

Variation of condition 2 to 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels

Report Item No
A1

Land Off Measham Road Moira Swadlincote Derby DE12 6AA

Application Reference
15/00966/VCUM

Applicant:

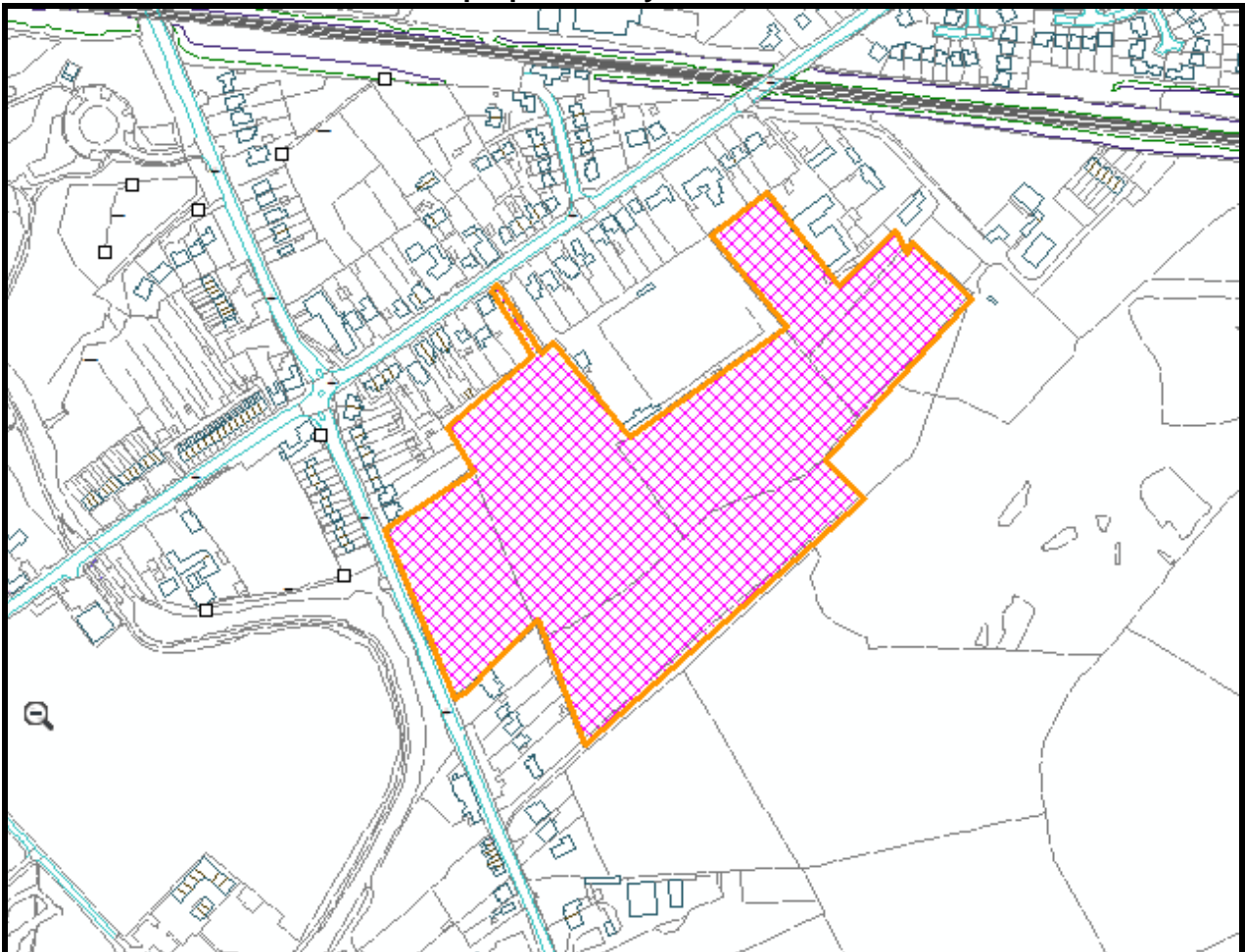
Date Registered
1 October 2015

Case Officer:
James Mattley

Target Decision Date
31 December 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Planning permission is sought for the variation of condition 2 of planning permission 13/00183/FULM to amend house and garage types in addition to landscaping, boundary treatments and levels at land off Measham Road, Moira.

Consultations

Members will see from the report below that objections have been received from surrounding neighbours and from the Parish Council. No other objections have been received from any other statutory consultees.

Planning Policy

The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed. Relevant policies in relation to the changes proposed are set out in the NPPF, the Council's adopted Local Plan and the publication version North West Leicestershire Local Plan.

Conclusion

The principle of this development has already been established by the granting of planning permission 13/00183/FULM. The amended proposal is not considered to have any significant detrimental design impacts or result in impacts upon existing residents. In respect of flooding and drainage, the concerns of the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) have now been satisfactorily addressed and both consultees raise no objection to the scheme on flooding or drainage grounds and the scheme is considered acceptable in this regard. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, publication version North West Leicestershire Local Plan and the advice in the NPPF.

Therefore, it is recommended that the application be permitted.

RECOMMENDATION:- PERMIT

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 recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a full application to vary condition 2 of planning permission 13/00183/FULM since the proposal comprises substitution house and garage types on various plots within the site as set out in the application cover letter. The house and garage type substitutions would also result in alterations to the landscaping and boundary treatment layouts considered as part of the application and associated discharge of condition process. Alternative plans have been submitted in relation to those aspects as part of this application to vary condition 2 of the original permission. The scheme also proposes that the finished floor levels of some plots would be amended. The applicants indicate that such amendments are required to tie into the existing road, detailed design levels and existing topography and to ensure that access is provided in accordance with Part M of the Building Regulations 2010.

Planning History

An application in 2012 for 99 dwellings and a small retail store (12/00631/FULM) was going to be considered by Planning Committee, with a recommendation for approval, but was withdrawn prior to the meeting. A subsequent reduced scheme for 80 dwellings and a small retail store (13/00183/FULM) was submitted and was considered by Planning Committee, with a recommendation for approval. It was agreed to approve the application subject to conditions and a S106 legal agreement which was subsequently completed and the decision issued. All pre-commencement conditions relating to the 2013 application have been discharged.

2. Publicity

85 neighbours have been notified (date of last notification 23 May 2016)

Site Notice displayed 16 October 2015

Press Notice published 14 October 2015

3. Consultations

Ashby Woulds Town Council consulted 5 October 2015

County Highway Authority

NWLDC Urban Designer

LCC Flood Management

Environment Agency

4. Summary of Representations Received

Representations

Ashby Woulds Town Council - supports residents objections to the proposal.

Natural England - no comments received.

Environment Agency - no objection.

LCC Ecology - no objection.

Lead Local Flood Authority - no objection.

National Forest Company - no objection.

Third Party Representations

Eighteen letters of representations raising concern and objection have been received and the comments can be summarised as follows:

- There are coalfield legacy issues relating to the site;
- Abandoned mines get flooded and then leak;
- There is continuous flooding and silting up at the bottom of the site;
- The site drainage will potentially impact on water levels at Moira Furnace;
- The number of surface water holding ponds would be reduced depending on the drawing interpretation and as a result the site surface water holding capacity would be significantly reduced and could be contrary to the original Flood Risk Assessment;
- Will a new flood risk assessment be required?;
- There has been negligible flow rate through the current drainage system which reasonably leads to the opinion that the fields are acting as a soakaway which will not be the case when the area is covered by roadways and houses;
- Effect on surface ground water;
- The proposed revised heights of dwellings would be intrusive, unsightly and overbearing;
- Dwellings would cause overlooking;
- The traffic flow along Measham Road is unacceptable;
- Properties should be 2 storey instead of 2.5 storey;
- Right to light issues;
- Impact upon Human Rights;
- Significant impact upon the local environment.

5. Relevant Planning Policy

The following planning policy is considered relevant to the determination of this planning application.

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 9 (Achieving sustainable development);
- Paragraph 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraphs 18-20 (Building a strong, competitive economy);
- Paragraph 32 (Promoting sustainable transport);

Paragraph 34 (Promoting sustainable transport);
Paragraph 35 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 47 (Delivering a wide choice of high quality homes);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 58 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 69 (Promoting healthy communities);
Paragraph 74 (Promoting healthy communities);
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 119 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 122 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 124 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic 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 Local Plan. The following adopted Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy;
Policy S3 - Countryside;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T20 - Airport Safeguarding;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy H8 - Affordable Housing;
Policy L21 - Children's Play Areas;

Other Policies

Publication Version North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the more advanced stage that has now been reached with agreement of a publication version of the Local Plan it is considered that more weight can be attached to the following policies:

- S1 - Future housing and economic development needs
- S2 - Settlement Hierarchy
- S3 - Countryside
- D1 - Design of new development
- D2 - Amenity
- IF1 - Development and Infrastructure
- IF2 - Community and Cultural Facilities
- IF4 - Transport Infrastructure and new development
- IF7 - Parking provision and new development
- En1 - Nature Conservation
- En2 - River Mease Special Area of Conservation
- En3 - The National Forest
- Cc2 - Water - Flood risk
- Cc3 - Water - Sustainable Drainage Systems

National Planning Practice Guidance

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

6. Assessment

Principle of Development

The principle of this development has already been established by the granting of planning permission 13/00183/FULM. The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed to the plans and detailed within the 'Proposals and Background' section of this report.

Flood Risk and Drainage

There have been continuing concerns of local residents in respect of coalfield legacy issues and, since works began on site in respect of 13/00183/FUL, pooling water on the site. These have been and continue to be dealt with under separate complaints, and negotiation, processes in conjunction with relevant statutory consultees. It should be noted that this proposal relates only to design changes and changes to levels across some parts of the site and these are the only matters which can be considered as part of this application. Clearly the alterations to the design of the dwellings would have no impact on Flood Risk and Drainage and, therefore, the key issue is whether the revised land levels on the site would result in flood risk and drainage concerns. To consider this issue fully the Local Planning Authority have consulted both the Environment Agency and the Lead Local Flood Authority (LLFA).

In respect of the LLFA they originally objected to the revised application as the proposed

changes to the finished floor levels did not assess the impact from a flood risk perspective. The LLFA requested additional information to demonstrate that the properties are appropriately mitigated from the flood risk including from groundwater flooding. Peveril Homes provided this additional information to the LLFA regarding groundwater flooding as this has been recorded on site and measured and the finished floor levels are set to take account of this information. On the basis of this revised information the LLFA now raise no objections to the proposed scheme.

With regards to the comments of the EA they also originally objected to the variation until such time as calculations and drainage drawings were submitted showing how all land drains and private land drainage found during construction have been accounted for as well as information on ground water flooding. Peveril Homes provided this additional information to the EA and they have now removed their objection based on the following:

1. The applicant has stated that the level of the plot of major concern (Plot 1) has been increased back to its original proposed Finished Floor Level (FFL), and there is a flood flow route to deal with any residual flood risk (down the site road and across Measham Road Moira) which protects this plot.
2. The applicant has stated that the land drains originally found on site have been dealt with by them being removed (dug out) during the ground works.
3. The applicant has stated that the Coal drainage issues have been dealt with on site with by the manholes being backfilled and culvert being removed (dug out) during the ground works.
4. The applicant has stated that the groundwater seeping into the new site road highway sub base will be dealt with by means of a drain that will connect directly to the Measham Road culvert, so not connecting into the SW drainage system.

In conclusion, the concerns of the LLFA and the EA have now been satisfactorily addressed and both consultees raise no objection to the scheme on flooding or drainage grounds. The previous conditions which required certain run-off limitations would still apply to any decision to be issued in respect of the current proposal. Therefore, the scheme is considered to be acceptable in relation to the advice in the NPPF and the Council's adopted Local Plan and Publication Version Local Plan in respect of flooding and drainage.

Design

Prior to application 12/00631/FULM being considered, substantive pre-application advice discussions took place between the agent and the Council to establish what would be required as part of a planning application for the site taking into account the countryside location and the fact that the Council did not have a five housing land supply at that time. The Council's Urban Design Officer took part in many discussions with the agent's design consultant and the proposal was presented to the Design Review Panel by the agent. The scheme included some self build units, some chalet type dwellings to the north of the site to create a strong National Forest identity at that edge of the development next to existing woodland areas, and high quality, bespoke design dwellings throughout the remainder of the site in addition to the retail unit. Whilst that scheme was withdrawn the same design ethos and details were carried through into the 13/00183/FULM application via a Design and Access statement and a Building for Life supporting document. That application was approved.

It should be noted that on both the above applications the high quality design, along with the

retail offer, local infrastructure benefits in terms of inclusion of a cycleway to assist with the link between Conkers and Hicks Lodge, and the contribution towards the five year housing land supply was a material factor in reaching the conclusion that the benefits of the scheme outweighed the fact that the proposals were contrary to the adopted Local Plan countryside policy S3. As such, at present there is an extant permission under 13/00183/FULM which includes a high quality design.

The current application would retain the self build plots and chalet style woodland feel dwellings at the northern section of the site but seeks to vary house and garage types within the remainder of the site, including 'node' dwellings at corner plots. The original submission that was put forward as part of this application was considered to result in the bespoke design detailing of the house types being 'watered' down and resulting in elevations which are more akin to standard house type appearances. These concerns were raised with the applicant's agent and discussed during a meeting with the Council's Urban Designer which has resulted in amended plans being submitted. On the basis of the amended plans, the original concerns over the application have been addressed and it is considered that the amended house types would continue to result in an acceptable design on the site. No objections have been received from the Council's Urban Designer or from any other consultee/ neighbour regarding the design quality of the amended proposal.

The proposed changes to the landscaping and boundary treatment layouts would not have any significant adverse visual impact.

Therefore, the scheme is considered to be acceptable in relation to the advice in the NPPF and the Council's adopted Local Plan and publication version Local Plan in respect of design matters.

Residential Amenity

The proposal seeks to amend finished floor levels of some plots across the site, to tie in to the existing road, detailed design levels and existing topography of the development, to ensure access is provided in accordance with Part M of the Building Regulations 2010. The finished floor levels have been reviewed across the site, with some levels being reduced and some levels being raised from the indicative finished floor levels forming part of the original planning permission. In terms of the raising of levels the smallest change is 0.05 metres (Plots 2-5) and the greatest change is 1.125 metres (Plot 8). Concern has been expressed from surrounding neighbours regarding the proposed alterations and particular concern has been expressed from residents off Measham Road in respect of the alterations to Plots 10 and 11.

With regards to Plot 10 and 11 these are 2.5 storey dwellings located in the south-western part of the site. The existing relationship is for the back gardens of the proposed plots to back onto the back gardens of the existing properties and this relationship would remain unchanged (as the scheme proposes only level changes and not layout changes). The current scheme proposes that Plot 10 would have a finished floor level of 94.45 metres and Plot 11 would have a finished floor level of 94.75 metres which would be 0.925 metres higher than that which was previously agreed, and between 1.2-1.5 metres higher than the finished floor level of properties fronting onto Measham Road. However, Plots 10 and 11 would have 20 metre long rear gardens and the existing properties off Measham Road have approximately 40 metre rear gardens. The result is that there would be a back to back distance of around 60 metres which is substantially in excess of the Council's recommended distance of 22 metres and would provide more than adequate separation distances between proposed and existing dwellings. Therefore, the proposed increase in levels to Plots 10 and 11 would not result in any significant

overlooking, overbearing or overshadowing impacts to the occupiers of these dwellings.

Plots 24-28 which are located in the northern part of the site would also be subject to level changes ranging from 0.15 metres to 0.85 metres although no objections have been received from residents along Ashby Road in the immediate vicinity of these plots. The existing relationship is for the back gardens of the proposed plots to back onto the back gardens of the existing properties and this relationship would remain unchanged. The proposed plots in this area have 20 metre long rear gardens and the existing properties off Measham Road have rear gardens ranging from 27-36 metres in length. The result is that there would be a back to back distance of between 47-56 metres which is substantially in excess of the Council's recommended distance of 22 metres and would provide more than adequate separation distances between proposed and existing dwellings. Therefore, the proposed increase in levels to these plots would not result in any significant overlooking, overbearing or overshadowing impacts to the occupiers of these dwellings.

Plot 1 would be located in close proximity to the side elevation of No.45 Measham Road. Following concerns in respect of drainage it is now proposed that no finished floor level alterations take place to this plot.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

Other

Concerns of the Moira Furnace Trust are noted and the Leicestershire County Council Ecologist indicates there are no concerns in respect of the current proposal. The Leicestershire County Council Ecologist provides further comments in respect of the Trust's project at its site which is a separate matter to the current planning application for consideration. The proposed revisions to the scheme do not impact on the River Mease SAC which has already been considered at the original application 13/00183/FULM stage and dealt with via the associated legal agreement. As such, no further consideration in respect of the Habitats Regulations is required in relation to this current application to vary condition 2 of the original permission.

In terms of other matters raised in letters of representation which have not already been addressed, traffic flow impacts have already been dealt with as part of the original scheme. Right to light legislation is not a material planning consideration and it is not considered that the scheme would result in a breach of Human Rights legislation.

All other relevant planning conditions in respect of the previous planning permission on the site would continue to apply to the site and would need to be attached to any new planning permission on the site.

Conclusion

The principle of this development has already been established by the granting of planning permission 13/00183/FULM. The amended proposal is not considered to have any significant detrimental design impacts or result in impacts upon existing residents. In respect of flooding and drainage, the concerns of the LLFA and the EA have now been satisfactorily addressed and both consultees raise no objection to the scheme on flooding or drainage grounds, and the scheme is considered acceptable in this regard. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is

deemed to comply with the relevant policies in the adopted Local Plan, publication version Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions and subject to a Section 106 agreement to secure a deed of variation;

1 The development shall be begun before 30 June 2017.

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

2 The development shall be built in accordance with the following plans submitted as part of planning application 13/00183/FULM:

5820_EL (20) 10C_B Housetype Moira Grand Villa Type C elevations;
5820_PL (20) 10C_B Housetype Moira Grand Villa Type C floorplans;
5820_SP (90) 01_S Masterplan House Types;
5820_SP (90) 02_1 Landscape Masterplan;
5820_SP (90) 03_F Street hierarchy plan;
5820_SP (90) 04_F Open space strategy;
5820_SP (90) 05_F Planting palette;
5820_SP (90) 06_R Site layout;
5820_SP (90) 08_F Masterplan building heights; all received 28 June 2013, and,

5820_SP (90) 09_A Site location plan 1:1250;
EL (20) 001_A North Elevation Retail Store;
EL (20) 002_A South Elevation Retail Store;
EL (20) 003_A East Elevation Retail Store;
EL (20) 004_A West Elevation Retail Store;
PL (20) 001_A Ground layout plan retail store;
PL (20) 101_A Proposed floor areas plan;
PL (20) 102_A Store internal areas;
PL (27) 001_A Roof plan retail store;
SE (20) 001_A Section A-A;
SP (90) 001_A Store site plan;
SP (90) 101_A Store landscape plan; all received 11 March 2013, and,

5820_EL (20) 01_A Moira Paired Bungalow elevations;
5820_EL (20) 01_A-A Moira Detached Bungalow elevations;
5820_EL (20) 02_A Moira Terraced Cottages elevations;
5820_EL (20) 03 Moira Paired Cottage elevations;
5820_EL (20) 04 Moira Paired House elevations;
5820_EL (20) 05-A_A Moira Paired Villa (Gable Variant) elevations;
5820_EL (20) 05-B_A Moira Paired Villa elevations;
5820_EL (20) 06A Moira Detached Cottage elevations;
5820_EL (20) 07A Moira Corner House elevations;
5820_EL (20) 08A Moira Corner Cottage elevations;
5820_EL (20) 09 A-A Moira Large Cottage - Dutch Gable option elevations;
5820_EL (20) 10A-A Moira Grand Villa (Type A) elevations;
5820_EL (20) 10B-A Moira Grand Villa (Type B) elevations;

5820_EL (20) 11A Woodland House 1 elevations;
5820_EL (20) 12_A Woodland House 2 elevations;
5820_EL (90) 01_A Boundary treatment palette - front boundaries;
5820_EL (90) 02_A Boundary treatment palette - rear and side boundaries; all received
11 March 2013, and,

5820_PL (20) 01_B Moira Paired Bungalow plans;
5820_PL (20) 02_B Moira Terraced Cottages plans;
5820_PL (20) 03_B Moira Paired Cottage plans;
5820_PL (20) 04_B Moira Paired House plans;
5820_PL (20) 05 A_B Moira Paired Villa (Type 02);
5820_PL (20) 05 B_B Moira Paired Villa plans;
5820_PL (20) 06_B Moira Detached Cottage plans;
5820_PL (20) 07_A Moira Corner House plans;
5820_PL (20) 08_B Moira Corner Cottage plans;
5820_PL (20) 09 A_A Moira Large Cottage - Dutch Gable option plans;
5820_PL (20) 09 B_B Moira Large Cottage (Type B) plans;
5820_PL (20) 10 A_A Moira Grand Villa (Type A) plans;
5820_PL (20) 10 B_A Moira Grand Villa (Type B) plans;
5820_PL (20) 11-1-A Woodland House 1 plans;
5820_PL (20) 11-2-A Woodland House 1 roof plan and 3D;
5820_PL (20) 12_A Woodland House 2 plans;
5820_PL (20) 14_A Moira Workshop House plans and elevations;
5820_PL (20) 31 Garage Type G1 Garage and woodstore;
5820_PL (20) 32 Garage Type G2 Garage and carport (pitched roof);
5820_PL (20) 33 Garage Type G3 Traditional single garage;
5820_PL (20) 34 Garage Type G4 Woodland style garage; and,
5820_PL (20) 35 Garage Type G5 Garage and carport (sedum roof), all received on 11
March 2013.

as amended by the following plans submitted as part of planning application 15/00966/VCUM:

SP(90)24 Rev H (Planting Plan 1 of 4) deposited with the Local Planning Authority on 18
April 2016;
SP(90)25 Rev H (Planting Plan 2 of 4) deposited with the Local Planning Authority on 18
April 2016;
SP(90)26 Rev F (Planting Plan 3 of 4) deposited with the Local Planning Authority on 18
April 2016;
SP(90)27 Rev I (Planting Plan 4 of 4) deposited with the Local Planning Authority on 18
April 2016;
External Finishing Schedule deposited with the Local Planning Authority on 1 March
2016;
PL(20)29 Rev C (Plans and 3D View) deposited with the Local Planning Authority on 25
February 2016;
EL(20)29 Rev C (Elevations) deposited with the Local Planning Authority on 25 February
2016;
EL(20)02 Rev G (Elevations) deposited with the Local Planning Authority on 25 February
2016;
PL(20)02 Rev G (Plans) deposited with the Local Planning Authority on 25 February
2016;
5820_SP (90)08 Rev M deposited with the Local Planning Authority on 8 August 2016;,
EL (20)08 Rev H (Elevations) deposited with the Local Planning Authority on 22

February 2016;
PL (20)08 Rev I (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)01 Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)01 Rev E (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
PL (20)01A Rev D (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)01A Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)03 Rev F (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)03 Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
EL (20)04 Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)04 Rev E (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)05 Rev H (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)05 Rev H (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)06 Rev I (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)06 Rev I (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)08 Rev H (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)08 Rev I (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)09B Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)09B Rev E (Plans and 3D View) deposited with the Local Planning Authority on 22 February 2016;
EL (20)10A Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)10A Rev E (Plans) deposited with the Local Planning Authority on 22 February 2016;
EL (20)10B Rev E (Elevations) deposited with the Local Planning Authority on 22 February 2016;
PL (20)10B Rev E (Plans) deposited with the Local Planning Authority on 22 February 2016;
PL (20)14 Rev F (Plans and Elevations) deposited with the Local Planning Authority on 22 February 2016;
SP (90)04 Rev G deposited with the Local Planning Authority on 1 October 2015;
SP (90)05 Rev J deposited with the Local Planning Authority on 1 October 2015;
SP (90)06 Rev T (Site Layout) deposited with the Local Planning Authority on 1 October 2015;
SP (90)03 Rev H deposited with the Local Planning Authority on 1 October 2015;
SP (90)02 Rev T deposited with the Local Planning Authority on 1 October 2015;
5820_SP(90)01 Rev AA deposited with the Local Planning Authority on 1 October 2015;

EL (90)01 Rev C deposited with the Local Planning Authority on 1 October 2015;
PL (28)36 deposited with the Local Planning Authority on 1 October 2015;
PL (28)37 deposited with the Local Planning Authority on 1 October 2015;
PL (28)38 deposited with the Local Planning Authority on 1 October 2015.

Reason- To determine the scope of this permission.

- 3 Notwithstanding the other conditions of this permission, no development shall commence on site at Plots 77, 78, 79 and 80 until separate full applications for development at the Plots have been submitted to, and agreed in writing, by the Local Planning Authority.

Reason- To determine the scope of this permission and for the avoidance of doubt.

- 4 The gross retail floor space of the retail unit shall not exceed 385 sq m, and the net retail sales floor space shall not exceed 300 sq m.

Reason- For the avoidance of doubt.

- 5 Notwithstanding any other conditions of this permission, no work shall commence on site until such time as a scheme for the phasing of construction works (including details of the phasing relevant to each area of the site and a timetable for the commencement of work within each area) have been submitted to and agreed in writing by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure that various elements of the proposed scheme comes forward in a logical manner, in the interests of the proper planning of the area.

- 6 The materials to be used in all external surfaces shall be in accordance with the details contained in the External Finishing Schedule dated 1st March 2016, unless otherwise agreed in writing with the Local Planning Authority.

Reason- To enable the Local Planning Authority to retain control over the external appearance.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A of Part 1 Schedule 2 (erection of extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

Reason- In the interests of residential amenities of neighbouring properties, and the visual amenities of the locality.

- 8 All planting, seeding or turfing indicated on the approved landscaping plans (SP(90)24 Rev H, SP(90)25 Rev H, SP(90)26 Rev H, SP(90)27 Rev I) shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written

consent to any variation.

Reason- To ensure the satisfactory overall appearance of the completed development, and to ensure an appropriate planting palette within the National Forest.

- 9 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerow, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 10 The boundary treatments of the site shall be carried out in accordance with the details shown on drawing numbers EL(90)01 Rev C and SP(90)02 Rev T. The approved scheme shall be implemented before the dwellings and retail unit are occupied, taking into account any agreed phasing of construction works.

Reason- To preserve the amenities of the locality.

- 11 No development shall commence until details of waste/recycling storage for units within the site have been submitted to and agreed in writing by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The works shall be undertaken in accordance with the approved details and maintained as such.

Reason- To enable the Local Planning Authority to retain control over the external appearance and to preserve residential amenities of nearby properties.

- 12 No development shall commence until a detailed scheme for parking courtyard and cycle path lighting has been submitted to and agreed in writing by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The works shall be undertaken in accordance with the approved details and maintained as such.

Reason- To enable the Local Planning Authority to retain control over the external appearance and to preserve residential amenities of nearby properties and the amenities of the adjacent woodland.

- 13 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

Reason- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 4 March 2013, Ref: IPD-11-198/01 Issue C (submitted as part of 13/00183/FULM), undertaken by IPaD and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off generated by the 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 (Section 4).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason -To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 15 Development shall not commence 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, unless details have been agreed under this condition as part of application 13/00183/FULM. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A CCTV condition survey of the existing culvert, and remedial measures undertaken where necessary. Reason, for the purpose of ensuring the culvert is operating as designed for the lifetime of the development.
A manhole at the location where the site surface water drainage system connects to the existing culvert. Reason, for the purpose of future inspection and maintenance of the culvert.
- 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.
- Limiting the discharge rate and storing 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.
- 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.
- Detailed design (plans, cross and long sections, and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements, a drawing showing the flood extents for the residual flood volumes stated in the calculations and the flood flow route channel clearly marked on it, including it's outfall location, extent and depth of flooding during operation. Drawing No. SK002 Revision D or similar should be used at the base for the flood extents drawing.
- Details of how the scheme shall be maintained and managed after completion.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and

improve habitat and amenity.

- 16 No development shall commence on site until a full and detailed site investigation and assessment confirming the location and condition of the recorded coal mine entries has been carried out, at the developer's expense, and submitted to the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. In the event that the site investigations confirm the need for remedial works to treat the mine entries, and/or any other mitigation measures to ensure the safety and stability of the proposed development, no development shall commence on site until details of such works have been submitted to and agreed in writing by the Local Planning Authority and implemented at the site, unless details have been agreed under this condition as part of application 13/00183/FULM.

Reason- In the interests of safeguarding the proposed development and adjacent properties.

- 17 Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained.

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

- 18 All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use, unless details have been agreed under this condition as part of application 13/00183/FULM.

Reason - To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 19 For the period of the construction, the applicant shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the Local Planning Authority in consultation with the Highway Authority, unless details have been agreed under this condition as part of application 13/00183/FULM.

Reason- To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

- 20 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason- To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

- 21 For the period of the construction of the development, vehicle parking facilities shall be

provided within the site and all vehicles associated with the development shall be parked within the site.

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

- 22 Any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space and once provided, shall thereafter permanently remain available for car parking.

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.

- 23 No walls, planting or fences, other than any highway trees as part of the wider landscaping scheme for the site, shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason- To afford adequate visibility at the access/junction with Measham Road and in the interests of general highway safety within the site.

- 24 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

- 25 Before the first occupation of any dwelling hereby permitted, off-street car parking provision shall be made in accordance with the details shown on the submitted plans, unless details have been agreed under this condition as part of application 13/00183/FULM. The parking areas shall be surfaced prior to the development being brought into use and shall be so maintained 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.

- 26 Before first occupation of any dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reason- To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 27 Before the development commences, details of satisfactory pedestrian visibility splays at the junction of each private access with the access roads shall be submitted to the LPA for approval in writing, unless details have been agreed under this condition as part of application 13/00183/FULM. Before the first occupation of each dwelling, the approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so

maintained in perpetuity.

Reason- In the interests of pedestrian safety.

- 28 No development shall commence on site until details of anti-motorcycle barriers on, and signage information for, the cycle/foot path hereby permitted has been submitted to and agreed in writing with the Local Planning Authority, unless details have been agreed under this condition as part of application 13/00183/FULM. These measures shall be implemented as agreed and maintained as such in perpetuity.

Reason- In the interests of pedestrian and cyclist safety, and in the interests of the flora and fauna in the adjacent woodland.

- 29 No construction works, movement of construction traffic, and deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason- To safeguard the privacy and amenities of the occupiers of adjoining properties during periods of construction.

- 30 The development shall be implemented in accordance with the remedial scheme outlined in the HSP Consulting Phase II intrusive investigation reference C1525 dated 07/02/2012 and submitted as part of planning application 13/00183/FULM.

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.

The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 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.
- 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.

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.

- 31 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan (submitted as part of planning application 13/00183/FULM) 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.

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 2015.