

Erection of a detached dwelling along with associated garage

Report Item No
A4

Oak Tree Stables School Lane Newbold Coalville
Leicestershire LE67 8PF

Application Reference
15/00451/FUL

Applicant:
Mr R Boam

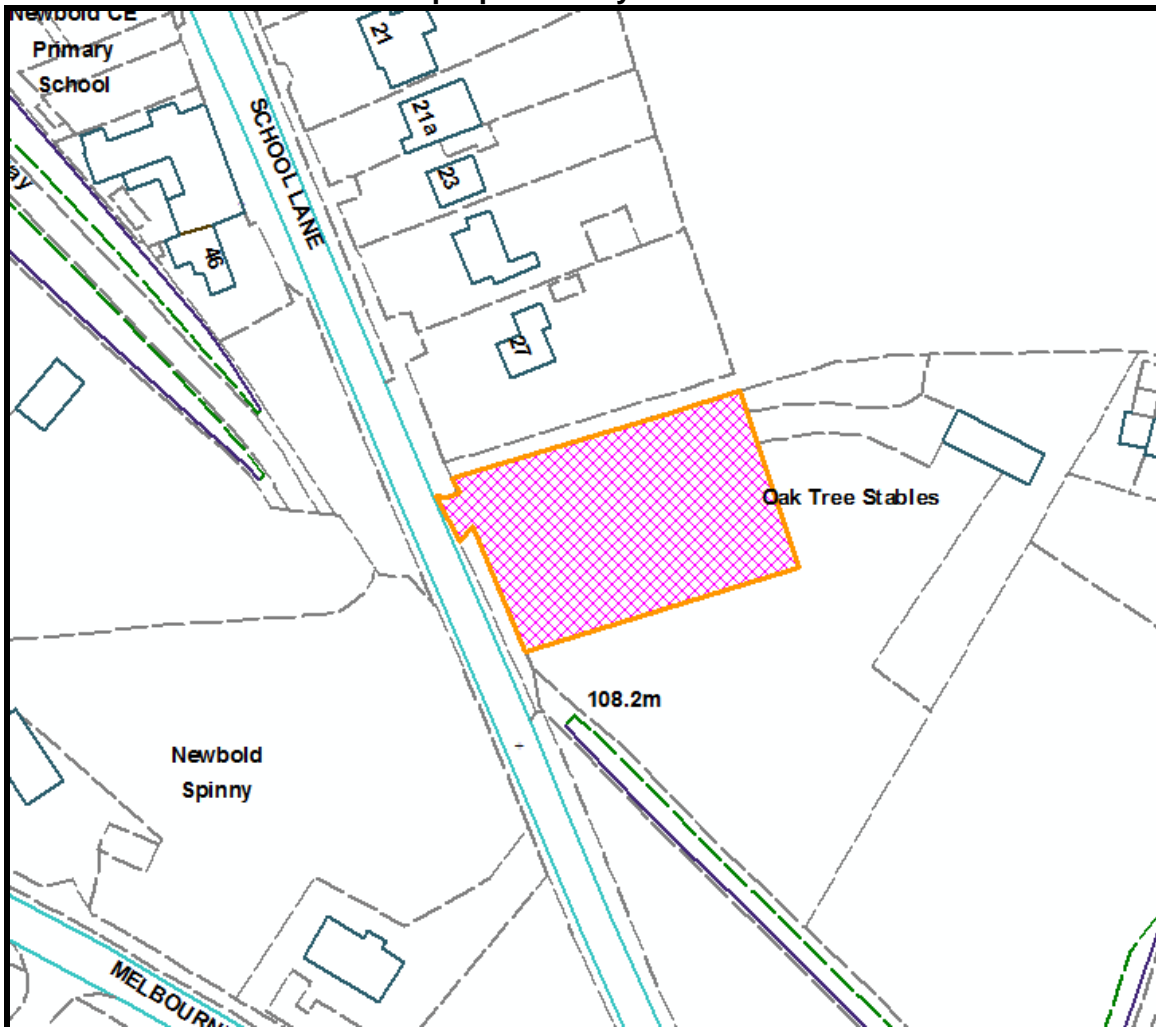
Date Registered
14 May 2015

Case Officer:
Adam Mellor

Target Decision Date
9 July 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 applicant (Councillor Boam) is a serving member.

Proposal

Planning permission is sought for the erection of a detached dwelling along with associated garage at Oak Tree Stables, School Lane, Newbold. The site is situated outside the defined limits to development on the south-eastern side of School Lane with the proposed dwelling being a two-storey type (with habitable accommodation in the roof slope) with a ridge height of 8.0 metres.

Consultations

No letters of representation have been received from third parties or from Worthington Parish Council. All other statutory consultees have raised no objections subject to the inclusion of conditions or notes to the applicant.

Planning Policy

Whilst the development would conflict with the principles of Policy S3 of the Local Plan the degree of conflict with this Policy would be significantly outweighed by the compliance with all other Policies of the North West Leicestershire Local Plan as well as relevant Paragraphs of the National Planning Policy Framework (NPPF) and Circular 06/05.

Conclusion

It is considered that the provision of the dwelling would comply with all the relevant strands of sustainability (environmental, economic and social) enshrined within the NPPF with any future resident of the dwelling assisting in sustaining the services within Newbold. It is also considered that the dwelling would not be isolated, given its association with built forms, and overall the principle of the proposal would be acceptable in accordance with the key principles of the NPPF as well as Paragraphs 28, 55 and 70.

It is considered that the scale of its dwelling and its distance from the boundaries with neighbours would ensure that there would be no adverse impacts on existing or future amenities with the relationship with mature trees also not causing a significant impact on future amenities given the general orientation of the site. Whilst dog breeding is undertaken on a neighbouring site it is considered that there would not be detriment to the future amenities of the occupants given the level of operation which is undertaken. On this basis the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The design of the dwelling responds well to the context in which it is set by including materials and finishing details which are locally inspired and reflect a National Forest identity with there being no visual detriment to the rural environment, as such the development would accord with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

No objections to the development have been raised by the County Highways Authority and subject to the imposition of relevant conditions it is considered that the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as to not cause harm to ecological species, not pose a risk to the legacy of coal mining or contaminated land and which would

provide appropriate soft landscaping whilst not being adversely affected by mature trees located to the west and south-west. On this basis the development would accord with Paragraphs 118, 120 and 121 of the NPPF, Policies E7, F1, F2 and F3 of the Local Plan and Circular 06/05. It is therefore recommended that the application be permitted.

RECOMMENDATION - APPROVE, subject to 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

Planning permission is sought for the erection of a detached dwelling along with associated garage at Oak Tree Stables, School Lane, Newbold. Oak Tree Stables is a 0.14 hectare site situated on the south-eastern side of School Lane and is currently used as paddock land with an associated stable. An existing vehicular access into the site off School Lane exists with it being noted that the site is situated outside the defined limits to development. The boundary of the settlement of Newbold lies adjacent to public footpath M32 which itself lies adjacent to the north-western boundary of the site.

The proposed dwelling would be set 12.6 metres from School Lane and would be a two-storey type, with habitable accommodation in the roof slope, with principle dimensions of 19.2 metres in length (including front projections) by 14.2 metres in width with an overall height of 8.0 metres. The plans indicate that the dwelling would contain a double garage, study, living room, hallway, snug, open-plan dining/kitchen area, utility and pantry at ground floor level and four bedrooms, an en-suite and bathroom at first floor level for the occupants.

A design and access/planning statement, extended phase 1 survey and coal mining risk assessment have been submitted in support of the application.

The planning history of the site as is follows: -

- 97/0266/P - Erection of one dwelling (outline) - Refused 14th May 1997;
- 98/0129/P - Erection of one dwelling (outline - means of access) - Refused 11th March 1998;
- 98/0852/P - Use of land for keeping of horses, erection of stable block and formation of vehicular access - Refused 16th December 1998;
- 99/0598/P - Erection of stable block, formation of vehicular access and change of use of land to keeping of horses for recreational use - Approved 9th August 1999;
- 99/1136/P - Erection of a stable block - Approved, subject to a Section 106 Agreement, 26th July 2001;
- 01/01144/FUL - Importing soil and formation of a pond - Approved 21st December 2001;
- 02/00072/FUL - Retention of stableblock - Refused 19th August 2002;
- 03/01130/FUL - Erection of stable block and feedstore - Refused 9th December 2004;
- 05/01237/FUL - Erection of stable building - Approved 3rd October 2005.

2. Publicity

3 neighbours have been notified (Date of last notification 21 May 2015)

Press Notice published 27 May 2015

Site Notice posted 28 May 2015

3. Consultations

Clerk To Worthington Parish Council consulted
County Highway Authority
Severn Trent Water Limited
Natural England
LCC ecology
LCC/Footpaths
NWLDC Footpaths Officer

Coal Authority

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.

Coal Authority has no objections subject to a condition to ensure that the site is made safe for development.

Leicestershire County Council - Ecology has no objections subject to the inclusion of conditions for the provision of an additional great crested newts survey should development not commence before March 2017, placement of materials on pallets and removal of any vegetation outside of the bird nesting season.

Leicestershire County Council - Footpaths has no objections subject to notes to the applicant.

Leicestershire County Council - Highways has no objections subject to their standing advice being considered in respect of car parking, visibility splays, access surfacing, set back of gates, whether a pedestrian footway is necessary and if a pedestrian footway is present relevant pedestrian visibility splays.

Natural England has no objections subject to their standing advice on protected species being considered.

NWLDC - Environmental Protection have verbally confirmed that there are no objections to the application.

NWLDC - Environmental Protection Contaminated Land no representation received but applications within the vicinity of the site have been considered acceptable subject to the inclusion of a contaminated land condition being imposed on any consent given the historic uses of the land.

NWLDC - Footpaths has no objections subject to the assurance that the right of way is retained during construction.

Severn Trent Water has no objections.

Worthington Parish Council no representation received.

Third Party Representations

No third party representations have been received.

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 39 (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 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 123 (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 outside 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 S3 - Countryside;
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

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.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

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.

6. Assessment

Principle of Development

The District Council is able to demonstrate a five year supply of housing land and as a result of this Policies S3 and H4/1 of the Local Plan are not considered to be 'out of date' in the context of Paragraph 49 of the NPPF. However, in terms of the weight which should be afforded to these policies consideration has to be given to the fact that the limits to development, as defined in the adopted Local Plan, were drawn having regard to housing requirements only up until the end of the Plan Period (i.e. to 2006).

In terms of Policy S3 the site is outside the limits to development with residential dwellings not being a form of development permitted by Policy S3. A scheme relating to the provision of one dwelling would also not make a significant contribution to the Council's five year housing land supply.

Despite this fact consideration should also be given to other Development Plan Policies and National policies including Policy H4/1 which identifies that in releasing appropriate land for housing consideration should be given to various factors. Whether or not a site is "*appropriate*" is a matter of judgement having regard to its location outside the limits to development.

It is also accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development given the presumption in favour of such as set out in the NPPF.

Whilst being located on a greenfield site it is noted that the siting of the dwelling would be only 8.0 metres from the defined limits to development, with three properties existing further south than the application site with planning permission recently being granted for an additional dwelling within the grounds of No. 35 School Lane (Ref: 15/00241/FUL) and at land at the junction of Melbourne Road and Gelsmoor Road (Refs: 14/00627/FUL and 15/00321/VCU). Newbold Spinney (No. 60) School Lane lies to the west and Railway Cottage on School Lane lies to the north-east and is a property which is detached from the surrounding dwellings. In this context it is considered that the provision of the dwelling would not have a significant impact on the 'openness' of the rural environment, given that it has been sited in close proximity to the highway, and would also not result in the provision of an 'isolated' dwelling in the countryside given that any views established from the public domain would see the dwelling associated with existing built forms.

The settlement of Newbold benefits from the following services: public houses (Gelsmoor Inn, Rempstone Road and Cross Keys Public House, Worthington Lane), a school (Newbold Church of England Primary School, School Lane), leisure and community facilities (off School Lane) and two bus services (nearest stop at the junction of School Lane/Ashby Road/Worthington Lane)

being the 155 between Coalville and Castle Donington, including East Midlands Airport (hourly service between 7am and 7pm Monday to Saturday) and the Cresswell Coaches Service 129 between Ashby and Loughborough (two hourly service between 7:30am and 5:30pm Monday to Saturday). Such services are within walking distance of the application site on maintained footpaths. Having regard to the location of the site it is considered that residents of the development would have access to the services and facilities within the village with other facilities and employment opportunities being accessible by using public transport. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

Overall the proposal would score well against the sustainability criteria of the NPPF and as such the principle of the development would be acceptable.

Residential Amenity

The proposed dwelling would be set 23.0 metres from the boundary of No. 35 School Lane (which will become the boundary for a new dwelling should planning permission 15/00241/FUL be implemented) and 8.0 metres from the boundary with No. 27 School Lane although public footpath M32 and dense vegetation exist between the application site and No. 27.

Given the placement of the dwelling, relevant distances to neighbouring properties (which are set away from the boundaries) and presence of mature vegetation it is considered that the proposal would not result in any adverse overbearing or overshadowing impacts on the amenities of neighbours. The position of windows would also ensure that there would be no detrimental overlooking impacts.

In respect of the amenities of any future occupants it is noted that No. 27 School Lane is also a breeding kennels and as such some noise maybe associated with this site. The Council's Environmental Protection Team have been consulted and consider that the relationship of the site with the breeding kennels would be acceptable and if the hours of construction resulted in excess noise which caused distress to the dogs then Environmental Protection could address such a matter under their own legislation. The presence of stables on the site would also not result in detriment to the amenities of any future occupant in respect of smell or noise detriment.

It is noted that trees of a mature stature exist to the west of the site, which lie within the grounds of Newbold Spinney (No. 60) Melbourne Road and are protected by Tree Preservation Order T134, and as such this would result in an inevitable overshadowing impact in the latter parts of the day to the front amenity area. However, it is considered that the dwelling has been positioned so as this impact would be minimised and only the front amenity area would be significantly impacted on, given the distance from the trunks of the trees, and it would not be subjected to substantial impacts for the majority of the day due to the orientation. In this circumstance it is considered that the extent of shadowing would not be sufficiently detrimental to warrant a refusal of the application and, in any case, any future occupants would be aware of this relationship prior to their purchase or occupation.

Overall the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Impact on the Character and Appearance of the Surrounding Area and Streetscape

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."

The land on which the dwelling would be situated slopes downwards by 3.01 metres from the south-western to north-eastern boundary and by 2.57 metres from the north-western to south-eastern boundary. It is proposed that the position of the dwelling would have a building line which would be consistent with those properties set to the north-west with the introduction of a two-storey (with habitable accommodation in the roofslope) dwelling being in keeping with the appearance of the streetscape as well as acting as a natural transition between two-storey dwellings to the north-west and single storey dwellings to the south-east. Given the presence of mature vegetation to the roadside boundary and north-western boundary (with public footpath M32) it is considered that the dwelling would not be substantially prominent and would be in keeping with the character and appearance of the streetscape.

With regards to 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 (chimney, eaves and headers, a timber canopy and timber joinery) with these 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 area such as Birch Tree Barn, Worthington Lane and properties on Henry Dane Way, Newbold. The introduction of timber joinery and a timber canopy also provides the dwelling with a 'National Forest' identity. Overall the scale and design of the dwelling would respect the characteristics of the immediate environment.

The plans show that the dwelling would be constructed from bricks and stone with roof tiles to match those within the surrounding area and the use of these materials would be acceptable in preserving the character and appearance of the surrounding area and streetscape. As no precise details have been supplied it is considered reasonable to impose a condition on any permission granted for the materials to be agreed.

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 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Highway Safety

The County Highways Authority have raised no objections subject to consideration being given to the provision of visibility splays, surfacing of the access drive, car parking and position of any gates.

It is proposed that an existing vehicular access into the site would be utilised and the width of this access along with the level of visibility achieved would ensure that it could facilitate the vehicular movements associated with one dwelling. The existing gates to the access are set 10.0 metres from the highway which would allow a vehicle to pull clear of the highway whilst waiting to enter the property with sufficient space being provided for vehicular manoeuvres. At present the highway verge is grass and as such not used by pedestrians with the pedestrian footway on the opposite side of School Lane being easily accessed from the site access. In the circumstances that relevant conditions could be imposed on any consent granted to secure the requests of the County Highways Authority it is considered that the development would not be severely detrimental to highway safety and would therefore accord with Paragraph 32 of the NPPF and Policy T3 of the Local Plan.

The site could accommodate at least four off-street parking spaces, two of which would be within the garage, and this amount of parking is considered sufficient based on the amount of bedrooms proposed. Therefore the development complies with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Ecology

The County Council Ecologist has commented on the application and has identified that there would not be a need for a great crested newts survey to be provided upfront given the results provided from a survey conducted on a site in close proximity to the site. However, there is the possibility that great crested newts could relocate to the pond, located 50 metres from the site, within the immediate future and as such it is advised that a condition is imposed for a revised survey to be provided should the development not commence prior to March 2017 (the beginning of the GCN survey season). Conditions are also suggested for any building materials to be stored on pallets, for rubble and waste associated with the development to be immediately disposed of or stored in skips and for any removal of the hedge to be undertaken outside the bird nesting season or for an ecologist to survey the hedge prior to its removal.

It is considered that it would be unreasonable to impose a condition in respect of an ecologist being present when any vegetation is removed given that such works could be carried out at any time without consent. Therefore a relevant note to the applicant would be imposed to make them aware of the legal status of nesting birds.

Overall, the proposed would not cause conflict with the principles of Paragraph 118 of the NPPF or Circular 06/05.

Landscaping

The position of the dwelling would ensure that there would not be significant implications to mature vegetation on the site, given that it is located to the site boundaries, with the imposition of a condition to secure a landscaping scheme to include works to existing vegetation (some existing hedges identified for trimming) as well as securing additional planting due to the site's location in the National Forest.

As identified in the Residential Amenity section of this report it is noted that it is inevitable that the front amenity area for the dwelling, and its front elevation, would be subjected to shading when the sun is positioned to the south-west and west due to the relationship with mature trees at Newbold Spinney (No. 60) Melbourne Road. However BS5837 (2012) outlines that "*NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;*" and "*NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits.*" Given that the property would only be subject to excessive shading in the latter parts of the day, and it would only impact on the front amenity area and front elevation, it is considered that this relationship would be acceptable. Given that the dwelling would be located over 22.0 metres from the trunks of the trees and the fact that the trees are protected, as well as being on land outside of the ownership of the applicants, it is considered that this would protect them from any unnecessary pressure for removal.

Given the above conclusions it is considered that an approval of the development would not result in significant conflict with the principles of Policies E7, F1, F2 or F3 of the Local Plan.

Other Matters

The Council's Environmental Protection and the Coal Authority have raised no objections with regards to ground contamination or land instability subject to the imposition of conditions on any consent granted. In these circumstances it is considered that the proposal would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF.

Summary Reasons for Granting Planning Permission

It is considered that the provision of the dwelling would comply with all the relevant strands of sustainability (environmental, economic and social) enshrined within the NPPF with any future resident of the dwelling assisting in sustaining the services within Newbold. It is also considered that the dwelling would not be isolated, given its association with built forms, and overall the principle of the proposal would be acceptable in accordance with the key principles of the NPPF as well as Paragraphs 28, 55 and 70.

It is considered that the scale of its dwelling and its distance from the boundaries with neighbours would ensure that there would be no adverse impacts on existing or future amenities with the relationship with mature trees also not causing a significant impact on future amenities given the general orientation of the site. Whilst dog breeding is undertaken on a neighbouring site it is considered that there would not be detriment to the future amenities of the occupants given the level of operation which is undertaken. On this basis the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The design of the dwelling responds well to the context in which it is set by including materials and finishing details which are locally inspired and reflect a National Forest identity with there being no visual detriment to the rural environment, as such the development would accord with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

No objections to the development have been raised by the County Highways Authority and subject to the imposition of relevant conditions it is considered that the scheme would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

In respect of other matters it is considered that subject to the imposition of relevant conditions, or notes to the applicant, the site could be developed so as to not cause harm to ecological species, not pose a risk to the legacy of coal mining or contaminated land and which would provide appropriate soft landscaping whilst not being adversely affected by mature trees located to the west and south-west. On this basis the development would accord with Paragraphs 118, 120 and 121 of the NPPF, Policies E7, F1, F2 and F3 of the Local Plan and Circular 06/05. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 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 drawing numbers S1312/01, 2014.127-001, 2014.127-002 and 2014.127-003, received by the Local Authority on the 14th May 2015, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 Notwithstanding the details specified in the application, no building shall be erected on site above damp proof course level until details of all external materials to be utilised in the development (including details of colour/stain finishes to windows, doors and meter boxes) have first been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason - to ensure a satisfactory standard of external appearance in the interests of preserving the visual amenities of the area and streetscape.

- 4 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby permitted, a scheme of soft and hard landscaping (including for the retention of and works to 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 any 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 within a Conservation Area.

- 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 No development shall commence on site until the proposed site levels and finished floor level of the dwelling, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing with the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 8 Prior to the first occupation of the dwelling, hereby approved, the associated detached garage and parking and turning areas shall be provided in accordance with those shown on the proposed block plan on drawing no. 2014.027-002, received by the Local Authority on the 14th May 2015, 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 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to not open outwards.

Reason - to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 10 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 the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011 + A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs);
- BS 8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- 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 and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- 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:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- 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 ensure that the land is fit for purpose and to accord with the aims and objectives of

Paragraph 120 of the NPPF.

- 11 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:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - 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;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - 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 ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.

- 12 No development shall commence on site until a scheme of intrusive site investigation works have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Coal Authority, in order to establish the exact situation regarding coal mining legacy on the site. The intrusive site investigations shall then be carried out in accordance with the approved details and a report shall then be subsequently submitted to outline the findings of the intrusive site investigations.

If the intrusive site investigations identify the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, details of these remedial works and a verification plan must be submitted to and agreed in writing by the Local Planning Authority. The agreed remedial works and verification must be carried out in full before any development commences in respect of any part of the development hereby approved.

Reason - to ensure that the land is, or can be made, safe and stable for the proposed development due to the risk from its coal mining history.

- 13 If no development has commenced on site, with regards to the construction of a detached dwelling and associated garage, prior to March 2017 then no development shall commence until an updated Great Crested Newts survey (which shall include any mitigation measures and licenses which would be obtained) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. Once agreed the development shall thereafter be carried out in accordance with the recommendations of the Great Crested Newts survey and any mitigation measures once provided shall thereafter be so retained.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 14 All construction materials to be utilised on the site shall be stored on pallets, to prevent Great Crested Newts taking refuge in the materials, with all rubble and arisings either being immediately removed from the site or placed in a skip for later removal. Any trenches dug in accordance with the development will be provided with sloping access ramps, to prevent animals being trapped, and subsequently checked prior to infilling to ensure that Great Crested Newts and other species are not present.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 15 The residential curtilage of the property shall be restricted to the area outlined in red on the attached plan number LPA/15/00451/FUL.

Reason - for the avoidance of doubt and to prevent encroachment of the residential garden onto the adjacent paddock land.

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 pre-application stage 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 2015.
- 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 All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
- 4 All scrub, hedge and shrub vegetation clearance should take place outside the bird nesting season (September to February) unless the vegetation is surveyed by a qualified ecologist to ensure that no bird's nests are present.
- 5 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; 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.
- 6 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.