sewage, the water infrastructure on Manor Road seems to be weak with the main water pipe at the end of Manor Road on the roundabout bursting twice. How will this development affect this infrastructure?

I live at 313 Manor Road and would like confirmation no yellow lines will be placed outside my home as I use this for parking and would not be happy if parking on our area of Manor Road was reduced.

Can you confirm if any investigation has been made about the bat population and what will be the plan if bats are found in the buildings?

Why after the 2015 application have the Leisure Services team not responded about Manor Road Park which has been left to rot and ruin. You have had three years to get a response from them as to the possibility of improvements to our park in relation to a large development of this size in this area.

As stated, we are not wholly against the development but would like to ensure that the plans are in place to rectify the concerns raised before approval is given.

304 Manor Road

I wish to lodge an objection to the aforementioned application on the following grounds:

1. Highway Safety: Manor Road is an extremely busy and congested road, there are currently three junctions Barry Road, Westwood Lane and Grove Road within 150 yards or less of the proposed site entrance. To add a further junction at this point would only serve to significantly increase the volume of traffic which is currently excessive at most times of the day. At peak times Manor Road becomes very dangerous. As an example the length of road between Grove Road and Barry Road and indeed right to the end at its junctions with Blacksmith Lane is straight and traffic consistently travels was above the statutory speed limit as there are no traffic calming on this section or indeed any cameras to deter speed. As a resident of the area for more than 30 years and having witnessed the volume of traffic increase annually to add to this, which this development most certainly would, is totally unacceptable.

2. Local Services: Also a residential development in an already highly populated area would only serve to add further pressure on existing services such as local schools and doctors surgeries wo are already highly pressurised like many other areas.

7 Melville Crescent

We are concerned to learn of the erection of 26 dwellings on land at 292 Manor Road and we raise an objection on the ground of over congestion on Manor Road.

Highway Safety Issues: we have lived here for over 20 years and found congestion on Manor Road a problem, particularly at peak times with people going to and from work and school. The problem is exacerbated by the fact that Manor Road is relatively narrow and often has parked cars along its length. Cars constantly overtake the parked vehicles and there is constant stopping and starting during the frequent times of congestion.

A new access road from the new development would create extra congestion and thus an extra hazard.

Summary: A large volume of traffic causing dangerous levels of congestion at peak times exacerbated by the need for vehicles to park ear the school; by traffic turning onto side roads and driveways and overtaking long rows of parked cars on Manor Road.

A new residential area would add to the problems.

14 Grove Gardens

Having studied the document, I have no real objection to the proposal but need to establish a few queries being: -

1. Our property has 3 nr mature trees in excess of 20yr age which may have potential light restrictions to rear gardens in respect of 18-20 due to them being circa 11 -12 m height at present. I'm concerned that at present on summer evenings this will shade the gardens of properties mentioned. Will the property have any rights to ask for these to be cut down, lopped etc. ?? These were originally planted by the house developer to block out the chicken farm. They will form a barrier to avoid on looking into our established garden.

2. We have concerns in relation to the demolition of the existing dwellings as some large structures are very close to our property boundaries (brick boundary wall). How will this be done to avoid damage?
3. We have concerns in relation to dust and vermin control. What restrictions will be put in place, once ownership of the land has passed to the developer.
4. What restrictions will there be on noise pollution, working hours etc as we would object to weekend working due to close proximity of the buildings and eventually new dwellings

6.3

Officer Response:

- A query is raised over the future responsibility for maintenance of any boundary treatments and soft landscaping. In this respect the maintenance liability of any boundary treatment will lie with whoever is conveyed the boundary responsibility. This may lie with existing neighbouring properties or the new dwellings depending upon ownership. These details will be determined by land registry records / conveyancing and are not dictated through the planning process.

- It is questioned whether the conditional requirements of the outline planning permission have been met, however this application concerns the second phase of the planning process (reserved matters) and therefore some of the outline planning permission conditions may not have yet been met due to development not yet commencing on site. Alongside any development commencing the details required by either conditions of the outline planning permission or indeed this reserved matters permission (if granted) will need to be the subject to a separate discharge of conditions application.

- It is queried whether the drainage details have been agreed, however these will be considered and agreed under the provisions of the outline permission conditions. Agreement of the system and the capacity / infrastructure in the local area will be the responsibility of Yorkshire Water Services and the Lead Local Flood Authority; who are consulted with on the conditions discharge details

- A comment is made over the purpose of the education contribution, as schools in the local area are already at capacity. The S106 education contribution is payable direct to Derbyshire County Council (as they are the education providing authority) and the contribution is ring-fenced to be spent upon providing additional capacity arising from the development.

- A concern over the introduction of double yellow lines in close proximity to the new site entrance is raised; however this is not proposed as a consequence of the development. Yellow lines are introduced under a Traffic Regulation Order by the Local Highways Authority and therefore any decision to introduce them would be down to them.

- A concern about the impact of the development upon the local bat population is raised, however the application is supported by a bat emergence survey which reveals the buildings on site are not being used for bat roosting. No bat mitigation is therefore necessary.

- A concern is raised over the lack of response from the Council's Leisure Services team and the need to upgrade play equipment at the local park. Under the provisions of the outline planning permission a leisure contribution could have been sought, but this was not requested. Any such request cannot be imposed on the developer retrospectively.

- Matters concerning traffic and highway safety are raised, however the site benefits from a live outline planning permission for up to 30 dwellings already. This application is in line with this live permission and therefore the principle of a new site access to Manor Road to serve a development of this scale cannot be revisited. The development layout has been appraised by the Local Highways Authority and is deemed to be acceptable.

- The presence of mature trees on a neighbouring site is questioned, as a worry they made be made to remove these for causing overshadowing to the new development. In this regard, the trees on a neighbouring property are not affected by the development proposals.

- Concerns are also raised regarding damage to neighbouring properties during the construction phase and concerns over noise, vermin and disruption. Any damage to a third party / neighbouring property will be matter between the developer and that person and is a private civil matter. Construction hours are controlled by a condition of the outline planning permission to protect the amenity of neighbouring properties and environmental law controls matters of dust and vermin.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be GRANTED subject to the following conditions:

Conditions

01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.

5028 A 00 10 – SITE LOCATION PLAN (rec'd 29/07/2018)

Site Layout

5028 A 90 01 C04 – HARD LANDSCAPING PLAN (rec'd 18/10/2018)

5028 A 00 02 C04 – SOFT LANDSCAPING PLAN (rec'd 18/10/2018)

House Types

5028 A 00 01 C02 – BIRKDALE HOUSE TYPE (rec'd 18/10/2018)

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5028 A 00 03 C01 – MULBERRY HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 04 C01 – RICHMOND HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 06 C02 – WENTWORTH HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 07 C02 – WOBURN HOUSE TYPE (rec'd 18/10/2018)

Documents

DESIGN AND ACCESS STATEMENT
PLANNING STATEMENT JUNE 2018
BAT EMERGENCE SURVEY

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

02. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape

maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

03. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

04. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the building.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

05. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, further details of a package of ecological enhancement

measures to be implemented on site to provide a net biodiversity gain across the site.

Ecological enhancement measures shall include bird and bat boxes; and hedgehog gaps through boundary fences.

Only those details agreed in writing shall be implemented on site prior to the development hereby approved being brought into first use.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of promoting biodiversity enhancement and the area as a whole.

06. Notwithstanding the details submitted prior to commencement of development of any individual plots / dwellings revisions shall be made to plots 1, 19, 20 and 26 to address the following:

- Side / access road facing elevations of plots 1 and 26 shall be amended to include enhanced fenestration details to give these dwellings a dual aspect design incorporating feature / bay windows.

- Plots 19 and 20 amended to provide an enhanced terminating view / vista which is not focussed on driveway parking / integral garages.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

07. Prior to any development exceeding demolition or site clearance taking place on site the permanent access to Manor Road shall be laid out in accordance with drawing number (90)01 – Revision C04, comprising a minimum carriageway width of 5.5m, a 6.8m inlet radius and 8m exit radius. The access shall be provided with 2.4m x 50m visibility sightlines in each direction, or other such dimension as may be agreed in writing with the Local Planning Authority, the sightline being taken up to 1m into the nearside carriageway at the extremity of the splay; the area in advance of these sightlines being laid out as part of the street and not part of any adjoining plot or other sub-division of the site.

Reason – In the interests of highway safety.

08. The internal estate street shall be laid out in accordance with drawing number (90)01 – Rev C04.

Reason – In the interests of highway safety.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission to which any developer should also refer.