

ITEM 3

Variation of condition 1 of CHE/18/00190/REM (residential development on 3.66 hectares of land up to 75 dwellings including means of access) to amend boundary treatment plan and the planning layout to reflect the boundary change (changing of 1.5m Timber Fence with 0.3m Trellis to change to 1.8 Screen fence) on land at Cranleigh Road, Woodthorpe, Chesterfield for Avant Homes (Central).

Local Plan: Unallocated
Ward: Lowgates and Woodthorpe
Plot No:

Committee Date: 26th September 2022

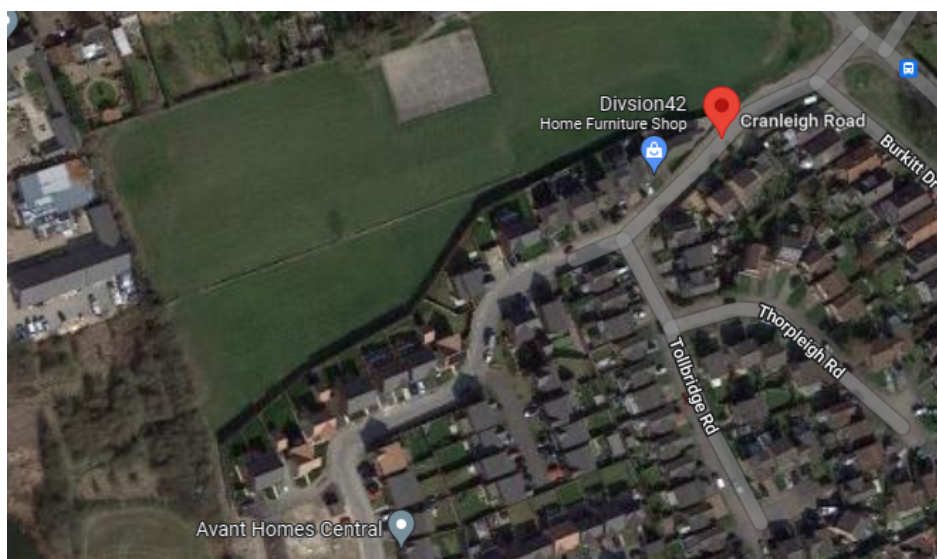
CONSULTATIONS

Highway Authority – no comments to make

Representation – one received, see section 6.0 below

2.0 THE SITE

2.1 The application relates to a residential development site at Cranleigh Road which is now completed and appears to be largely occupied. The application relates to the northern boundary treatment of the site which backs onto the school playing fields.





The application relates to the northern boundary of the site highlighted in yellow

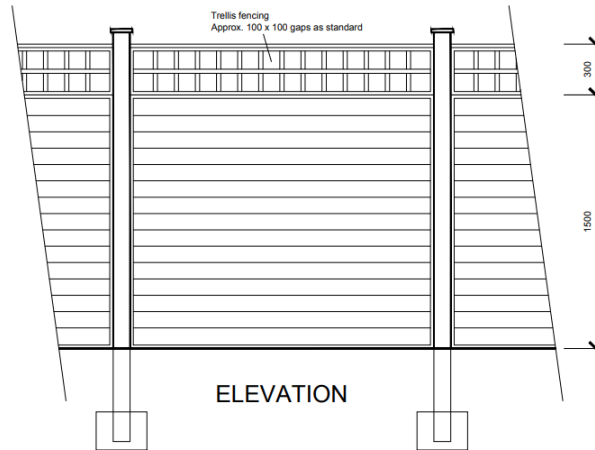
3.0 SITE HISTORY

- 3.1 CHE/18/00621/NMA Non material amendment to CHE/18/00190/REM (residential development) to substitute Cotham plot type for Chesham to include addition of front canopy and bay window – Unconditional permission 08.10.2018
- 3.2 CHE/18/00190/REM Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT - Outline application for residential development on 3.66 hectares of land up to 75 dwellings including means of access - Revised drawings received 13.06.18 and 14.06.18 - Conditional Permission 17.07.2018
- 3.3 CHE/14/00872/OUT Outline residential development on 3.66 hectares of land for up to 75 dwellings including means of access (revised travel plan received 12/03/2015 and geophysical survey received 19/03/2015) - Conditional Permission 04.09.2015
- 3.4 CHE/14/00393/EIA Environmental impact assessment for outline residential development for up to 90 dwellings including means of access on 3.7 hectares of land - Environmental Assessment Not Required 26.06.2014

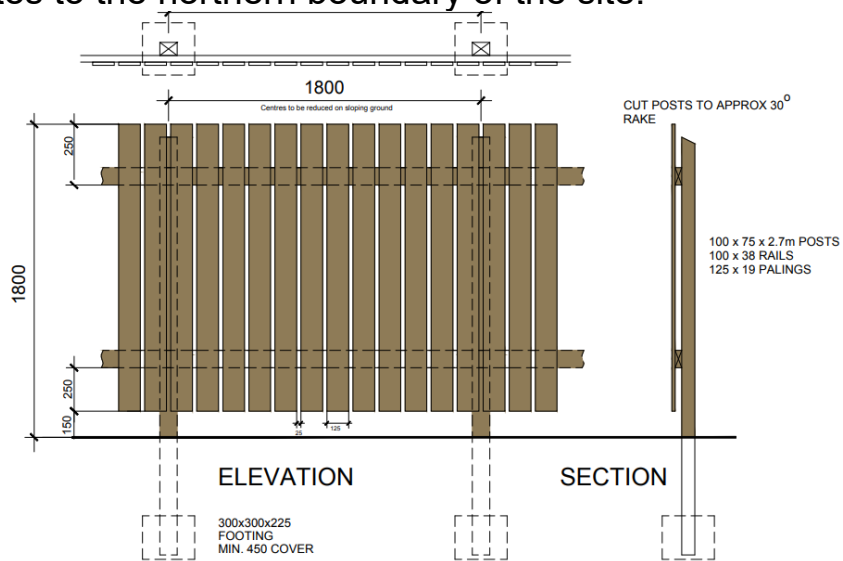
4.0 THE PROPOSAL

4.1 Planning permission is sought to retrospectively amend the boundary treatment to the rear of the dwellings located to the northern boundary of the site.

4.2 As originally approved the boundary treatment to the rear was to be a 1.8m fence with the top 0.3m having a trellis finish.



4.3 What has been constructed and is now proposed is a fence which is a 1.8m high vertical boarded fencing without the trellis top. This proposal only relates to the northern boundary of the site.



4.4 The fencing is in place as can be seen in the images below:



Seen between new properties on Cranleigh Road

Northern boundary as installed on site.



4. The context for existing development along this northern boundary to the playing fields is shown below:



5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP22 Influencing the Demand for Travel

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

5.4 **Key Issues**

- Design and appearance
- Impact on residential amenity;

5.5 **Design and Appearance**

5.5.1 The only issue to consider as part of this application is the impact of the change to the rear boundary treatment.

5.5.2 In terms of the visual impact of this change of boundary treatment Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

5.5.3 As can be seen from the images above the treatment to this northern boundary varies considerably along the edge of the playing field. The fence now in situ is also above a retained ground level with blockwork to the walling. In this regard it is considered that the boundary treatment now in place is acceptable and does not result in undue adverse impacts to the visual amenity of the area. The proposal is therefore acceptable in line with policy CLP20 of the Adopted Local Plan.

5.6 Impact on Residential Amenity

5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.6.2 The proposed boundary treatment being of the same height as that originally approved is not considered to result in additional or harmful impacts to local residents. In this regard the proposal is acceptable in line with policy CLP14 of the Adopted Local Plan.

6.0 REPRESENTATIONS

6.1 One comment has been received from a local resident:
I have serious concerns about the planning application by Avant Homes to build a solid wood 1.8m high fence at the front of 15 Cranleigh Road. The fence would be from the house to the pavement and would totally obscure our view of the road and pavement from the Avant estate when exiting our driveway. I feel such a fence would increase the possibility for a pedestrian/car collision so should not be allowed on safety grounds.

6.2 In response to these comments it should be noted that there is no proposed change to the frontages of any of the dwellings on Cranleigh Road. The change is to the northern rear boundary of the properties only. In this regard the highway authority has noted no comment on the application as there is no impact on highway safety.

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.

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 2019 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

9.1 The proposed northern boundary treatment is considered to be acceptable and is recommended for approval. As this is an application to vary the conditions of the original approval for the development the originally imposed conditions need to be updated as set out in the recommendation below.

10.0 RECOMMENDATION

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

10.2 Conditions

1. 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.

Planning Statement

Design and Access Statement

1806.01 Rev C - Planning Layout + Planning Layout (Colour)

1806.02 - Site Location Plan

1806.03 Rev A - Materials Plan

1806.04 Rev A - Street Scenes (Colour)

1806.05 Rev C - Cross Sections

1806.06 Rev Q - Boundary Plan (in relation to the northern boundary only as relating to this permission)

1806.ASY.01 - Ashbury Elevations / Floor Plans

1806.ASY.02 - Ashbury - Plot 12 Only

1806.AVY.01 - Avebury Elevations / Floor Plans

1806.BAN.01 - Barton Elevations / Floor Plans

1806.BIN.01 - Bishopton Elevations / Floor Plans

CHM/001 Rev B - Chesham Floor Plans

CHM/002 Rev B - Chesham Elevations

1806.KIN.01 - Kilmington Elevations / Floor Plans

1806.ROY.01 - Rosebury Floor Plans

1806.ROY.02 - Rosebury Elevations

1806.ROY.03 - Rosebury Elevations - Plot 44 Only

1806.ROY.04 - Rosebury Elevations - Dual Aspect

1806.WRY.01 - Wrenbury Elevations / Floor Plans

1806.WRY.01 - Wrenbury Elevations / Floor Plans

1806.G.01 - Single Garage Elevations /Floor Plan

Illustrative Landscape Masterplan - March 2018

R-2096-1 - Landscape Masterplan

1806.BT.01 - 1.8m Timber Screen Fence

1806.BT.02 - Brick Pier and Timber Panel

1806.BT.03 - 0.6m Post and 2 Rail Fence

1806.BT.04 - 1.5m Fence with Trellis

1806.BT.05 - 1.2m Metal Feature Railings

1806.BT.06 Rev A - Feature Wall - Plots 1 and 2

1806.BT.07 - Feature Wall - Plot 12

1806.BT.08 - 0.45m Knee Rail

1806.BT.09 - Solid Wall

Reason: In order to clarify the extent of the planning permission.

2. The detailed soft landscaping proposals shall be completed in accordance with submitted plans:
 - R2096-1c Landscaping Details
 - R2096-2 Landscaping Details
 - R2096-3 Landscaping Details

- R2096-4 Landscaping Details
- R2096-5 Landscaping Details
- 1197-D-002A – Tree Removal and Protection plan
- AIA Report dated 27/03/18

As approved under application CHE/20/00031/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole in accordance with Policies CLP16 and CLP20 of the Adopted Local Plan.

3. 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 in accordance with Policies CLP16 and CLP20 of the Adopted Local Plan.

4. Individual driveways shall be provided with 2.4m x 25m visibility sightlines to the new estate street in each direction, measured up to 1m into the carriageway at the extremity of the splay, or other such dimensions as may be agreed in writing with the Local Planning Authority. The area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level, and so maintained for the life of the development.

Reason: In the interests of highway safety in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan.

5. Arrangements for storage of bins and collection of waste shall be in accordance with plans 1806.CP.01 Rev J - Site Layout Plan, SBY 005 REV C, MTN 005 REV C, LTN 005 REV C, KBY 005 REV E, HBY 005 REV C, CHM 005 REV C, BBY 005 REV C, 09/BIN 005 REV A – Various House Type Layout Plans as approved under application CHE/20/00031/DOC.

Reason: In the interests of highway safety in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan.

Informatives (from original permission):

1. 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.
2. 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.
3. This permission is granted further to an earlier grant of outline planning permission and S106 agreement to which any developer should also refer.