
Erection of two-storey detached dwelling with detached garage

Report Item No
A5

28 Elder Lane Griffydam Coalville Leicestershire LE67 8HD

Application Reference
14/01073/FUL

Applicant:
Mr & Mrs B Fisher

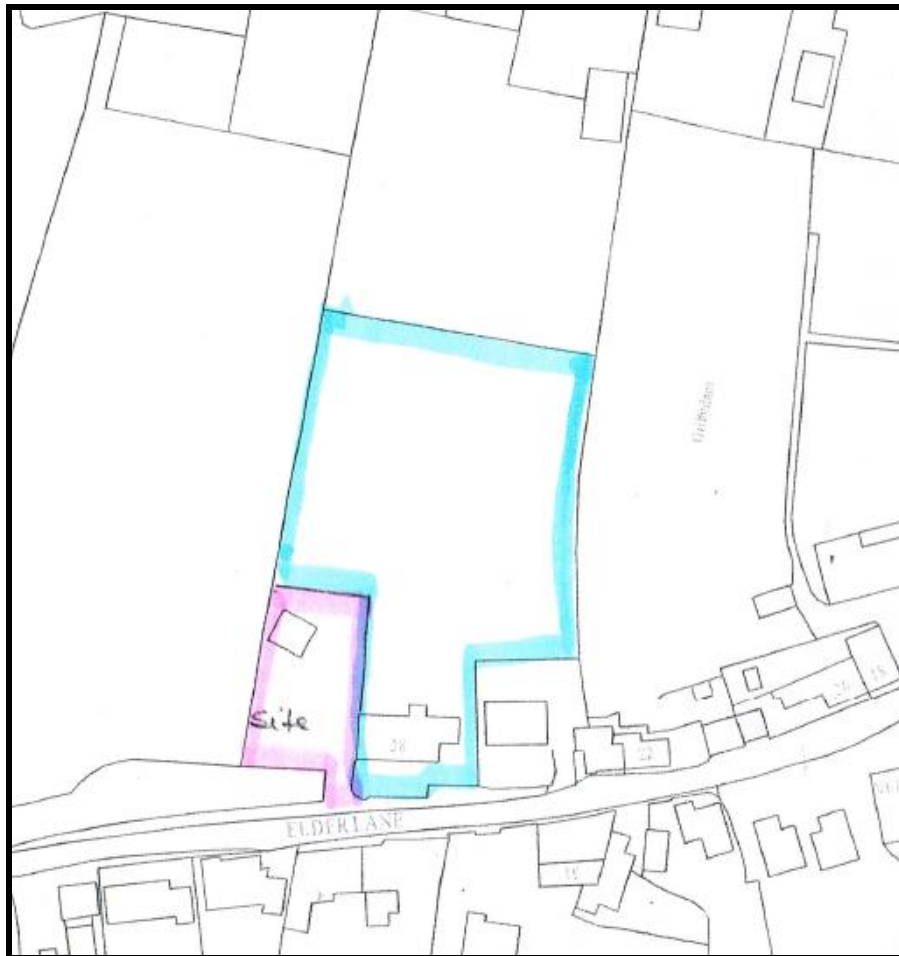
Date Registered
5 December 2014

Case Officer:
Adam Mellor

Target Decision Date
30 January 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the agent for the application is related to three serving councillors (Caroline Large, Charles Meynell and Richard Blunt).

Proposal

The application relates to the erection of one two-storey detached dwelling on 0.06 hectares of residential garden land to the north of No. 28 Elder Lane. Vehicular access into the site would be gained by utilising the existing access into the site with a double garage being provided to serve the new dwelling and off-street parking being provided for No. 28. The site is situated within the defined limits to development, as identified in the Local Plan, and the supporting information identifies that the proposed dwelling would serve a local need due to the occupants of No. 28 moving into the new dwelling and the current occupant's daughter and her family, who reside in Coalville, moving into No. 28.

Consultations

No representations against the development have been received with one supporting representation being received. Worthington Parish Council supports the development proposals and all other statutory consultees have no objections.

Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan and guidance within the National Planning Policy Guidance (NPPG) document.

Conclusion

In conclusion, the site lies within limits to development where there is a presumption in favour of development subject to all other matters being addressed.

Whilst Griffydham would not be considered a sustainable settlement for new residential development it has been demonstrated that the dwelling would meet a local need and that this need could not be met by current housing stock available within the area. As a result the scheme is considered compliant with Paragraphs 10 and 55 of the NPPF and the Rural Housing Paragraph of the NPPG. The imposition of a condition to improve the sustainability of the construction will also mitigate against potential increased levels of private vehicle movements.

Sufficient amenity space would be available to both the new and existing dwelling with the dwelling also respecting the character and building line of Elder Lane which would ensure compliance with Paragraph 53 of the NPPF.

It is considered that the scheme would not result in sufficient detriment to the amenities of any existing or future occupants in accordance with Policy E3 of the Local Plan.

An acceptable design of dwelling and relationship with the surrounding environment have been achieved which ensures compliance with Paragraphs 57, 60, 61 and 75 of the NPPF as well as Policies E4, F1 and H7 of the Local Plan.

The provision of one dwelling would not result in substantial harm to vehicular or pedestrian safety along Elder Lane, given the levels of vehicular activity and their relative speeds, which would ensure compliance with Paragraphs 32 and 75 of the NPPF and Policies T3 and T8 of the

Local Plan.

No protected species would be adversely affected by the proposal, or any trees of particular merit, and suitable means of foul and surface water discharge from the site would be agreed with the relevant authorities under separate legislation. As such the scheme would accord with Paragraphs 103 and 118 of the NPPF, Policies E7, F1, F2 and F3 of the Local Plan and Circular 06/05.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - APPROVE, subject to conditions and the completion of a Section 106 Agreement;

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

Planning permission is sought for the erection of a two-storey detached dwelling with detached garage at 28 Elder Lane, Griffydam. No. 28 Elder Lane is a two-storey detached dwelling situated on the eastern side of the lane, where it is set back 9.0 metres from the public highway. An existing vehicular access into the site provides off-street car parking and access to a detached double garage. The site is situated within the defined limits to development, as outlined on the North West Leicestershire Local Plan Proposals Map, with the surrounding area consisting of residential properties and open countryside to the north of the site.

As part of the development an existing detached double garage and detached shed would be removed. The proposed dwelling would be constructed at a distance of 7.0 metres from the northern (side) elevation of No. 28 and would have dimensions of 7.9 metres in width by 10.4 metres in length and use of a pitched gable ended roof, on a 5.3 metre section of the length of the dwelling, with an eaves height of 4.3 metres and overall height of 6.8 metres. The 5.1 metre section of the length to the rear of the property would utilise a pitched gable ended roof with an eaves height of 2.5 metres and overall height of 6.1 metres. Two dormer windows would be provided on the western (front) elevation of the dwelling which would project 1.5 metres with widths of 1.9 metres and pitched gable ended roofs with eaves heights of 0.5 metres and overall heights of 1.2 metres. It is indicated on the floor plans that the dwelling would provide a lounge, kitchen, utility, bathroom, hall and dining/bedroom at ground floor level and three bedrooms, a bathroom and en-suite at first floor level for the occupants.

It is proposed that the existing vehicular access into the site would be utilised to serve the existing and new dwelling with a detached double garage being constructed to serve the new dwelling which would have dimensions of 5.6 metres in width by 5.5 metres in length and use of a pitched gable ended roof with an eaves height of 2.9 metres and overall height of 4.4 metres. This garage would be positioned 8.8 metres to the east of the proposed dwelling. A new parking area would be provided to the rear of No. 28 in order to provide off-street parking.

A design and access statement has been submitted in support of the application which indicates that the new dwelling would be occupied by the current occupants of No. 28 Elder Lane (the applicants) with their daughter and her family, who currently reside at Oakham Drive Coalville, moving into No. 28. In these circumstances the proposed dwelling would meet a local need and would allow the applicant's to benefit from on-site assistance and care as they become older.

Following the site visit it was requested that section and finished floor level information be provided, due to the variance in land levels in relation to surrounding development, in order to make an informed assessment. These details were received on the 8th January 2015 and have been fully considered in the assessment of the application undertaken.

The planning history of the site is as follows:-

- 76/1709/P - Domestic extensions - Approved 12th January 1977;
- 79/0169/P - Garage - Approved 27th March 1979;
- 90/1068/P - Erection of part two-storey side extension and single storey rear extension - Approved 21st November 1990.

2. Publicity

13 no. neighbours have been notified (Date of last notification 15 December 2014)

Site Notice displayed 16 December 2014

3. Consultations

Clerk To Worthington Parish Council consulted 15 December 2014

County Highway Authority consulted 15 December 2014

Severn Trent Water Limited consulted 15 December 2014

Head of Environmental Protection consulted 15 December 2014

NWLDC Tree Officer consulted 15 December 2014

LCC ecology consulted 15 December 2014

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Leicestershire County Council - Ecology has no objections subject to clarification being provided on the whether the double garage to be demolished has a ceiling or enclosed roof space.

Leicestershire County Council - Highways considers that whilst the existing vehicular access would not meet current Highway Authority Standards and there would be an increase in vehicular traffic along Elder Lane, which would be undesirable, the overall implications to highway safety would not be sufficiently detrimental given the proposal relates to one dwelling.

NWLDC - Environmental Protection has no objections.

NWLDC - Tree Officer no representation received.

Severn Trent Water has no objections.

Worthington Parish Council has no objections and supports the development proposals.

Third Party Representations

One representation from the occupant of No. 39 Elder Lane has been received supporting the application due to it continuing to support the sustainability of the settlement as well as the wellbeing of the applicants.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below 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.

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

Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Achieving sustainable development);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy F1 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H7 - Housing Design;

Other Policies

Submission Version Core Strategy

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

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further information in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 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;

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

Principle of the Development

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

Whilst Griffydam has a limited range of facilities and services, it does contain a primary school (Griffydam County Primary School, Top Road), a place of worship (Wesleyan Reform Church, Rempstone Road), a meeting/community place (Wesleyan Reform Church, Rempstone Road and Beaumont Social Centre, Nottingham Road) and a two hourly bus service to other neighbouring towns and villages, where a greater range of facilities are available (nearest bus stop located on Top Road). Whilst the agent has referred to the village benefitting from a public house it is noted that the public house in Griffydam, The Waggon and Horses, is not currently open and has a planning permission in place for conversion to a residential dwelling under application reference 12/00809/FUL.

This level of service availability would not result in Griffydam being considered a sustainable settlement for new residential development, however, the intentions of the application are that the dwelling would serve a 'local need.' The now withdrawn Submission Core Strategy contained a Policy (CS7) which outlined that local needs housing may be acceptable where there is demonstrable local housing need that cannot be met from existing housing stock and where there is an established local connection. Whilst this policy is not applicable to the determination of the application there is policy within the NPPF which draws upon these recommendations including Paragraph 10 which identifies that: *"Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas;"* and Paragraph 55 which states that: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."* The National Planning Policy Guidance (NPPG) within Paragraph 001 associated with Rural Housing also identifies the following: -

- *"It is important to recognize the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements;"*
- *"A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities;"*

It is proposed that the current occupants of No. 28 (the applicant's) would move into the new dwelling with the applicants daughter and her family moving into No. 28 from their current property at Oakham Drive, Coalville. The applicants wish to remain in the area but need a property of smaller scale due to their age with the intended solution also ensuring that a family member is available for future care and assistance.

It is considered that the supporting information demonstrates that the applicants would have met the 'local needs' criteria formerly identified in Policy CS7 (i.e. a person or persons and their dependents residing permanently in the parish or adjoining parish, for at least 5 years or more in the previous 20 years; or a person or persons required to live close to another person who satisfies the aforementioned criteria and is in essential need of frequent attention and/or care due to age, ill health, disability and/or infirmity) given that they have resided in Griffydam for a period of ten years.

As part of the application process information has also been submitted to demonstrate that the 'need' for a dwelling of a smaller scale cannot be met from the existing housing stock and in this regard the agent has identified the following *"based on an estimated build cost of £100 per square foot for the erection of a dwelling which includes high quality materials a 1300 square foot three bedroom dwelling would cost approximately £130,000."* Using build cost figures of the 12th January 2015 (www.homebuilding.co.uk) the District Council finds that build costs for a two-storey 1300 square foot dwelling, minus the detached double garage, in the area using the most expensive build route (Main Contractor) and building to an Excellent specification, which would take into account better quality material as well as VAT, would amount to £197,831. Using Subcontractors would bring this price down to £179,646. Incorporating a detached garage of the scale proposed into the equation would raise the prices to £219,531 and £201,346 respectively. As such there is some discrepancy between the costing figures supplied by the agent and those of the District Council.

This discrepancy, however, needs to be considered in relation to similar sized housing stock available in the locality and information on such properties available at the time the application was submitted have been included as part of the submission. The Best Guide price produced by Howkins and Harrison LLP (Atherstone) demonstrates that 3+ bedroom dwellings available at present within a 0.5 mile radius of Griffydam postcode LE67 8HD are limited to nine in number, and are at prices ranging from £185,000 to £399,950. Whilst one property of £185,000 is identified this has been discounted on the basis that it is not directly relevant to the proposal (i.e. it is a terraced property in need of renovation). This would therefore make the cheapest property £279,950 which is coincidentally a three bedroomed detached property on Elder Lane (Rainbows End). In this context, therefore, the potential discrepancy between the agent's and the District Council's estimate costing figure is a moot point since the highest build cost identified by the District Council, on a property without a garage, would be £82,119 less than the lowest house price identified in the Estate Agent's Best Guide Price information thereby clearly indicating that the applicant's housing need could not be met from the existing housing stock in the locality.

Whilst the agent has also agreed to the dwelling being constructed to meet Code Level 4 of the

Code for Sustainable Homes, in order to offset any potential increase from CO2 emissions associated with trips undertaken by the private car, it is noted that the Code for Sustainable Homes has been abolished and will not be replaced until October 2015 with a set of core standards. Whilst this is the case it is considered that an appropriately worded condition could be imposed on the consent to ensure that the construction techniques employed ensure that the dwelling has improved sustainability credentials.

In conclusion, therefore, whilst Griffydham would not be considered a sustainable settlement for new residential development the fact that the proposal will satisfy a local need, which would be secured by the completion of a relevant Section 106 Agreement tying down the occupation of the dwelling to any persons meeting a local need in perpetuity. Appropriate conditions would be used so that the property was constructed using sustainable techniques, and this would enable the development to be sustainable in the context of Paragraphs 10 and 55 of the NPPF as well as the Rural Housing Paragraph of the NPPG.

Paragraph 53 of the NPPF outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. The implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the application, given that the dwelling would respect the existing building line of Elder Lane and would have a design which would respect the characteristics of the surrounding area. A sufficient amenity area to the existing property would also be retained and as the dwelling is not protected, nor is the land protected open space or countryside, it is considered that the principle of the development would not conflict with the aims of Paragraph 53.

Residential Amenity

In respect of impacts on residential amenities it is considered that the properties most immediately affected by the proposed works would be No. 28 Elder Lane and Nos. 35 and 37 Elder Lane situated on the western side of the lane.

No windows exist in the northern (side) elevation of No. 28 with the proposed dwelling set 7.0 metres from this elevation. The new dwelling would not project beyond the western (front) elevation of No. 28 but would project 4.6 metres beyond its eastern (rear) elevation. Given the setting of the new dwelling away from No. 28 and the fact that the latter parts of the dwelling utilise a roof which has a lower eaves and ridge height it is considered that there would be no adverse overbearing or overshadowing impacts on the amenities of No. 28. Although the new dwelling would be set to the north of No. 28 the positioning of the new dwelling, as well as the windows of habitable rooms, would ensure that the future occupants amenities would not be adversely impacted on as a result of any adverse overbearing or overshadowing implications.

In respect of overlooking impacts it is considered that the windows on the eastern (rear) elevation would not result in any direct overlooking implications to the proposed rear amenity area to the new dwelling or any overlooking impacts into the dwelling given the oblique angle of view. Although roof lights serving a habitable room would be installed in the southern (side) elevation of the new dwelling, at a height of 1.4 metres above the internal floor level, it is considered that these would not result in a sufficiently detrimental overlooking impact on the amenities of No. 28, as to warrant a refusal of the application. This is due to the natural view established from roof lights, which is not a direct overlooking impact, the distance of the roof lights from the assumed curtilage boundary of No. 28 and the amount of private amenity space afforded to No. 28.

The detached garage would be set 13.6 metres from No. 28 and this distance would be considered sufficient in preventing any adverse impacts on the amenities of this property.

The ground levels on the western side of Elder Lane are lower than those of the eastern side of the lane. A section plan has been provided to show the relationship of the new dwelling with the highway and this shows that the finished floor level of the dwelling would be 22.33 metres, to match No. 28, with the road level being 19.07 metres. Whilst the properties on the western side of Elder Lane are situated at a lower level there would be a distance of 18.0 metres between the front elevation of the new dwelling and Nos. 35 and 37 which would be sufficient in ensuring that there would not be a significantly detrimental overbearing or overshadowing impact. This distance, coupled with the presence of vegetation on a strip of land between the application site and the highway, would also prevent any adverse overlooking impacts.

Overall, therefore, the development would accord with Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

It is proposed that the land levels on the site would be altered in order to provide a level base for the dwelling, which would have an overall height 0.35 metres higher than No. 28, with the proposed front elevation of the new dwelling also being set slightly further back than No. 28. The streetscape of Elder Lane is characterised by dwellings which either front onto the highway or are set back with the ridge heights of properties also varying due to the changes in land levels. In this regard, therefore, the position and height of the dwelling would not detract from the characteristics of the streetscape. In respect of the impacts on the surrounding area it is considered that although located in a prominent position adjacent to open countryside, with public footpath M43 running to the north of the site, the development would be viewed in the context of its relationship with other built forms and in this context its implications to the surrounding environment would not be sufficiently detrimental as to warrant a refusal of the application.

In terms of the design of the dwelling itself it is considered that it would be acceptable and would include design features which the Local Authority considers desirable (chimneys, eaves and verge detailing, stone cills, brick headers, a canopy and timber windows and doors) with the features also being consistent and in keeping with the design of properties within the village which are considered to make a positive contribution to the visual amenity of the area (such as 47 Elder Lane and 79 Elder Lane). The inclusion of timber windows and doors, along with a timber canopy, would also reinforce the National Forest identity of the dwellings. The overall footprint of the dwelling and detached garage are also considered to be consistent with dwellings within the vicinity of the site and as such the overall design of the dwellings would be positive to the character and appearance of the wider area.

The scale of the detached garage is subservient in relation to the main dwelling and its positioning would ensure that it would not have significant visual implications to the surrounding environment.

The agent for the application has stipulated that the dwelling would be constructed from hand

made red brick, clay tiles with either stained or painted timber joinery and the use of these materials will be acceptable and would respect the characteristics of the area. A condition would be imposed on any consent to ensure that these materials are utilised with relevant samples being submitted to the District Council for approval.

Overall the layout, design and scale of the dwelling is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61 and 75 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Highway Safety

The County Highways Authority has no objections to the application due to it only relating to the provision of one additional dwelling which would not result in a significant increase in the levels of vehicular activity on Elder Lane and as such there would not be any significant implications to pedestrian or highway safety. It is proposed that the existing vehicular access would be utilised to serve both dwellings and whilst the width of this vehicular access would not be in compliance with the County Council standards it is considered that the likelihood of conflict between vehicles entering and exiting the site would be fairly infrequent. The level of traffic, and their relative speeds, along Elder Lane would also not result in significant detriment to highway safety on the occasions where a vehicle may need to wait in the highway whilst another vehicle exits the site. On this basis the development would accord with Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

In respect of off-street car parking it is considered that the proposed double garage for the new dwelling, and external off-street parking for the existing dwelling, would be sufficient and would accord with the principles of Policy T8 of the Local Plan.

Elder Lane also acts as a footpath/bridleway/cycleway and whilst the County Council Footpaths Officer has not been consulted on the application it is considered that the development would not have significant implications to the safe usage of this right of way for the reasons given above. Whilst this is the case the relevant notes to applicants imposed on consents where rights of way may be affected will be included on any consent granted. This would ensure compliance with Paragraph 75 of the NPPF.

Ecology

The County Ecologist has commented that clarification needed to be provided on whether the detached garage to be removed has a ceiling or enclosed roof space due to the possibility of bats inhabiting the building. Confirmation from the agent for the application has been received to identify that the detached garage does not have a ceiling or enclosed roof area and as a result of this it is unlikely that bats would utilise the building for feeding or roosting purposes. In any case the garage and shed are domestic structures which could be demolished at anytime without planning permission and such demolition would result in the same implications to protected species as the current proposal. Therefore it is considered that the development would not have significant conflict with the principles of Paragraph 118 of the NPPF or Circular 06/05 as to warrant a refusal of the application. Although this is the case a relevant note to applicant would be attached to any planning consent to make them aware of the guidance that should be adhered to should bats be discovered.

Landscaping

The substantial vegetation which existed on the site at the time pre-application advice was provided has been removed prior to the submission of the application. Although this is the case vegetation is retained within the grounds of No. 28 as well as to the boundaries of the parcel of land which exists between the site and Elder Lane. The position of the dwelling in relation to the

retained vegetation would ensure that it would not impact significantly on its integrity and replacement planting to mitigate that already removed could be secured via the imposition of a landscaping scheme condition on any consent granted. It is considered that on this basis the development would accord with Policies E7, F1, F2 and F3 of the Local Plan.

Other Matters

Severn Trent Water have no objections to the application and as a result of this it is considered that there would be no issues in respect of foul or surface water drainage for the development. In these circumstances there would be no conflict with Paragraph 103 of the NPPF.

Conclusion Summary Reasons for Granting Planning Permission

In conclusion, the site lies within limits to development where there is a presumption in favour of development subject to all other matters being addressed.

Whilst Griffydam would not be considered a sustainable settlement for new residential development it has been demonstrated that the dwelling would meet a local need and that this need could not be met by current housing stock available within the area. As a result the scheme is considered compliant with Paragraphs 10 and 55 of the NPPF and the Rural Housing Paragraph of the NPPG. The imposition of a condition to improve the sustainability of the construction will also mitigate against potential increased levels of private vehicle movements.

Sufficient amenity space would be available to both the new and existing dwelling with the dwelling also respecting the character and building line of Elder Lane which would ensure compliance with Paragraph 53 of the NPPF.

It is considered that the scheme would not result in sufficient detriment to the amenities of any existing or future occupants in accordance with Policy E3 of the Local Plan.

An acceptable design of dwelling and relationship with the surrounding environment have been achieved which ensures compliance with Paragraphs 57, 60, 61 and 75 of the NPPF as well as Policies E4, F1 and H7 of the Local Plan.

The provision of one dwelling would not result in substantial harm to vehicular or pedestrian safety along Elder Lane, given the levels of vehicular activity and their relative speeds, which would ensure compliance with Paragraphs 32 and 75 of the NPPF and Policies T3 and T8 of the Local Plan.

No protected species would be adversely affected by the proposal, or any trees of particular merit, and suitable means of foul and surface water discharge from the site would be agreed with the relevant authorities under separate legislation. As such the scheme would accord with Paragraphs 103 and 118 of the NPPF, Policies E7, F1, F2 and F3 of the Local Plan and Circular 06/05.

Accordingly the application is recommended for approval of planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 Agreement;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

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

- 2 The proposed development shall be carried out strictly in accordance with the site plan (1:1250) and drawing number 56/1/2014, received by the Local Authority on the 5th December 2014, as well as the block plan (1:250) and drawing number 56/2/2014, received by the Local Authority on the 8th January 2015, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, no development shall commence until the following have been submitted to and agreed in writing by the Local Planning Authority: -
- A sample of the hand made red brick;
 - A sample of the clay roof tile;
 - Details of the colour/stain finish of the timber joinery;
 - Details of the brick bond;
 - Details of the rainwater goods;
 - Details of the eaves and verge detail;
- The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.

- 4 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby approved, a scheme of soft and hard landscaping (including for the retention of any existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling with the hard landscaping scheme being provided in full prior to the first occupation/use of the dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location in the National Forest.

- 5 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - to provide a reasonable period for the replacement of any trees.

- 6 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby approved, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby

approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the application.

- 7 The proposed site levels and finished floor level of the dwelling shall be provided in strict accordance with those shown on the block plan (1:250) and drawing number 56/2/14, received by the Local Authority on the 8th January 2014, unless alternative site levels and finished floor levels are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential amenity.

- 8 Prior to the first occupation of the dwelling, hereby approved, the detached garage and parking and turning areas for both the new dwelling and No. 28 Elder Lane shall be provided in accordance with those shown on the block plan (1:250) and once provided shall thereafter be maintained and kept available for use at all times.

Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 9 No development shall commence until such time as a statement outlining the range of measures proposed to be incorporated into the proposed development in respect of construction techniques to improve the sustainability credentials of the dwelling are first submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason - to ensure that the development takes the form envisaged by the Authority and for the purposes of sustainability.

Notes to applicant

- 1 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 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The applicant will be responsible for ensuring that footpath/bridleway/cycleway along Elder Lane is not affected by any operations associated with the development during the implementation of the planning consent, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence.
- 4 Any damage that may be caused to the surface of the footpath which is directly

- attributable to works associated with the development will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority.
- 5 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.
- 6 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.