

PARISH Hodthorpe and Belph Parish

APPLICATION Residential development of 101 dwellings and associated work (approval of reserved matters following outline planning permission 14/00518/OUT)
LOCATION Land to the North West of Broad Lane Hodthorpe
APPLICANT Keepmoat Homes, Unit D1 Orchard Place Nottingham NG8 6PX
APPLICATION NO. 19/00113/REM **FILE NO.**
CASE OFFICER Mr Steve Phillipson
DATE RECEIVED 22nd February 2019

SUMMARY

In 2016, outline planning permission was granted for up to 101 dwellings on land immediately adjacent to the northern edge of Hodthorpe. This report concerns the subsequent application for reserved matters approval, which seeks approval of the details of these houses including:

- **scale** - the size of the development, including the height, width and length of each proposed building;
- **layout** - including buildings, routes, open spaces, and drainage within the development and the way they are laid out in relations to buildings and spaces outside the development;
- **appearance** – the aspects of a building or place which affect the way it looks, including the exterior of the development; and
- **landscaping** - the retention, improvement or protection of the amenities of the site and the area and the surrounding area; to include planting trees and hedges, and improvements to biodiversity.

As outline planning permission has already been granted, the principle of this development has also already been accepted. Therefore, it would not be appropriate or even possible to revisit the acceptability of housing in this location and in such circumstances, this type of application would not normally be brought to Planning Committee.

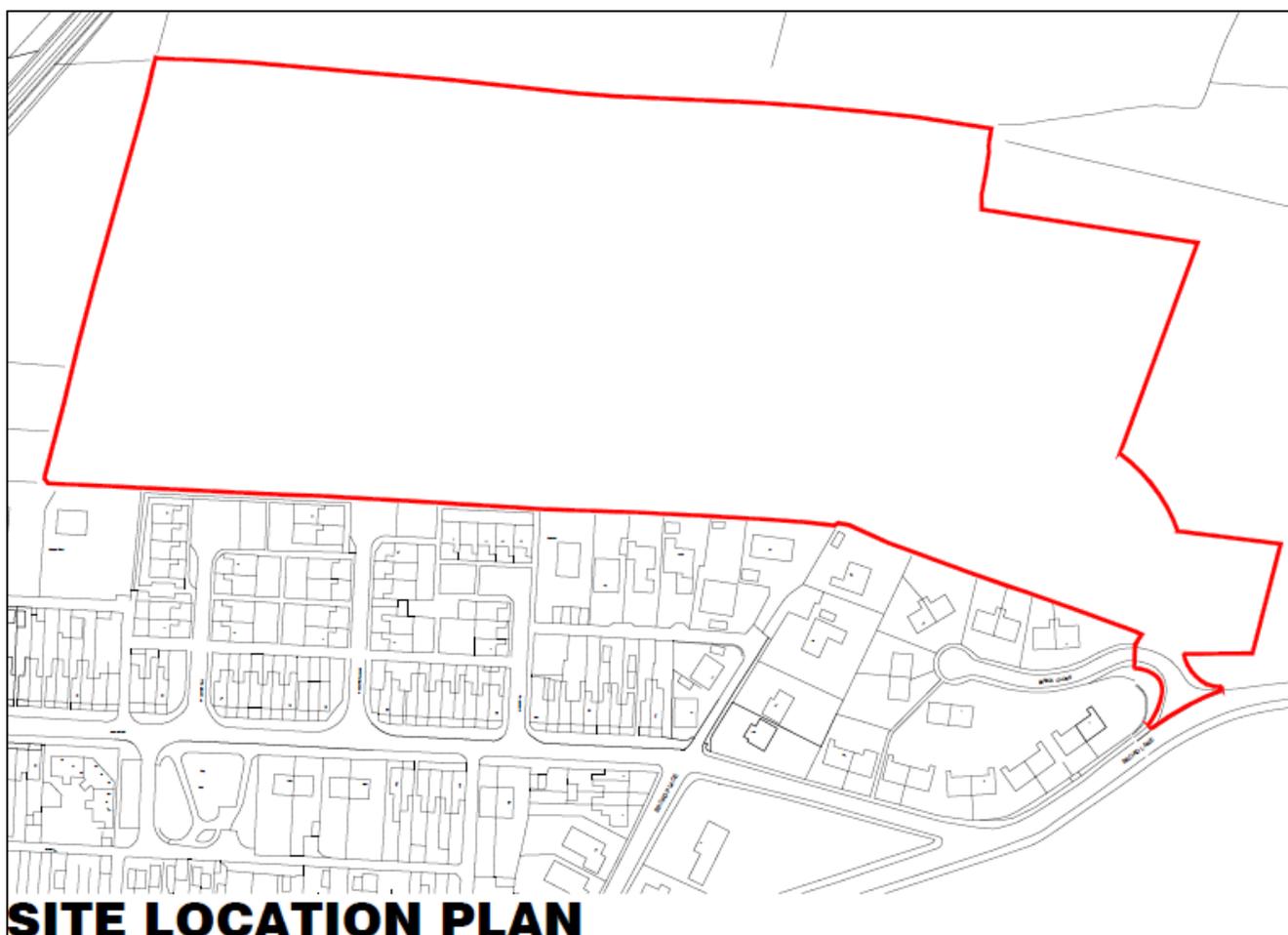
However, approval of this application as recommended by officers in the following report would pre-suppose the acceptability of the deletion of an existing planning obligation requiring the applicant to provide a community building on this site. This is because the plans submitted with this application show housing where the community building could / would have been located.

Therefore, this application has been brought to the Planning Committee so it can be decided in tandem with the parallel application (19/00549/OTHER) for the deletion and variation of planning obligations in the existing s.106 legal agreement attached to the original outline planning permission for this housing development.

OFFICER REPORT ON APPLICATION NO. 19/00113/REM

SITE & SURROUNDINGS

Approximately 5.5ha site adjacent to the north side of the village of Hodthorpe currently in use as pasture mainly for sheep grazing. There is open countryside to the north, west and east. Adjacent to the south side and south west corner is a mix of single and two storey dwellings. The site is relatively flat (falling gently from west down to east) and is bordered by hedgerows except for the eastern boundary which is relatively open. There is only one tree of note centrally located within the site.



Public Footpath 27 from Whitwell runs east/west along the northern boundary of the site and footpath 29 runs north/south adjacent to the eastern boundary of the site from Broad Lane running northwards and into the countryside beyond.

The Robin Hood Railway Line passes within about 25m of the north-western corner of the site.

Birks Farm lies about 150m from the north-east corner of the site. It is an 18th century farmhouse and is a Grade 2 Listed building. Historically the site formed part of a larger

agricultural holding that was split into smaller lots, such that some buildings generally to the south and south west of the dwelling were maintained with the main dwelling, whilst a second dwelling and further outbuildings to the east are in separate ownership. Historic former barns/stables to the south of the main dwelling have been converted to residential use. There is a more modern building to the west of the farmhouse used for a combination of agricultural activity and stabling.

BACKGROUND

Outline planning permission for residential development of up to 101 dwellings and a community building up to 350 sq. m. and details of the access into the site was approved by the Council on 29/02/16. The Applicant entered into a S106 agreement with the Council and opted to include, amongst the obligations, a requirement to provide a community building.

The S106 includes a requirement to use reasonable endeavours to enter into an agreement with the Parish Council for the transfer of a new community building to them if they want it and, provided that the transfer agreement is in place, to submit an application for approval of reserved matters for the community building.

This application for approval of reserved matters does not include a community building on the proposed plans. Instead the Applicant has applied (by means of a separate application 19/00549/OTHER) to change the wording of the S106 agreement. Instead of providing a new community building on site the Applicant now proposes to provide a sum of £50,000 for Hodthorpe and Belph Parish Council primarily for a programme of improvements of facilities to Hodthorpe Community Social Club, 147 Queens Road and also for the ongoing maintenance and proper administrative costs involved with the running of Hodthorpe Community Social Club.

Planning Committee needs to determine whether or not to accept this change to the S106 first (and so determine application 19/00549/OTHER first) before this application for approval of reserved matters is determined. Otherwise the reserved matters approval would pre-determine the application for the change in wording of the S106. This is because the time period for submitting further reserved matters applications under the outline permission has now expired and so it would not be possible for the Applicant to comply with the community building obligation.

The only way that the Applicant can continue to comply with the current S106 obligation is to include the detailed proposals for the community building with this application for approval of reserved matters.

If the change in S106 wording proposed has been agreed then the determination of this application for approval of reserved matters can proceed as normal.

HISTORY (if relevant)

| | | |
|----------------|-----|---|
| 14/00518/OUT | GC | Residential development of up to 101 dwellings and community building up to 350 sq. m. (Use Class D1 and/or D2) including details of access |
| 19/00549/OTHER | PCO | Variation of the wording of S106 Planning Obligations agreed for Outline planning permission 14/00518/OUT relating to the community facilities contribution and play are contribution |

CONSULTATIONS

BDC Conservation Officer

No objections. Notes that the development accords with the requirements of the outline planning permission re separation from the listed Birks Farm.

BDC Urban Design Officer

The amendments secured through the series of revisions to the proposals have adequately addressed the concerns initially raised.

BDC Drainage Engineer

13/03/19 Seeks Management plan for SuDS and contact details. Control of surface water runoff during construction.

BDC Leisure Services Officer

Supports the proposals for onsite play provision. Recommends a few further improvements to the play equipment proposed.

BDC Housing Strategy Officer

The applicant has agreed to provide the policy requirement of 10% affordable housing on this site, equating to 10 units. The properties will be let as Affordable Rent. The proposal is for 10 x 2 bedroom houses but we would prefer to see at least two of these to be 3 bed houses.

No further comments on the amended scheme still showing the same type of housing as the 10 affordable units.

BDC Arts Officer

Notes the provision for art already secured with the outline planning permission S106.

Designing Out Crime Officer

No objections. Notes that amendments to the layout have been positive and the one element of concern, the footpath link to existing housing has now been designed satisfactorily to reduce the risk of antisocial behaviour and nuisance.

DCC Highways (note: *Planning Officer comments in italics*)

No objections subject to conditions and advisory notes:-

Agreement of site compound details

Provision of wheel wash facilities

Construction Management Plan (*no need for the two conditions above if CMP is required*)

Construction details of the estate roads (*not necessary as dealt with by adoption process*)

Construction of estate roads to base level prior to occupation

Provision of private vehicular accesses and visibility splays

Provision of parking spaces (*dealt with on the outline permission*)

Garages to be kept available and used for car parking, removal of p.d. rights (*not considered necessary as dealt with on the outline permission*).

Provision of secure cycle parking (*not considered necessary as planning condition*)

Any gates adjacent to the highway to open inwards

Approval of surface water drainage details including management and maintenance info (*not necessary dealt with on the outline permission*).

Prevention of surface water discharge from drives to the highway (*Considered more appropriate as an informative note*).

The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).

DCC Flood Risk

No objections. The additional information supplied to the LLFA satisfies the concerns that the LLFA raised regarding the approval of the reserved matters application following outline planning permission 14/00518/OUT.

Severn Trent Water

No objections. States that Severn Trent will need to consider whether improvements are needed to the system to increase capacity before any additional flows are connected. The disposal of surface water by means of soakaways should be considered as the primary method. Informative note that there is a sewer and a water main within the site.

Parish Council

Objects: Layout and density of the development. Access and highways safety. Noise and disturbance from the scheme.

Derbyshire Wildlife Trust

Provides design advice for the SuDS area to benefit biodiversity. Suggests that the Ecological Mitigation and Enhancement Scheme should address this.

Suggest that tree planting is not undertaken within the wildflower area to so that it has more of a meadow character.

Recommends post and rail instead of close boarded fencing adjacent to existing retained hedgerows.

The EMEP should include the provision of bat and bird boxes and hedgehog gaps.

Peak and Northern Footpath Soc'

Initial comments that more links to the east-west footpath could be made from the POS. Also the existing path could be surfaced. No comments received on revised proposals which appear to address the issues raised.

Ramblers

No objections to the proposal providing the rights of way along Hodthorpe and Belp footpaths 2 and 3 are preserved, during and after the proposed development.

PUBLICITY

Advertised in the press and on site and neighbours notified by letter.

In response to the first consultation exercise objections from 6 residents received on the following grounds:-

- Proximity to and amenity impacts on adjacent dwellings
- Loss of privacy and overlooking
- Designed to protect Birks Farm's view rather than existing residents
- Loss of light and root damage from new tree planting
- Loss of light and overlooking from 2.5 storey dwellings
- Highway safety impact
- Choice of housing not in keeping with the type of dwellings in Hodthorpe
- Suggests that a footbridge should be provided over the railway for safety.

The following issues were also raised but are not material planning considerations or they relate to the principle of development on this site which is not relevant to an application for approval of reserved matters. Officer comments are shown in italics:-

- Loss of view (*Not a material consideration*).
- Suggests that the green open space area proposed should be sited next to existing dwellings on the southern side rather than on the countryside edge. (*the position of the open space is a conditional requirement of the outline permission which the Applicant must comply with to protect the setting of the listed building, Birks Farm, and the countryside edge*).
- Access position (*this has already been approved with the outline planning permission*).
- Increased use of the public footpath over the railway (*this has already been approved with the outline planning permission*).
- Majority of people affected are retired, elderly, disabled and have long term illnesses (*the principle of development has been accepted with the outline permission*).
- Traffic impact on local roads (*Outline issue*).
- Narrow road bridge over the railway (*Outline issue*).
- Lack of services in Hodthorpe and additional pressure on services (*Outline issue*).
- Increased sewage capacity may be required (*Outline issue*).
- Not a viable site (*Outline issue*).
- Queries future maintenance responsibilities for the boundary hedgerow. *This is a legal rather than a planning matter. It is presumed the existing landowners on the south and west of the site will continue to have responsibility on their side of the hedge and the new owners will maintain it on the application side.*
- Loss of the flower bed at the site access (*access junction detail has already been approved with the outline planning permission. The flower bed would be affected but*

not the bench which is outside the application site).

One objector requests that the outline planning permission be revoked because:-

The site is greenfield

Contrary to the local plan

The effects on residents

Better sites elsewhere in Hodthorpe and Whitwell

Should remain a small village.

(Officer Comment on Revocation

Section 97 of the Town and Country Planning Act 1990 gives a local planning authority the power to revoke a planning application if it is “expedient” to do so having regard to the development plan and to any other material considerations. All of the reasons why the permission should be revoked put forward by the objector were issues considered by Planning Committee at the time outline planning permission was granted. The Committee was aware of all of these issues including the conflict with the development plan, but also had regard to other material considerations including the lack of a five year housing supply (at that time) and the “titled balance” as set out in the National Planning Policy Framework (at that time). The decision was properly made having regard to all relevant considerations and no new information has come to light that could justify a decision to revoke. Therefore it is considered that it would be unreasonable to revoke permission at this stage.

It should also be noted that revocation can involve significant claims for compensation).

In response to the second consultation exercise on the amended plans objections from 4 residents received on the following grounds:-

- Amenity impacts from 2.5 storey dwellings
- One resident says that their previous objections still apply
- One resident who did not object to the original layout objects to the amended plan because plot 48 has moved closer to the bottom of the garden boundary with impacts on visual amenity and privacy.

POLICY

Bolsover District Local Plan (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant saved Local Plan policies include:

GEN 1 – Minimum Requirements for Development

GEN 2 – Impact of Development on the Environment

GEN 5 – Land Drainage

GEN 6 – Sewerage and Sewage Disposal

TRA 13 – Provision for Cyclists

ENV 5 - Nature Conservation Interests

ENV 8 – Development Affecting Trees and Hedgerows

Publication Version of Bolsover District Local Plan ('the emerging Local Plan')

Paragraph 48 of the National Planning Policy Framework says local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The emerging Local Plan is now at a very advanced stage of preparation having almost completed examination in public. Therefore, it is appropriate to afford significant weight to its policies.

The most relevant policies in the emerging Local Plan include:

Policy SS1: Sustainable Development
Policy LC3: Type and Mix of Housing
Policy SC2: Sustainable Design and Construction
Policy SC3: High Quality Development
Policy SC7: Flood Risk
Policy SC8: Landscape Character
Policy SC9: Biodiversity and Geodiversity
Policy SC10: Trees, Woodland and Hedgerows
Policy SC11: Environmental Quality (Amenity)
Policy SC17: Development affecting Listed Buildings and their settings
Policy ITCR3: Protection of Footpaths and Bridleways
Policy ITCR5: Green Space and Play Provision Policy
Policy ITCR10: Supporting Sustainable Transport Patterns
Policy ITCR11: Parking Provision

National Planning Policy Framework ("The Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

Paragraphs 7-10: Achieving sustainable development
Paragraphs 47-48: Determining applications
Paragraphs 54-57: Planning conditions and obligations
Paragraphs 91, 92 and 94: Promoting healthy and safe communities
Paragraphs 96 and 98: Open space and recreation
Paragraphs 108-111: Promoting sustainable transport

Paragraph 118: Making effective use of land
Paragraph 122-123: Achieving Appropriate Densities
Paragraphs 124-128: Achieving well-designed places
Paragraph 153: Meeting the challenge of climate change
Paragraph 165: Sustainable Drainage Systems
Paragraphs 170 and 175: Conserving and enhancing the natural environment
Paragraphs 184 and 189-197: Conserving and enhancing the historic environment

Other (specify)

- Supplementary Planning Document - Successful Places: A Guide to Sustainable Housing Layout and Design (2013) <http://www.bolsover.gov.uk/planning/development-plan>
- A Building for Life 12 (BfL12) - The sign of a good place to live <http://www.designcouncil.org.uk/our-work/CABE/Our-big-projects/Building-for-Life/>

ASSESSMENT

Principle of development

In this case, an outline planning application has been approved for up to 101 dwellings; this application has been submitted solely for the approval of the outstanding details of the outline permission (i.e. the reserved matters), which in this case includes:

- **scale** - the size of the development, including the height, width and length of each proposed building;
- **layout** - including buildings, routes, open spaces, and drainage within the development and the way they are laid out in relations to buildings and spaces outside the development;
- **appearance** – the aspects of a building or place which affect the way it looks, including the exterior of the development; and
- **landscaping** - the retention, improvement or protection of the amenities of the site and the area and the surrounding area; to include planting trees and hedges, and improvements to biodiversity.

Therefore, the key issues in the determination of this application are whether the submitted details demonstrate that the residential development would be of a sufficiently high quality of design with regard to scale, layout, appearance and landscaping, because the acceptability of housing on this site has already been determined when outline permission was granted.

The assessment of this reserved matters application also has to have due regard to the impact of the proposed development on the setting of the grade 2 listed Birks Farm.

Scale

The current proposal seeks permission for 101 units. This is within the maximum parameters described under the outline permission for this site.

The development comprises of a mix of 2, 3 and 4 bedroom; semi-detached and detached.

The majority of these are two storey although 7 of the proposed 101 units are slightly larger in scale at 2.5 storey.

Representations have been received raising concerns about overlooking and overbearing from the 2.5 storey units. However the inclusion of a limited amount of 2.5 storey units at key view termination locations has been actively requested by the Council's Urban Design Officer to improve the character of the development. Where they have been used sufficient separation space has been left from existing dwellings to ensure compliance with the Council's design guidelines such that any remaining impacts on privacy or light would not be at an unacceptable level. It should also be noted that where second storey rear facing windows are proposed which look towards existing dwellings, they are small skylights to an en-suite bathroom. Given the compliance with guidelines and the nature of the windows proposed this should not provide any material privacy issues.



Having regard to the above the details of scale proposed are considered to be acceptable.

Layout

The point of vehicular access detail from the Broad Lane/Birks Close junction at the eastern end of the site has already been approved with the outline permission. The outline permission also required a pedestrian and cycle access link at the western end of the site to either St Martin's Walk or Greenfield Avenue. The reserved matters now submitted confirms that a 3m wide pedestrian/cycle link will be provided to St Martin's Walk. This is considered to be the better of the two alternative locations. Amendments have been secured during the application to ensure appropriate natural surveillance, boundary detail and footpath width.

A proposed estate road with cul-de-sac spurs would provide access to the residential area which is to be concentrated to the south and west sides of the site with green/open space to the north and east sides. The open space location is in accordance with the conditions of the outline permission to reduce the impact on the countryside and the rural setting of the listed farmhouse to the north east of the site.

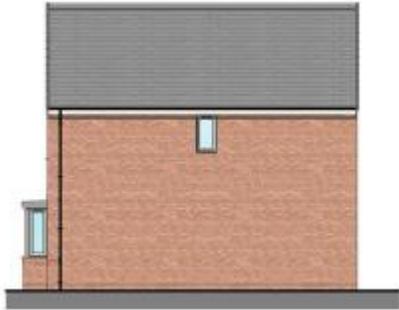
The Highway Authority has not raised any safety concerns regarding the proposed layout. Adequate off-street car parking space is proposed and it is considered that there are no significant highway safety issues with this proposal subject to appropriate conditions as set out below.

The open space area is to contain sustainable drainage features with maximum slope gradient not to exceed 1 in 4, a play area and semi-natural greenspace area with links to the existing definitive footpaths to the north west and north east of the site. Comments in representations regarding the adequacy of the existing pedestrian crossing over the railway are noted. However a condition of the outline planning permission already deals with this issue and requires an assessment of the adequacy of the railway pedestrian crossing and any enhancement measures necessary prior to the occupation of any of the dwellings.

At this time the report on the adequacy of the railway crossing has not been undertaken. However the crossing appears to be well sign posted and in a reasonable condition. See images below.



A resident has objected to the close proximity of plot 48 to their rear boundary. Whilst that plot would be only 2m from the boundary, there is only a small stair landing window in the side elevation facing the resident's property which does not raise any privacy issues relative to the Council's design guidelines (because the window is not to a habitable room).



In addition the existing property affected has a 50m long back garden. This distance is significantly in excess of the separation distance required in the Council's guidelines to guard against unacceptable impacts on daylight and overbearing (4x the distance required). The boundary hedgerow is to be retained and loss of view is not a material planning consideration.



The layout has been revised to secure compliance with the Council's design guidelines in terms of impacts on amenity, space, light and privacy for both existing dwellings and for the relationship between new dwellings within the proposed development. As amended the layout proposed is improved. Some concerns remain about the amount of frontage car parking proposed which, although improved, is still on the high side and the impact this has on the street scene. However it is considered that overall the layout has now reached an acceptable standard of design.

Appearance

Various urban design improvements have been secured during the course of the application including securing outward facing development avoiding rear fence boundaries backing on to the public open space; reducing frontage parking; improving key views; materials and architectural detailing to improve local distinctiveness; natural surveillance; boundary details including provision of natural limestone wall along the frontages of dwellings at the entrance into the site and providing a softer countryside edge.

The amended proposals are considered to be acceptable and compliant with the relevant policies of the development plan including policies GEN2 of the local plan and SC3 of the emerging local plan.



Landscaping

The proposal includes a significant landscaped area to the northern/north-eastern third (approx') of the site. The open space location is in accordance with condition 4 of the outline planning permission intended to reduce the impact on the countryside and the rural setting of the listed farmhouse to the north-east of the site.

The landscape proposals have been amended during the course of the application and now include a large area of semi-natural green space as a transition to the countryside including new native tree, woodland mix, native shrub and hedgerow planting, with a new surfaced footpath running through the open space linking to the existing definitive footpaths already referred to above.

A play area (equipped to approx' £75,000 plus inflation as per S106) is to be provided towards the north eastern end of the site.

Two sustainable drainage basins for surface water are also proposed. SuDS basins are normally dry and the embankment sides relatively shallow, no steeper than 1 in 4, such that they are not considered to be a safety concern and do need fencing off. These areas are to be seeded with species rich wetland grass seed to further enhance habitat creation.

As amended the existing boundary hedgerows are to be retained with re-enforcement planting where necessary. Where proposed dwellings back on to existing hedgerow the rear garden fencing is to be 1.8m high hit and miss timber fencing such that it allows some light to continue to reach the hedgerow through the vertical slats.

Comments in representations about new tree planting shading out existing residents are noted. The amended planting proposals have largely omitted planting in rear gardens of proposed dwellings, concentrating instead on planting within public areas. Hence this is concern is unlikely to be realised. However planting is not "development" in planning terms and there is nothing to stop new residents stocking their gardens with additional planting in future.

It is considered that the amended landscaping and planning proposals show a large and appropriately planted public open space area that will enhance the amenity and character of the development as well as enhancing the biodiversity of the site.

Given that the public open space is to be privately managed there is a risk that property owners adjacent to the open space might erect fencing on it under permitted development

rights which might eat away at the open space. Therefore it is considered necessary to remove permitted development rights by planning condition for the erection of fences and walls on the open space area as shown on the approved plan.

Other Planning Considerations

Heritage Impacts

The development accords with the requirements of the outline planning permission regarding the separation from the listed Birks Farm and the landscaped area between the two. The reserved matters proposed show a development of appropriate layout, scale and landscaping which would not result in any greater setting impacts on the listed building than was envisaged when outline planning permission was granted.

Ecology and Biodiversity

Condition 10 of the outline planning permission requires the submission of an ecological mitigation and enhancement scheme with the RM application, the scheme to include retention of boundary hedgerows and the large Ash tree within the site. A scheme has been submitted but was not considered fully compliant with the condition. However it has effectively been superseded by the amended layout and landscaping plans which now include the retention of the southern and west boundary hedgerows such that the objectives of condition 10 are now met. A condition will be necessary to ensure that the approved landscaping details are implemented.

Details of the management company responsible for maintaining the landscaping are currently outstanding but this is already a requirement of condition 11 of the outline permission.

The Wildlife Trusts request for the provision of some bat and bird boxes and hedgehog gaps to fencing is not unreasonable and this could be require by condition.

Subject to conditions it is considered that the proposal should result in a net gain to biodiversity resulting in a greater range of habitats and additional tree and hedgerow planting.

Footpath Adoption

At this stage it is unclear whether or not the Highway Authority will adopt the footpath/cycle link to be provided between the St Martin's Walk and the site. This is because they do not own all the land on St Martins Walk (the end section is not adopted by the Highway Authority but is owned by the District Council). Therefore it is considered necessary to impose a condition requiring that the path is surfaced to an adoptable standard and that details of its future maintenance are provided.

Railway Noise

In accordance with condition 9 of the outline planning permission a noise report has been submitted with the application. Subject to some enhanced ventilation and glazing for properties closest to the railway line the living environment at the proposed dwellings is able to meet guideline levels.

Foul and Surface Water Drainage

Although the Water Company raised concerns over the capacity of the foul sewage system, sewage capacity is not an issue that can be taken into account for a reserved matters application. It was considered at outline stage and at that time the water company confirmed that there was adequate capacity. The Water Company are obliged to increase capacity if this is now required.

There are no objections as such from the water company, or from DCC Flood Risk Team or the BDC drainage Engineer. Hence the drainage details submitted with this application are considered acceptable and can be approved under condition 7 of the outline permission. Details are outstanding for the maintenance responsibilities and contact details for maintenance for the Sustainable Drainage System. An informative note to the applicant is appropriate regarding the outstanding details.

Affordable Housing

The proposals include 10% affordable housing which is compliant with the requirements of the S106. The Housing Strategy Officer would have preferred 2 of the 10 units to be 3 bed rather than all 2 bed. However as the main need is for 2 bed she does not object to the proposals.

Conclusions

Outline planning permission has already been granted for up to 101 dwellings and this application has been submitted solely for the approval of the outstanding details of the outline permission i.e. the reserved matters of scale, layout, appearance and landscaping.

The amended proposal shows a development which is of a scale which falls within the parameters of the outline permission and is considered appropriate for the site.

The proposed layout delivers the connections required in the outline permission, does not result in any highway safety issues, provides for adequate parking space, complies with the Council's design guidelines in terms of building orientation and space about buildings and safeguarding amenity. It also provides for a large public open space able to include a play space and sustainable drainage solutions.

The appearance and street scenes proposed are acceptable and the hard and soft landscape details provided show retention of existing hedgerows and tree and a substantial public open space area well planted to enhance the amenity and the biodiversity of the site.

The setting impact on the Listed Birks Farm is no greater than envisaged when outline permission was granted and the location of the large open space area between the listed building and the new development accords with the outline permission.

Provided that the change to the wording of the S106 obligation has been approved (application 19/00549/OTHER) allowing the omission of the community building from this development site it is concluded, having regard to the key issues, that the details of reserved matters are acceptable.

There are no other planning or technical issues that would indicate that the reserved matters should not to be approved.

RECOMMENDATION

The application be APPROVED subject to

- A. the prior approval and completion of the Deed of Variation subject of the parallel application 19/00549/OTHER; and**
- B. the following conditions (set out in precis form and to be formulated in full by the Planning Manager and/or Head of Planning in liaison with the chair and/or vice chair of the Planning Committee):-**
- Compliance with the approved plans and documents.
 - The footpath/cycle link to be surfaced to an adoptable standard prior to commencement and details of its future maintenance be provided.
 - Erection of tree and hedgerow protective fencing prior to commencement.
 - Construction Management Plan.
 - Hedgerow reinforcement planting to be undertaken before the erection of new fencing to the south and west boundaries.
 - Material samples.
 - Sample panel of stone wall.
 - Landscape plans implementation.
 - Boundary detail plans to be implemented as approved.
 - POS area to be retained for its designated use only and remove permitted development rights for fencing and walls on the POS.
 - Provision of some bat and bird boxes and hedgehog gaps to fencing.
 - Construction of estate roads to base level prior to occupation.
 - Provision of private vehicular accesses and visibility splays.
 - Any gates adjacent to the highway to open inwards.
 - The first 5m of the proposed access driveways shall not be surfaced with a loose

material (i.e. unbound chippings or gravel etc).

- Further play space details (only needed if details not agreed by the time the decision is issued).

Statement of Decision Process

In compliance with the National Planning Policy Framework, the Council has negotiated amendments in respect of layout, landscaping, design, appearance and highway details to enhance the quality of the development. The development as now proposed complies with the outline planning permission, the Council's Saved and Emerging Local Plan policies, Supplementary Planning Documents, and the objectives of the National Planning Policy Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

Although an issue has been raised in the public representations made stating that the majority of people affected by the proposal are retired, elderly and disabled and have long term illnesses; the principle of development on this site has already been accepted with the grant of outline permission.

So far as this application for reserved matters is concerned, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic within the scope of the Equality Act 2010.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ("the ECHR") relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process.

In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.