

Construction of 8 dwellings with associated access and turning area (extension to site granted Planning Permission under 15/00032/FULM)

Report Item No
A4

Land Off Forest Road Coalville Leicestershire

Application Reference
16/00798/FUL

Applicant:
Mr Louis Masserella

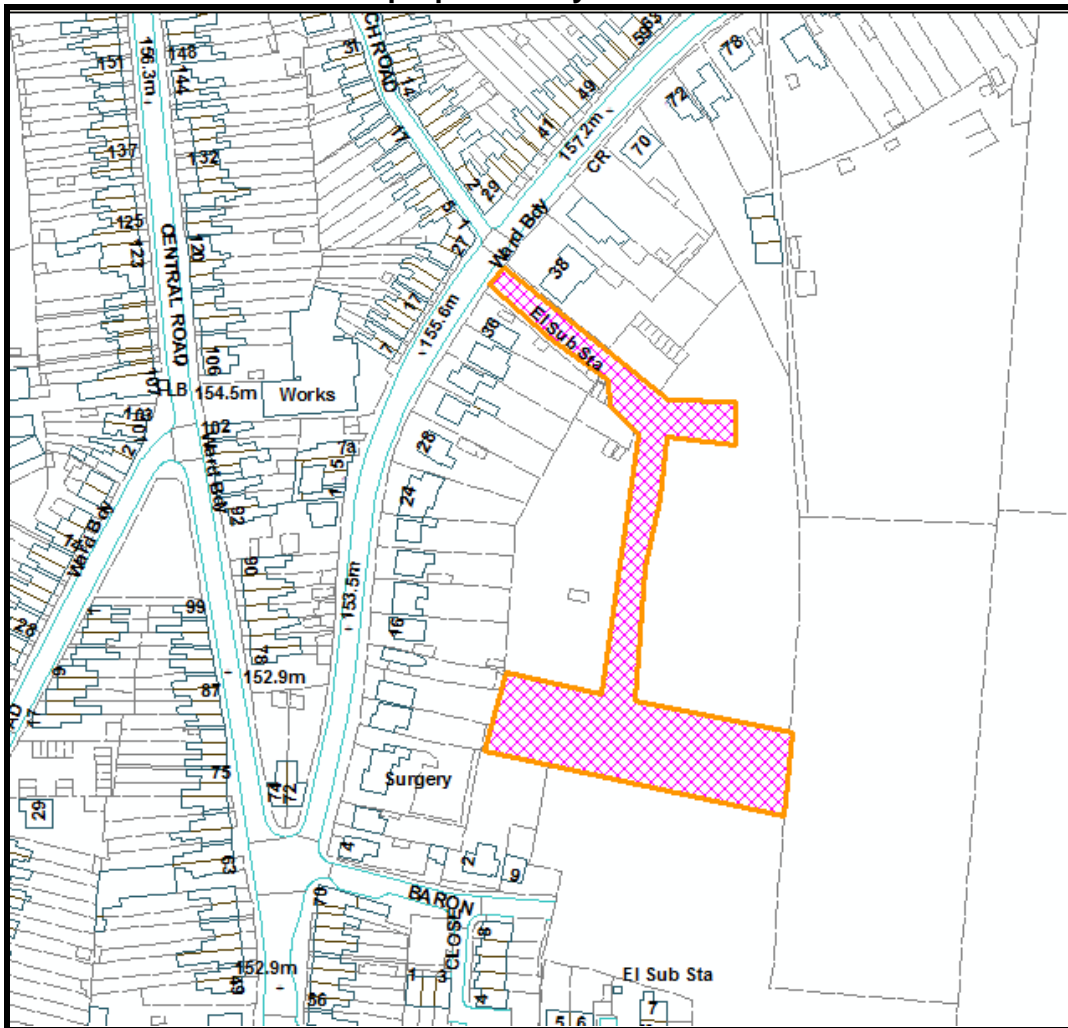
Date Registered
12 July 2016

Case Officer:
James Mattley

Target Decision Date
6 September 2016

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

Call In

The application is being considered at Planning Committee because it has been called to Planning Committee by Councillor Johnson due to a lack of affordable housing.

Proposal

Planning permission is sought for the construction of 8 dwellings with associated access and turning area (extension to site granted Planning Permission under 15/00032/FULM) at Forest Road, Coalville.

Consultations

Members will see from the report below that no objections have been received in relation to the application from technical consultees although the Parish Council and one neighbour has objected.

Planning Policy

It is considered that the development would be compliant with all relevant paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted and submitted Local Plan.

Conclusion

The site lies within Limits to Development and is greenfield land. In terms of the suitability of the site's location for housing development, the proposed location would not conflict with the provisions of adopted and submitted Local Plan Policy S2 and it is considered that this part of Coalville is a sustainable location for new dwellinghouses. Taking this into account it is considered that the principle of residential development on the site is acceptable.

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species, trees and flood risk issues.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

It is therefore recommended that full planning permission be granted subject to conditions and relevant developer contributions.

RECOMMENDATION:- PERMIT subject to conditions and subject to a Section 106 legal agreement

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, 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 construction of 8 dwellings with associated access and turning area (extension to site granted Planning Permission under 15/00032/FULM) at Forest Road, Coalville. The site is located in a predominantly residential area with dwellings surrounding the site to the north and west. Immediately on the eastern boundary is public footpath N85 and further to the east is land that has outline planning permission for up to 2,700 dwellings and associated development under planning reference 13/00956/OUTM. A full planning application has been submitted under planning reference 13/00802/FULM by Davidsons for a residential development of 81 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space which is immediately adjacent to the application site. A full planning application has also been submitted under planning reference 15/00641/FULM by Davidsons and David Wilson Homes for a residential development of 190 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space, together with demolition of 104 Forest Road although this does not immediately border the application site. The application site is within Limits to Development as defined in the adopted and submitted Local Plans.

The application site totals 0.41 hectares. Amended plans have been submitted during the course of the application to revise the layout of the dwellings and to amend the size of the dwellings to address ecological concerns. The latest plans propose 6 x detached dwellings and a pair of semi detached dwellings. All properties would be two storeys in height. Access to the site would be gained from an existing vehicular entrance point along Forest Road that was approved as part of planning application 15/00032/FULM.

A viability report has been submitted which demonstrates that the scheme cannot afford to make the full contribution towards affordable housing.

The application is being considered at Planning Committee because it is has been called to Planning Committee by Councillor Johnson due to a lack of affordable housing.

Relevant Planning History:

15/00032/FULM - Construction of 30 dwellings with associated access and open space - permitted.

16/00797/VCUM - Variation of Conditions 2, 3, 9, 11 and 12 of Planning Permission 15/00032/FULM in order to allow for the erection of 30 dwellings with a revised site layout - currently under consideration and reported on this planning committee agenda.

2. Publicity

35 Neighbours have been notified (Date of last notification 26 July 2016)

Site Notice displayed 3 August 2016

3. Consultations

Hugglescote & Donington Le Heath PC consulted 26 July 2016

County Highway Authority

Environment Agency

Head of Environmental Protection

County Archaeologist

LCC ecology
NWLDC Urban Designer
National Forest Company
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Management
Manager Of Housing North West Leicestershire District Council
LCC Flood Management
Head Of Street Management North West Leicestershire District Council
Severn Trent Water Limited

4. Summary of Representations Received

One letter of representation has been received objecting to the proposal on the following grounds:

- overlooking and loss of privacy;
- loss of a view;
- increased noise and disturbance;
- the retention of an existing tree is critical.

Hugglescote and Donington Le Heath Parish Council considers that the additional properties will exacerbate the vehicular access issues on Forest Road.

Environment Agency has no comments to make.

Leicestershire County Council - Archaeology does not feel that any further archaeological work is required as part of the scheme.

Leicestershire County Council - Ecology has no objections to the proposed development.

Leicestershire County Council - Highways has no objections subject to conditions.

Leicestershire County Council - Lead Local Flood Authority has no objections subject to conditions.

National Forest Company requests a contribution of £1,800 towards off-site National Forest Planting.

NWLDC Contaminated Land Officer has no objections subject to relevant conditions.

NWLDC Environmental Protection Section has no environmental observations.

Severn Trent Water, Leicestershire County Council Developer Contribution Team and NHS have not responded at the time of writing this report.

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 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core planning principles)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 47 (Delivering a wide choice of high quality homes)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 60 (Requiring good design)
Paragraph 61 (Requiring good design)
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 118 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 173 (Ensuring viability and delivery)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H4g - Housing Allocations (Grange Road, Hugglescote)
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker

to this submitted version should be commensurate to the stage reached towards adoption.

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing
Policy H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy Cc2 - Water - Flood Risk

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Coalville area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Coalville area.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

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.

6. Assessment

Principle and Sustainability

The site is located within the limits to development within the adopted and submitted Local Plan, where the principle of residential development is considered acceptable subject to highway, design and amenity criteria and compliance other relevant policies of the Local Plan and other material considerations.

Whilst the site is located within the limits to development in the adopted and submitted Local Plan, it forms a small part of large housing allocation/provision policies in both plans. Policy H4g of the adopted Local Plan is concerned with the housing allocation at Grange Road, Hugglescote and requires development of that site to come forward in a comprehensive and phased manner. Policy H2c of the submitted Local Plan indicates that the Council will work with developers to ensure that legal agreements are completed and planning permission issued. The application site was originally included as part of the original site area for planning application 13/00956/OUTM and was a potential indicative access point (although it is noted that all matters were reserved as part of this outline planning permission). However, since this planning permission has been issued there has been two full planning applications submitted on the site for residential schemes (15/00641/FULM and 13/00802/FULM) and neither has relied on the application site to provide adequate access arrangements. Having regard to this and that the County Highway Authority has not raised any issues in respect of the site being developed, it is not considered that developing the application site would prejudice the housing

allocation/provision in the adopted and submitted Local Plans.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The site is located within Greater Coalville where there is a range of day to day services and facilities that would be readily accessible via public transport to future occupiers. Taking this into account, it is considered that the application site is located within a sustainable location.

The site has greenfield status and, in this regard, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. It is also noted that the site would form an extension to an existing residential scheme that is being built out and was deemed to be acceptable in terms of the loss of greenfield land. There would also be some economic and social benefits associated with the scheme which would include local construction jobs and helping to maintain local services in the area.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Means of Access and Traffic Issues

Access to the site would be from Forest Road by utilising the access point which was approved as part of planning application 15/00032/FULM and to which the County Highway Authority raised no objections subject to conditions.

The County Highway Authority has been consulted on the current application and has considered, amongst other things, issues such as visibility, width of existing and proposed access, parking, accident records in the surrounding area, traffic calming and the volume of traffic. Having considered all of the relevant issues the County Highway Authority raises no objection subject to the inclusion of relevant conditions. The proposed condition is in relation to parking and turning facilities in the site.

With regard to car parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport. IF7 of the submitted Local Plan requires an adequate level of parking to avoid highway safety problems.

In terms of car parking on the site, the scheme would provide two spaces per dwelling plus garage spaces. The County Highway Authority requested that amended plans were secured to ensure that the garages were of adequate dimensions and such plans have now been received by the Local Planning Authority. It is clear that the level of car parking is over and above the required level of 1.5 spaces per dwelling in the Local Plan. Whilst this level of car parking is over and above the level required by the Local Plan, it is noted the County Highway Authority

raises no objections to the level of car parking and the Council's Urban Designer raises no objection to the design of the car parking spaces across the scheme. On this basis, the level of car parking is considered to be acceptable.

In conclusion, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan, IF4 and IF7 in the submitted Local Plan or the advice in the NPPF.

Design

The need for good design in new residential development is outlined not only in adopted Local Plan policy H7 and D1 of the submitted Local Plan, 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. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The previous scheme on the site was subject to extensive discussions and negotiations with the District Council's Urban Designer during the course of the application. The discussions resulted in a scheme which was considered to have a good standard of design subject to certain planning conditions in respect of landscaping and boundary treatments. The current proposal would form an extension to the existing site and would be developed with similar house types and materials that have previously deemed to be acceptable.

In terms of design issues, therefore, it is considered that the proposed dwellings are appropriate in this area, and the requirements of adopted Local Plan policies E4, H7, policy D1 of the submitted Local Plan and the design advice in the NPPF are considered to be met by the scheme subject to the inclusion of relevant design conditions.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be three dwellings (10, 12 and 14 Forest Road) which are located to the west of the application site.

Plots 1-2 would have rear gardens measuring 14-16 metres in length which would result in a back-to-back distance of first floor windows of around 40 metres which is substantially in excess of the Council's current recommended distance of 22 metres and would provide more than adequate separation distances between proposed and existing dwellings.

The loss of a private view is not a material planning consideration.

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.

Ecology

The application is accompanied by an updated report which indicates that the grassland habitat on the site is poor. The County Ecologist has no objection in principle to the development. However, the report indicates that badger activity is still evident on site and the County Ecologist raised concerns that they could become trapped within development, which would not be acceptable in ecological terms. The County Ecologist objected to the original proposal.

The applicants have sought to address the original ecological concerns on the site by providing a 5m corridor which would be retained as natural habitat along the eastern boundary, outside back gardens, and to exclude badgers from the gardens. A similar ecological corridor was provided as part of the original planning application to the north of the site (15/00032/FUL). The amended plans have addressed the concerns of the County Ecologist and the previous objection has now been removed.

On the basis of the amended plans the proposal is not considered to have any significant impact upon protected species and, therefore, the proposal is acceptable in relation to the advice in the NPPF.

Flood Risk and Drainage

The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Conditions would need to be attached to any planning permission to ensure that detailed and satisfactory drainage arrangements are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the LLFA and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

Impact upon Trees

The majority of trees and hedgerows on the site are located on the site boundaries and would be largely unaffected by the proposed development. One tree would be removed adjacent to the north-western boundary in order to facilitate the development and the Council's Tree Officer has no objection subject to replacement planting which can be secured through an appropriate landscaping scheme. It is noted that no trees are subject to tree preservation orders and none are deemed to be worthy of protection.

Having regard to these matters, and subject to conditions, it is considered that the scheme would have an acceptable impact upon existing trees and the scheme is considered to be acceptable in relation to Policy E7 of the Local Plan.

Developer Contributions

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

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and

- fairly and reasonably related in scale and kind to the proposed development.

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

A scheme for eight dwellings would not normally require developer contributions to be submitted. However, the Local Planning Authority is not dealing with this development as a stand-alone application and are treating it as an extension to the existing site. Therefore, additional contributions have been requested and these are listed below.

Affordable Housing

The Council's Affordable Housing Officer comments that the scheme should provide for 20% affordable housing within the site (which would equate to 2 dwellings). The Council's preferred approach is for this agreed provision to be made on site. Where a developer considers that there are exceptional circumstances why on site provision is not appropriate then an off site commuted sum can be paid in lieu of on site provision. Should an off-site commuted sum be paid on this site then it should be in the region of £100,000.

Transportation Contributions

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

National Forest Planting

The National Forest Company request a financial contribution of £1800 given that no woodland planting or landscaping is proposed on site.

Conclusions in respect of Developer Contributions

The following requests have been made:

National Forest Company	£1,800
County Highway Authority	£6,022.80
Affordable Housing	£100,000
Total	£107,822.80

Whilst the need for the contributions per se is not disputed, the applicants are of the view that, should all of the contributions requested above be sought, the scheme would become unviable. The applicants have therefore provided a viability assessment, which has been reviewed on the Local Planning Authority's behalf by the District Valuer. The viability assessment indicates that

the scheme could only afford to pay a total of £17,375 and the District Valuer confirms that the findings in the viability assessment are accurate. It is also noted that 30 dwellings to the north have previously been granted planning permission without any affordable housing.

The applicant's current position is that they are willing to make full contributions with the exception of affordable housing which the scheme could only afford to provide £9,552.20. Whilst it is noted that some schemes will be acceptable with a reduced level of affordable housing on site (or any off-site contribution) it is necessary to have regard to the particular circumstances of each application.

Clearly the absence of a full affordable housing contribution would fail to comply with the provisions of the District Council's Affordable Housing SPD which seeks to secure a minimum 20% contribution from new housing development in the Greater Coalville area. As set out above, the NPPF contains a presumption in favour of sustainable development, the dimensions of which include a social dimension, with the planning system's role being to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. It is considered that, in this sense, the scheme would not perform well. On balance, however, given that the applicants have been able to demonstrate to the District Valuer's satisfaction that the full affordable housing contribution could not be provided from a viability point of view, and that 30 dwellings to the north have previously been granted planning permission without any affordable housing, it is considered that a reduced contribution towards affordable housing would not be unacceptable in this case, and when balanced against all other viability considerations and other aspects of sustainable development.

The required Section 106 Agreement could, however, require periodic reviews of the economic viability of the scheme to be undertaken during the course of the development with a view to increasing the required developer contributions in the event of the profitability of the scheme improving.

Conclusion

The site lies within Limits to Development and is greenfield land. In terms of the suitability of the site's location for housing development, the proposed location would not conflict with the provisions of adopted and submitted Local Plan Policy S2 and it is considered that this part of Coalville is a sustainable location for new dwellinghouses. Taking this into account it is considered that the principle of residential development on the site is acceptable.

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species, trees and flood risk issues.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

It is therefore recommended that full planning permission be granted subject to conditions and relevant developer contributions.

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

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

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

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 151F (Proposed Site Plan) deposited with the Local Planning Authority on 24 October 2016;

Drawing entitled 'Landscape Proposals' deposited with the Local Planning Authority on 4 August 2016;

Drawing No. 256B (Plot 8) deposited with the Local Planning Authority on 24 October 2016;

Drawing No. 255A (Plot 7) deposited with the Local Planning Authority on 24 October 2016;

Drawing No. 252B (Plot 3) deposited with the Local Planning Authority on 24 October 2016;

Drawing No. 250A (Plot 1) deposited with the Local Planning Authority on 29 September 2016;

Drawing No. 254A (Plot 6) deposited with the Local Planning Authority on 29 September 2016;

Drawing No. 251 (Plot 2) deposited with the Local Planning Authority on 12 July 2016;

Drawing No. 253 (Plot 4 and 5) deposited with the Local Planning Authority on 12 July 2016.

Reason - To determine the scope of this permission.

- 3 The landscaping on the site, as shown on drawing entitled 'Landscape Proposals' deposited with the Local Planning Authority on 4 August 2016, shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

Reason- to ensure satisfactory landscaping is provided within a reasonable period.

- 4 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.

- 5 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:

- BS10175:2011+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); 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; and
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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.

6 Prior to occupation of any part of the completed development either

1. A statement from the developer or their approved agents is submitted stating that no previously unidentified contamination was observed during the course of development, or

2. If previously unidentified contamination was observed during the course of development and a remedial scheme and verification report were required under condition 5 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.

- 7 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure appropriate land levels because finished floor levels have not been supplied with the application.

- 8 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - To ensure that breeding birds are not adversely affected, in the interests of nature conservation.

- 9 The car parking and turning facilities shown on drawing No. 151 Rev. F shall be provided before any dwelling is occupied and shall thereafter permanently remain available for car parking and turning.

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 and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 10 All construction details such as headwalls, manholes and pipes shall be constructed in accordance with the details agreed under condition 11 of planning application 15/00032/FULM, unless alternative details are first agreed in writing with the Local Planning Authority.

Reason - To prevent an increase in flood risk by ensuring continuity of the drainage network.

- 11 The external materials and hard surfacing of the site/dwellings shall be carried out in accordance with the details agreed under conditions 2, 3 and 9 of planning permission 15/00032/FULM, unless otherwise agreed in writing.

Reason - In the interests of visual and residential amenities.

Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 A Section 106 agreement would be required in order to make the development acceptable and would need to include the following:
 - National Forest Company - £1800
 - Off-site affordable housing contribution - £9,552.20
 - County Highway Authority - travel packs (£52.85 per pack) and Bus Passes (£325 per pass) for 6 properties.
 - Review of the viability of the scheme within a certain period
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and 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.
- 4 The proposed road running roughly north to south does not conform to an acceptable standard for adoption and therefore will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/6csdg or email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
- 5 Your attention is drawn to the notes to applicant provided by the Lead Local Flood Authority in their response dated 16th September 2016.
- 6 Your attention is drawn to the comments made by the Council's Waste and Recycling Team dated 15/08/2016 12:53.