

Erection of 29 dwellings with new access, woodland planting and landscaping (Outline - Access included)

Report Item No
A5

Home Farm 25 Main Street Oakthorpe Swadlincote

Application Reference
14/00244/OUTM

Applicant:
Mr P, W, C & R Redfern

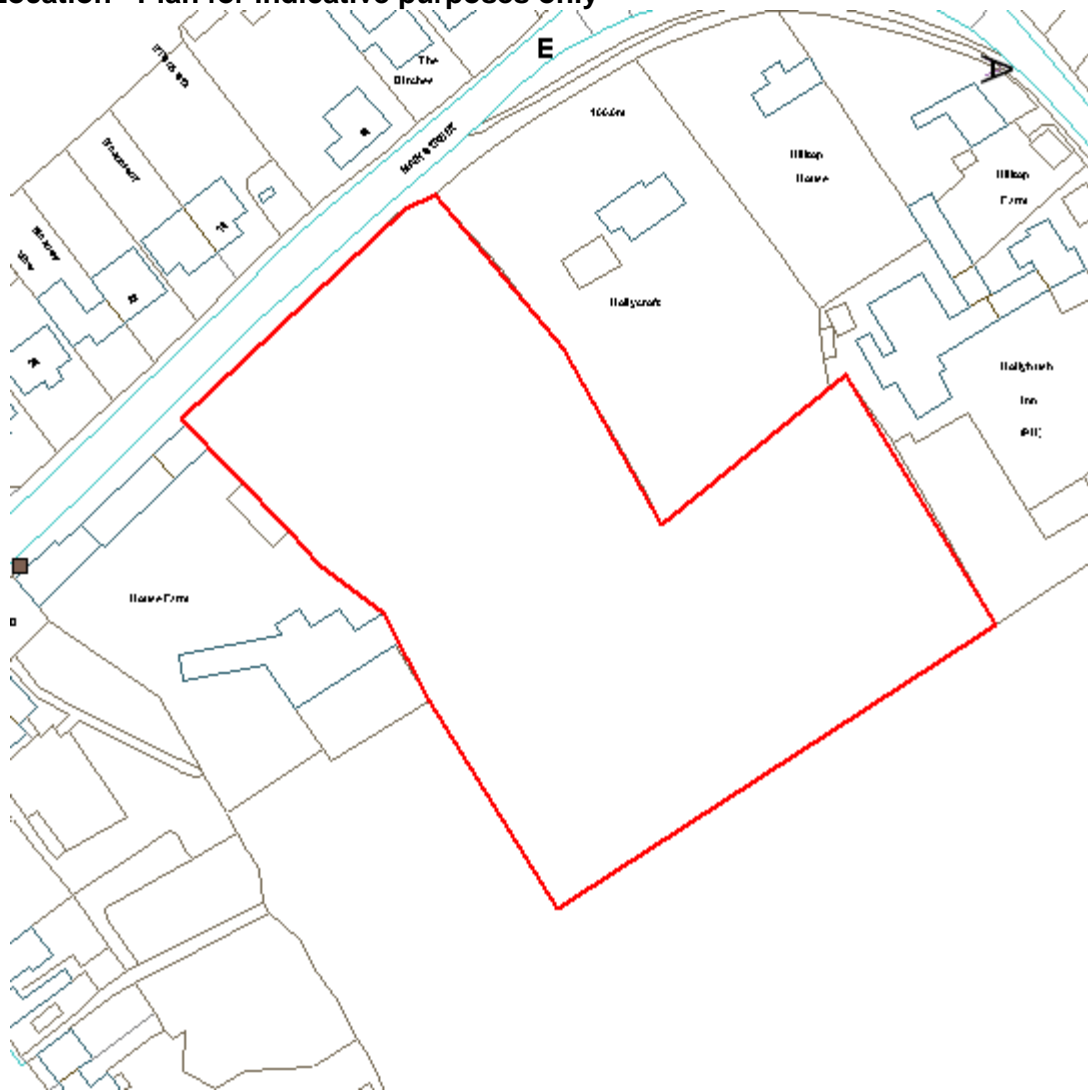
Date Registered
28 March 2014

Case Officer:
Hannah Exley

Target Decision Date
27 June 2014

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application falls to be determined by the Planning Committee as the agent for the application is Andrew Large who is the husband of Councillor Caroline Large.

Proposal

Outline planning permission is sought for the erection of 29 dwellings on 01.52 hectares of land at Home Farm, Main Street, Osgathorpe. Details of means of access only are included for consideration at this stage and vehicular access into the site would be off Main Street.

The site is currently occupied by a dilapidated farmhouse and outbuildings, and also includes some pasture land. The application site is bordered by a public highway to the north west and by open fields on the south east and two public footpaths are routed through the site. There are seven protected trees on the site covered by Tree Preservation Order T371.

Consultations

Members will see from the main report below that objections have been received, with 13 letters being received from members of the public. No objections have been received from statutory consultees or the Parish Council.

Planning Policy

The frontage part of the site is allocated within the Local Plan for housing under allocation H4o. The remainder of the site lies outside the limits to development as defined in the adopted North West Leicestershire Local Plan.

Conclusions

The frontage part of the site is allocated for housing where the principle of the proposed development is considered acceptable. The rear part of the site lies within the countryside as defined in the Local Plan. Notwithstanding the conflict with the provisions of Policy S3 of the Local Plan, when having regard to the sustainability credentials of the settlement and the site, along with the fact that the site is well related to existing built development and the Limits to Development as defined in the Local Plan, the development of countryside land is considered acceptable in this instance. The proposed development would be acceptable in terms of density, impact on heritage assets, impact on trees, residential amenities, highway safety issues, flood risk and drainage, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION - PERMIT, APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the erection of 29 dwellings on 01.52 hectares of land at Home Farm, Main Street, Osgathorpe. The site is currently occupied by a dilapidated farmhouse and outbuildings, and also includes some pasture land. The application site is bordered by a public highway to the north west and by open fields on the south east. The nearest residential properties are located to the north east and south west of the site, and on the opposite side of Main Street facing the proposed development site. Public footpaths P73 and P71 are routed through the site and public footpath P74 joins footpath P71 at the south eastern edge of the site.

The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Main Street, approximately 30m from the south-western corner of the site frontage. There are seven protected trees on the site covered by Tree Preservation Order T371.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

Amended plans were received during the course of the application following concerns raised by officers about the loss of trees along the site frontage.

The application submission was accompanied by the following supporting information:

- Building for Life 12 Assessment;
- Design and Access Statement;
- Building Condition Survey by Peter J. Steer dated 11 March 2008;
- Ecology Report by Three Shires Ltd dated January (issued December 2013);
- Phase I and II Geo-Environmental Assessment by Ivy House Environmental dated January 2014;
- Archaeological Heritage Assessment and Rapid Building Appraisal by Archaeological Building Recording Services dated 2014;

The following documents were also secured during the course of the application following requested for additional information by statutory consultees:

- Protected Species and Ecological Walkover Survey by EMEC Ecology dated June 2014;
- Great Crested Newt Habitat Assessment and Survey by EMEC Ecology dated June 2014;
- Reptile Survey by EMEC Ecology dated June 2014;
- Arboricultural Survey by Three Shires Ltd dated December 2013;
- Flood Risk Assessment by Howkins and Harrison dated April 2014.

2. Publicity

40 no neighbours have been notified (Date of last notification 1 April 2014)

Site Notice displayed 1 April 2014

Press Notice published 9 April 2014

3. Consultations

Oakthorpe & Donisthorpe Parish Council consulted 1 April 2014
NWLDC Tree Officer consulted 10 June 2014
National Forest Company consulted 10 June 2014
Environment Agency consulted 23 April 2014
LCC ecology consulted 24 June 2014
National Forest Company consulted 28 April 2014
NWLDC Tree Officer consulted 28 April 2014
Coal Authority consulted
County Highway Authority consulted 1 April 2014
Environment Agency consulted 1 April 2014
Severn Trent Water Limited consulted 1 April 2014
Head of Environmental Protection consulted 1 April 2014
Natural England consulted 1 April 2014
NWLDC Tree Officer consulted 1 April 2014
County Archaeologist consulted 1 April 2014
NWLDC Urban Designer consulted 1 April 2014
County Planning Authority consulted 1 April 2014
LCC Development Contributions consulted 1 April 2014
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 1 April 2014
Development Plans consulted 1 April 2014
Head Of Leisure And Culture consulted 1 April 2014
Manager Of Housing North West Leicestershire District Council consulted 1 April 2014
Police Architectural Liaison Officer consulted 1 April 2014
LCC/Footpaths consulted 1 April 2014

4. Summary of Representations Received

Statutory Consultees:

County Ecologist has no objections subject to conditions.

Strategic Housing Manager advises that the proposal triggers a requirement for nine affordable homes and gives advice on housing types and tenures.

National Forest Company has no objections subject to the Council's Tree Officer being consulted and subject to a Note to Applicant and either agreement to secure the provision of 0.3ha of woodland on-site or near the site or a developer contribution of £6,000.

NWLDC Urban Designer comments awaited on the indicative layout and will be reported on the update sheet.

County Highways Authority has no objections subject to conditions and S106 requirements.

NHS England (Leicestershire and Lincolnshire Area) seeks a developer contribution of £13,827.60 towards the upgrading of the nearest doctors surgery at Measham.

NWLDC Tree Officer raised concern about the impact of the development as shown on the originally submitted plans.

Environment Agency has no objections subject to conditions.

Natural England has no objections subject to conditions and subject to compliance with the River Mease DCS.

Environmental Protection has no objections subject to a contaminated land condition.

LCC Footpaths Officer has no objections given the outline nature of the proposal, subject to notes to applicant.

Leicestershire County Council - Highway Transportation & Waste Management Authority has not made a request for a contribution towards civic amenity sites.

Leicestershire County Council Library Services Development Manager have requested a contribution of £1780 towards additional resources at Measham library.

Leicestershire County Council Local Education Authority have requested a contribution of £51,840.89 for the high school sector as there would be a deficit of 64 pupil places (3 created by the development) within high schools within a 3 mile walking distance of the site. A contribution of £53,229.96 is also sought for the upper school sector as there would be a deficit of 203 pupil places (3 created by the development) within upper schools within a 3 mile walking distance of the site. A contribution of £84,209.11 is also sought for the primary school sector as there would be a deficit of 105 pupil places (7 created by the development) within upper schools within a 2 mile walking distance of the site.

No comments had been received from Oakthorpe and Donisthorpe Parish Council, Severn Trent Water Ltd, County Archaeologist and Leicestershire Police at the time of writing this report.

Third Party Representations:

All responses from statutory consultees and third parties are available for Members to view on the planning file.

13 letters of neighbour representations have been received, raising objection on the following grounds:

- increased traffic along Main Street will increase dangers to residents using existing vehicular accesses, pedestrians (including children) and cyclists;
- Main Street is unsuitable to accommodate additional traffic and already has to accommodate delivery and farm vehicles along with fast moving commuter traffic, horse riders, cyclists and pedestrians;
- bottlenecks already occur outside the proposed site entrance along Main Street which is the link road for all ways into/out of the village;
- concern has been raised by the CHA about children needing to cross the road to the local play area;
- concern about vehicle parking within the highway outside the site which would impede the flow of traffic and cause dangers to road users and therefore, adequate parking should be provided on the site;
- headlights will shine into properties on the opposite side of Main Street when using the proposed vehicular access into the site;
- concern about the siting of the proposed site entrance;
- concern about traffic levels during the construction phase;
- local speed limits are not adhered to and increased traffic on local roads will only exacerbate this problem;
- the speed limit through the village should be adjusted to 20mph;
- concern about increased use of a blind corner outside the Shoulder and Mutton where the road narrows to the width of one vehicle and accidents have already occurred;

- the scheme is a better match to the local village character than the earlier scheme in 2008 and the scheme is an opportunity to improve the character, community and sustainability of the village;
- concern that there are more houses proposed than on earlier schemes;
- all those houses on the farm site will spoil the village;
- impacts on wildlife and bats;
- some development on the site is welcomed but concern about the proposed density and associated vehicular movements, especially at peak times creating additional dangers for road users;
- the proposed access position is inappropriate and will provide an additional source of traffic onto The Square and Main Street and other adjoining roads;
- the local play area is inadequate for children under seven;
- footpaths linking the Square and Stretton View to Oakthorpe schools and the shop, as well as shops and medical facilities in Measham are inadequate and will become more important when the local bus service ceases;
- lack of clarity about how local footpaths will be dealt with;
- access for ambulances into the village is already restricted;
- additional housing will make the village busier when local services are closing down;
- heritage has been lost through development and the proposal should ensure that all the Yew, Holly and Hornbeam trees and the old phone box are preserved;
- it was unclear from the submission which trees on the site were protected;
- space should be provided for rural crafts and sport opportunities for teenagers;
- confirmation that drainage infrastructure is adequate should be sought;
- due to old sewers during periods of heavy rainfall, the local sewers have been unable to cope and have overflowed depositing raw effluent on properties within Boncroft Gardens and these have to be regularly maintained by Severn Trent to avoid regular occurrences;
- Severn Trent have raised concern about the possibility of pollution to the River Mease at times of heavy rainfall;
- assurances that the local road network can accommodate additional traffic should be sought;
- does the proposed tree screen along the southern boundary anticipate HS2?
- the application does not provide full site elevations;
- the proposed access appears wider than it is;
- loss of views;
- local footpaths are already in a poor state of repair and could not cope with additional use;
- local schools cannot accommodate more pupils and local services (doctors) will be under further pressure;
- noise and disturbance during construction works;
- the application has already resulted in some properties being put up for sale;
- concern that the neighbour has relations in the Council and whether the application will be dealt with properly;
- rubbish and old building materials including asbestos have been buried on the site;
- natural springs should be taken into account;
- concern about the housing being affordable.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

The following sections of the NPPF are considered relevant to the determination of this application:

"Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted."

"32. ...Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"47. To boost significantly the supply of housing, local planning authorities should:

...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49. Housing applications should be considered in the context of the presumption in favour of

sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"54. ... Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

"57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...

- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise."

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

North West Leicestershire Local Plan:

The East Midlands Regional Plan (RSS8) has now been revoked and therefore no longer forms part of the development plan. The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies

with the policies of the Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4 sets out housing land allocations including allocation H4o Main Street, Oakthorpe (1.0ha with a recommended density of 10 units).

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst other things, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account a number of issues including housing mix, accessibility to centres and design.

Policy H7 seeks good quality design in all new housing development.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Mease.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting.

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011 draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012 is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010 provides a legislative requirement that an obligation must meet the following tests:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development.

The Technical Guidance to the National Planning Policy Framework - March 2012 provides additional guidance relating to flooding.

National Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

NWLDC SPD for Affordable Housing - January 2011 Key Principle AH3 provides that affordable housing will be sought on all sites of 15 or more dwellings in 'all other settlements'.

6. Assessment

Principle, Density and Sustainability:

The frontage part of the site amounting to 1.0 hectare is allocated within the Local Plan for housing under allocation H4o (with an indicated density of 10 units).

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. Local Plan Policy H6 provides that residential development should meet a minimum density of 30 dwellings per hectare within locations well served by public transport and accessible to services. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or Local Plan, still be relevant.

The proposal results in a density of 19 dwellings per hectare for the whole site but clearly the net density would be lower when factoring in the landscaping, buffer zones, SUDS etc that would also need to be provided on-site. When having regard to those parts of the site that would not be developed for housing or directly associated uses, along with the existing density of the surrounding area and the additional land beyond the allocation which is included in the site area, it is considered that a higher density than that advised in Local Plan Policy H4o is acceptable in this instance.

The remainder of the site lies within the countryside and therefore, is subject to the provisions of Policy S3 of the Local Plan. Whilst the development of this part of the site would be contrary to the provisions of Policy S3 of the Local Plan, the site is well related to the settlement boundary and would be bounded to the north east and south west by existing development. The allocated site lies to the north-west and open countryside lies to the south east, meaning that three sides of the site abut either existing development or land where there is a presumption in favour of housing development within the Local Plan. The provisions of the NPPF do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.

Social - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The development of the site would provide both market and affordable housing within the settlement which would increase local market choice and appeal to groups who may have otherwise been excluded from the locality.

Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change.

The development would result in the loss of greenfield land but the majority of which is identified in the adopted Local Plan as being suitable for development under housing allocation H4o. The strip of land which forms the south eastern edge of the site is located outside the limits to development but is well related to the existing settlement. Furthermore, as set out in the report below, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment. Accordingly the site is considered to be consistent with the 'environmental role'.

In addition to the above, the site is located centrally within the settlement of Oakthorpe. In terms of sustainability, Oakthorpe has a reasonable range of services and facilities for a settlement of its size. Oakthorpe itself has a primary school, public house, general store, community leisure centre and children's play area. In terms of public transport the nearest bus stops is located along Main Street outside the site where there is an hourly 6 day a week (Monday to Saturday) service to Ashby, although it should be noted that 2 services per day terminate at Measham.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. Below are the approximate distances from the centre of the site to local facilities and services via the existing footway network:

Methodist Church 340
Public House - 230 metres
Bus Stop - 70m
Primary School - 245 metres
Leisure/Community - 430 metres
Children's Play Area - 180 metres
Shop - 570 metres

Accordingly, the bus stop and children's play area would be within the 'desirable' walking distance, with the Methodist Church, Public House and Primary School being within the 'acceptable' walking distance. The shop and Leisure/Community uses would fall within the 'maximum' walking distance. It is considered that Oakthorpe is a sustainable settlement and the site is reasonably located in relation to the services/facilities available. Therefore, it is considered that the site would constitute a sustainable form of development for the purposes of the NPPF.

Notwithstanding the conflict with the provisions of Policy S3 of the Local Plan (as set out above), when having regard to the sustainability credentials of the settlement and the site, along with the fact that the site is well related to existing built development and the Limits to Development as defined in the Local Plan, the development of countryside land is considered acceptable in this instance.

Loss of agricultural land:

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a

higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The Agricultural Land Classification maps indicate that the site falls within Class 4. Although, ALC Maps should not be solely relied upon for land use classification, when having regard to the fact that the site would enable the provision of new dwellings within a sustainable location as also advocated in the NPPF, it is considered that the potential agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the potential loss.

Layout and Means of Access:

All matters are reserved for subsequent approval except for access. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be a matter for the reserved matters stage(s). Although as noted earlier in this report, there are two public footpaths which cross the site and these would need to be accommodated within any detailed development proposals for the site.

It is considered that 29 dwellings and associated parking/turning/amenity areas could be accommodated on the site without adversely affecting the amenities of adjoining residents or the character of the locality. Access to the site would be via a new vehicular access off Main Street. Notwithstanding local concerns which have been raised about the suitability of the proposed access, concerns about on-street parking and the general impacts of the development as a result of increased traffic on the local highway network, the County Highways Authority is satisfied with the proposal from a highway safety perspective and raises no objections subject to conditions.

Although a number of highway concerns have been raised about the proposal (as set out earlier in the report), it is considered that the proposal would comply with the provisions of Policies E3, E4, T3 and T8 of the Local Plan.

Flood risk and Drainage:

Concerns have been raised by residents in relation to the capacity of the local drainage network.

The site lies within Flood Zone 1 and as it is over one hectare in size, a Flood Risk Assessment (FRA) has been submitted during the course of the application at the request of the Environment Agency. The FRA concludes that the only risk identified could be from accelerated surface water run-off from the proposed development, and therefore, the report suggests that a sustainable urban drainage system would need to be designed and incorporated in the layout of the proposed development at the Reserved Matters stage. The SUDs will need to ensure that the post development surface water run-off will not exceed that from the present land use, within the current required parameters.

The Environment Agency have been consulted on the application and considers the development to be at low risk of flooding and has no objections to the proposal subject to a condition concerning contamination and surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. No comments have been received from Severn Trent Water Ltd but should any comments be received, these will be reported to members via the update sheet.

Given the lack of objection from statutory consultees, it is considered that a reason for refusal relating to flood risk and capacity of the drainage system could be not justified.

Impact on the River Mease Special Area of Conservation/SSSI:

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. A tributary of the River Mease runs alongside the western boundary of the site and the River Mease itself is within 200m of the site. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works, which serves the village. At March 2014 capacity was available for 188 dwellings but this is reduced by the number of dwellings that have consent and/or are under construction (none) whilst also considering those which are pending consideration (110 dwellings). Taking these into account, assuming all would be approved there would still be capacity for at worst case scenario, 70 dwellings. Accordingly a scheme for 29 falls well within the existing capacity levels.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

When having regard to the existing agricultural use of the site, the proposal for 29 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS. The application proposes that foul drainage would be dealt with via the mains sewer system and confirms that the applicant will pay the required contribution under the DCS which has been calculated as a maximum of £10,266.00

Natural England has no objections in relation to impact on the SAC/SSSI subject to a surface water drainage condition. Therefore, based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Protected Species:

There are redundant farm buildings on the site and hedgerows, trees, grassland, overgrown vegetation within and surrounding the site. All of these are features that could be used by European Protected Species (EPS) and as such species may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The application submission was accompanied by an Ecology Report and a Protected Species

and Ecological Walkover Survey, Great Crested Newt Habitat Assessment and Survey and Reptile Survey were secured during the course of the application at the request of the County Ecologist. The County Ecologist has been consulted on the additional surveys provided (covering reptiles, great crested newts, bats, badgers and habitat survey) and advises that these are all satisfactory.

The habitat survey reveals that the previously species rich grassland has lost its bio-diversity value and is no longer species rich. Therefore, the County Ecologist considers that the development would not result in the loss of a habitat of county-wide value.

A medium sized population of great crested newts were found in a pond off the site but given the distance from the site, would not result in a requirement for mitigation. A number of precautionary recommendations are set out by the consulting ecologist and the County Ecologist advises that these recommendations should be the requirements of a condition. A grass snake was also evidenced in the Reptile report but again the County Ecologist advises that subject to the recommendations of the consulting ecologist being made into a condition, no objection is raised.

Although no evidence of badgers was found during the survey works, the County Ecologist advises that this situation may be subject to change and therefore, should works not commence on the site within three years of the protected species survey then an updated report would be required and again this requirement should be secured by condition.

Evidence of a nursery roost of brown long-eared bats was found in the farmhouse which is to be demolished as part of the development of the site. A replacement roost is required as mitigation for the lost roost and details of this have been provided within the Protected Species and Walkover Survey. Subject to a condition securing mitigation as set out in the submitted survey, and an updated bat survey if works do not commence within one year of the submitted survey, the County Ecologist is satisfied with the proposal.

With respect to breeding birds, the County Ecologist advises that any site clearance should be undertaken outside the bird breeding season and that any demolition works (excluding demolition of the farmhouse) should accord with the recommendations of the consulting ecologist.

Under regulation 53 of the Habitat Regulations, activities which would otherwise contravene the strict protection regime offered to EPS under regulation 41 can only be permitted where it has been shown that the following three tests have been met:

- the activity must be for imperative reasons of overriding public interest ("IROPI") or for public health and safety;
- there must be no satisfactory alternative;
- the favourable conservation status of the species in question must be maintained.

Until recently, these tests had only really been examined as part of the EPS licensing process carried out by Natural England. However, a recent court case (R (on the application of Simon Woolley) v Cheshire East Borough Council and others [2009] EWHC 1227), has held that Local Planning Authorities must engage with these three tests at the planning application stage and demonstrate that they are satisfied that the three tests have been met prior to granting planning permission.

In this case the development is considered to be in the over-riding public interest as the proposed would provide new housing in a sustainable location within an existing settlement.

Mitigation measures are proposed to avoid adverse impacts on protected species so their favourable conservation status will not be affected. It is therefore considered that the proposal meets the requirements of the Habitats Regulations 2010 in respect of protected species.

Impacts on Trees:

The Council's records show that there are protected trees on the site including four holly trees in the northern corner of the site frontage and extending along the boundary shared by Hollycroft. These would not be affected by the proposed access position. Three Yew trees are also included within the Tree Preservation Order (T371) and these are located along the site frontage adjacent to the proposed access position.

The submitted arboricultural survey identified two category A (Yew) trees which are covered by the above-mentioned TPO, two category B (Hornbeam) trees and one category C (Hornbeam) tree along the southern half of the site frontage where the proposed access would be located. The northern section of the frontage is occupied by a category A hedgerow.

The Council's Tree Officer has provided advice that the access point is located too close to one of the Yew trees and has raised concern that the hornbeams along the frontage would obstruct visibility at the access, and therefore, an alternative access position should be considered, having regard to the lifecycle of the existing trees. The National Forest Company has also raised concern about the impact of the proposed access on trees.

Amended plans have been submitted which show the proposed vehicular access being sited further south along the site frontage to allow for the retention of the category A Yew trees. Three new Hornbeams set back behind visibility splays are also proposed along the site frontage to replace those that would be lost.

The agent has advised that the whole of the site frontage contains trees and hedgerows with category A and B status and therefore, there is always going to be pressure to remove trees/hedgerows to enable the site to be developed. The trees that are to be removed are located close to the public footpath along the site frontage and close to existing buildings (which are to be removed) and therefore, could be affected by demolition works.

When having regard to possible alternative options for the siting of the proposed access, there would always be a requirement for loss of some existing landscaping. Land levels on the site are higher towards the northern end of the site frontage and locating the access along the southern section of the frontage would be preferable in design and highway terms.

On balance, and notwithstanding that some unprotected trees would be lost, when having regard to the topography of the site and the value of the trees/hedgerows along the whole site frontage, along with general design/highway considerations, it is considered that the amended access position represents a reasonable approach to developing this site in this case. The proposal is considered acceptable for the purposes of Policy E7 of the Local Plan.

Heritage Assets:

The proposed development would be situated approximately 60m to the north-east of No.2 Coronation Lane which is a grade II listed building. When having regard to the extent and nature of the intervening development, it is not considered that the proposal would adversely affect the setting of this heritage asset. The proposal would therefore, accord with the provisions of the NPPF.

With respect to archaeology, the site lies within the medieval historic core of the settlement and

includes the demolition of historic buildings and accordingly, the application submission was accompanied by a Heritage Assessment. The submitted Heritage Assessment concludes that the development will not affect the significance of the known heritage assets. The buildings on the site are noted as being of historic interest, but it is noted that the condition does not allow for a viable conversion to residential use. This view is supported by a building condition survey which also accompanied the application submission. The consulting archaeologist considers that a suitable scheme of historic building inspection and recording prior to demolition, along with a scheme to address any as yet unidentified archaeological remains potentially present will mitigate against the loss of heritage assets. The recommendations of the consulting ecologist can be addressed by suitably worded conditions.

The County Archaeologist has been consulted and advises that to the south of the former farmyard, much of the development area appears to have been affected by clay and coal extraction of uncertain date. Documentary records indicate that Leicester Abbey held land at Oakthorpe and utilised coal from the area in the medieval period. Historic maps dating from the late 19th and early 20th century, together with geological data, indicates the presence of former workings in the southern part of the development site; the latter appears to relate to surface and deep working of the Middle and Lower Pennine Coal Measures, shown in part as 'Old Shafts' depicted on the 1880's Ordnance Survey mapping. These workings are likely to have caused significant disturbance to earlier archaeological remains, including those associated with any medieval mining.

The area to the north-east of the farm, fronting onto Main Street has not been significantly disturbed in recent times and is undeveloped on 19th century mapping. It is likely, therefore, that any remains within the area are well preserved. In addition, the farm buildings are of historic interest since they are shown on the late 19th century first edition OS map. Traditional farm buildings such as these are a rapidly diminishing resource. Consequently, there is a likelihood that buried archaeological remains and historic buildings will be affected by the development.

In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. Accordingly, the County Archaeologist has no objections to the proposal subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

Coal:

The site falls within the Coal Authority Referral Zone and therefore, the Coal Authority has been consulted on the application. At the time of writing no comments had been received, and therefore, Members will be updated should any comments received from the Coal Authority.

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Healthcare

NHS England have sought £13,827.60 towards the upgrading of the nearest doctors surgery at Measham. The applicant has confirmed their agreement to pay this developer contribution.

Libraries

Leicestershire County Council is seeking a contribution of £1780 towards additional resources at Measham library. The applicant has confirmed their agreement to pay this developer contribution.

Education

Leicestershire County Council is seeking the following contributions to provide additional places at the nearest schools where there is no capacity:

- a contribution of £51,840.89 for the high school sector as there would be a deficit of 64 pupil places (3 created by the development) within high schools within a 3 mile walking distance of the site;
- a contribution of £53,229.96 for the upper school sector as there would be a deficit of 203 pupil places (3 created by the development) within upper schools within a 3 mile walking distance of the site;
- a contribution of £84,209.11 for the primary school sector as there would be a deficit of 105 pupil places (7 created by the development) within upper schools within a 2 mile walking distance of the site.

The applicant has confirmed their agreement to pay this developer contribution.

Highways Contributions

The County Highway Authority has also requested the following contributions to encourage sustainable travel to and from the site, achieve modal shift targets, and reduce car use:

- (i) Travel Packs - to inform new residents from first occupation what sustainable travel choices are in the surrounding area;
- (ii) Six-month bus passes, two per dwelling (2 application forms to be included in Travel Pack and funded by the developer) - to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car;
- (iii) Improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access) - to support modern bus fleets with low floor capabilities - £3263.00 per stop;
- (iv) Information display cases at the two nearest bus stops - to inform new residents of the nearest bus services in the area - £120.00 per display.

The Highway Authority has previously advised that the contributions are related to the new development as they seek to make bus services more attractive and encourage their use by future residents of the development, and to encourage behavioural shift in terms of travel choice at an early stage before car use becomes ingrained. Furthermore, the Highway Authority has considered that development would not be acceptable without these measures, as without them there is likely to be less use of buses and more car journeys. Consequently the development will be less sustainable, congestion on the network would increase, and the policies in LTP3 would not be complied with. Although the bus service is proposed to be reduced, a final decision has not been taken and in any case a bus service would still be available.

The Highway Authority also requests agreement of a construction traffic route which is considered to be necessary in this case given the site's proximity to residential areas and the village centre. The County Highways Authority also advises that the routing agreement will enable the Authority to prevent construction traffic from using unsuitable routes in the interests of highway safety.

The applicant has confirmed their agreement to pay these developer contributions.

Play Area/Open Space

Under the District Council's Play Area Supplementary Planning Guidance, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 29 dwellings are proposed, this would require a play area of not less than 580 square metres. No on-site children's play area is proposed as part of this proposal and instead it is proposed to make a contribution towards the existing open space at the recreation ground off School Street of £1235 per dwelling (£35,815), which would allow the Parish Council some flexibility as to how the money is spent. The applicant has confirmed their agreement to the payment of a developer contribution. The play area to which a contribution is sought can be accessed via the public footpath network which passes through the site but would require children to cross School Street. The County Highways Authority has confirmed that existing tactile paving crossing points available outside the play area on School Street would be sufficient to provide a safe pedestrian crossing for users of the play area from the proposed development.

The Council's SPG regarding children's play areas specifies that a commuted sum may be acceptable for sites that are within a reasonable walking distance of 400 metres. The distance to the existing play area/recreation ground is around 180 metres, which would be within the 400 metres walking distance as suggested in the SPG and it is considered that a commuted sum towards upgrading and improving the existing play area in the village would be acceptable in this instance. An obligation relating to management plans for any open space, landscaping and SUDS to ensure that the land is properly established, maintained and managed in the future would also be required. The applicant has confirmed their agreement to pay this developer contribution.

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of 5 dwellings or more, and this would equate to 9 dwellings for the current proposal. The applicant is proposing that 9 of the dwellings be affordable, which would comply with the requirements of the SPD. The Council's Strategic Housing Team has been consulted on the application and has advised that they are satisfied with the proposed affordable housing provision.

National Forest Company

The applicants propose making on-site planting and there is scope at the reserved matters stage to ensure that this extends to 20% of the site area (which would need to equate to a total of 0.3 hectares). The National Forest Company welcomes the proposed National Forest Planting and this would need to be secured by a Section 106 agreement. The applicant has confirmed their agreement to the provision of National Forest Planting as requested by the National Forest Company.

Other:

With respect to neighbour comments received which have not been covered in the above text, noise and disturbance during construction works and concerns about asbestos are covered by separate Environmental Health legislation. Loss of view is not a planning matter that can be taken into account in the determination of the application.

Conclusions:

The frontage part of the site is allocated for housing where the principle of the proposed development is considered acceptable. The rear part of the site lies within the countryside as defined in the Local Plan. Notwithstanding the conflict with the provisions of Policy S3 of the Local Plan, when having regard to the sustainability credentials of the settlement and the site, along with the fact that the site is well related to existing built development and the Limits to Development as defined in the Local Plan, the development of countryside land is considered acceptable in this instance. The proposed development would be acceptable in terms of density, impact on countryside, and the historic environment, impact on trees, residential amenities, highway safety issues, flood risk and drainage, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and the following condition(s):

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of the access (save for the details of vehicular access into the site from Main Street), layout, scale and appearance of the development and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: this permission is in outline only.

- 3 The proposed development shall be carried out strictly in accordance with drawing number OAK.YEW.006 Rev B received by the Authority on 30 April 2014 and site location plan (scale 1:2500) received by the Authority on 28 March 2014, unless otherwise required by a condition of this permission:

Reason: To determine the scope of this permission.

- 4 The reserved matter application(s) shall include precise details of finished ground levels across the site and the finished floor levels of all buildings in relation to an existing datum point.

Reason: to ensure a satisfactory relationship with the adjacent dwellings/the streetscene, as insufficient details have been provided.

- 5 The development hereby approved shall only use the mains sewer system for its foul drainage discharge.

Reason: Any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

- 6 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the pre-developed site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- o Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - o Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - o Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
 - o Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - o Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To prevent the increased risk of flooding, both on and off site and to prevent any adverse impact on the River Mease Special Area of Conservation; to ensure a sustainable drainage system is provided on the site.

- 7 No demolition/development shall take place until a programme of archaeological work, informed by an initial phase of trial trenching and a programme of building assessment, has been detailed within a Written Scheme of Investigation, and submitted to and agreed in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
- o The programme and methodology of site investigation and recording
 - o The programme for post-investigation assessment
 - o Provision to be made for analysis of the site investigation and recording
 - o Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - o Provision to be made for archive deposition of the analysis and records of the site investigation
 - o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition.

Reason: To ensure satisfactory archaeological investigation and recording.

- 8 The development hereby permitted shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording

- 9 Prior to the removal of the three Hornbeam trees (T698, T699 and T700) on the site, details of replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include its siting and size at the time of planting (ie. tree standard). The approved scheme shall be implemented during the first planting season following the removal of the trees. Should any replacement tree die, be removed or become seriously damaged, it shall be replaced in the first available planting season thereafter and during a period of 5 years from its first planting, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve the amenities of the locality.

- 10 No work shall commence on site until all trees/hedgerows which are to be retained on the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. Details of the extent and construction of the fencing shall first have been submitted to and agreed in writing by the Local Planning Authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

Reason: To ensure the existing trees/hedgerows are adequately protected during construction in the interests of the visual amenities of the area.

- 11 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 12 Before first occupation of the tenth dwelling hereby permitted, the redundant existing vehicular crossing and the highway verge shall have been reinstated in accordance with a scheme, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the general interests of highway safety especially pedestrian safety.

- 13 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Main Street. These shall be in

accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 14 No development shall commence on site until such time as details for the relocation of the south west bound bus stop, have been submitted and approved in writing by the Local Planning Authority. The tenth dwelling hereby permitted shall not be occupied until the bus stop has been relocated in accordance with the agreed works.

Reason: The bus stop shall be relocated in order to afford adequate visibility at the junction of the proposed access with Main Street, to cater for the expected volume of traffic joining the existing highway network.

- 15 No development shall commence on site at any time unless, within a period of not more than three years prior to the commencement of development, an updated survey of badgers within and in the vicinity of the site (including mitigation measures where appropriate) has been (i) undertaken by a suitably qualified individual and (ii) approved in writing by the Local Planning Authority. The development shall be carried out in strictly accordance with the recommended measures.

Reason: In the interests of nature conservation.

- 16 No development shall commence on site at any time unless, within a period of not more than one year prior to the commencement of development, an updated survey of bats within the site (including mitigation measures where appropriate) has been (i) undertaken by a suitably qualified individual and (ii) approved in writing by the Local Planning Authority. The development shall be carried out in strictly accordance with the recommended measures.

Reason: In the interests of nature conservation.

- 17 The development shall be carried out in accordance with the recommendations set out in sections 5.22(d) (Nesting Birds) and Appendix 1 (Demolition works _cluding the farmhouse) of the Protected Species and Ecological Walkover Survey by EMEC Ecology dated June 2014, the recommendations set out in section 6.11 of the Great Crested Newt Habitat Assessment and Survey by EMEC Ecology (dated June 2014) and the recommendations set out in section 5.1 of the Reptile Survey by EMEC Ecology (dated June 2014).

Reason: To ensure the protection of protected species.

- 18 No development shall commence on site until details of bat mitigation to be provided in accordance with the recommendations set out in section 6.2 of the Protected Species and Ecological Walkover Survey by EMEC Ecology dated June 2014 (and including timescales for implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and shall thereafter be retained in perpetuity.

Reason: ensure that protected species are not adversely affected by the proposals.

- 19 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- o BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - o BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - o BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
 - o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protected the quality of controlled waters on and in the vicinity of the site and to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 20 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

- o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- o Demonstrate the effectiveness of the approved Remedial Scheme; and
- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To protected the quality of controlled waters on and in the vicinity of the site and to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 21 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the quality of Controlled Waters on and in the vicinity of the site.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The applicant's attention is drawn to the attached report of the Environment Agency dated 07 May 2014.
- 3 The applicant's attention is drawn to the attached report of the County Highways Authority dated 22 May 2014.
- 4 The applicant's attention is drawn to the attached report of the National Forest Company dated 03 April 2014.
- 5 This decision is subject to a Section 106 Obligation.