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Erection of a single storey detached dwelling

Report Item No  
A10

Land At Ashby Road Coleorton Leicestershire

Application Reference  
16/00404/FUL

Applicant:  
Ms Rachel Walker

Date Registered  
8 April 2016

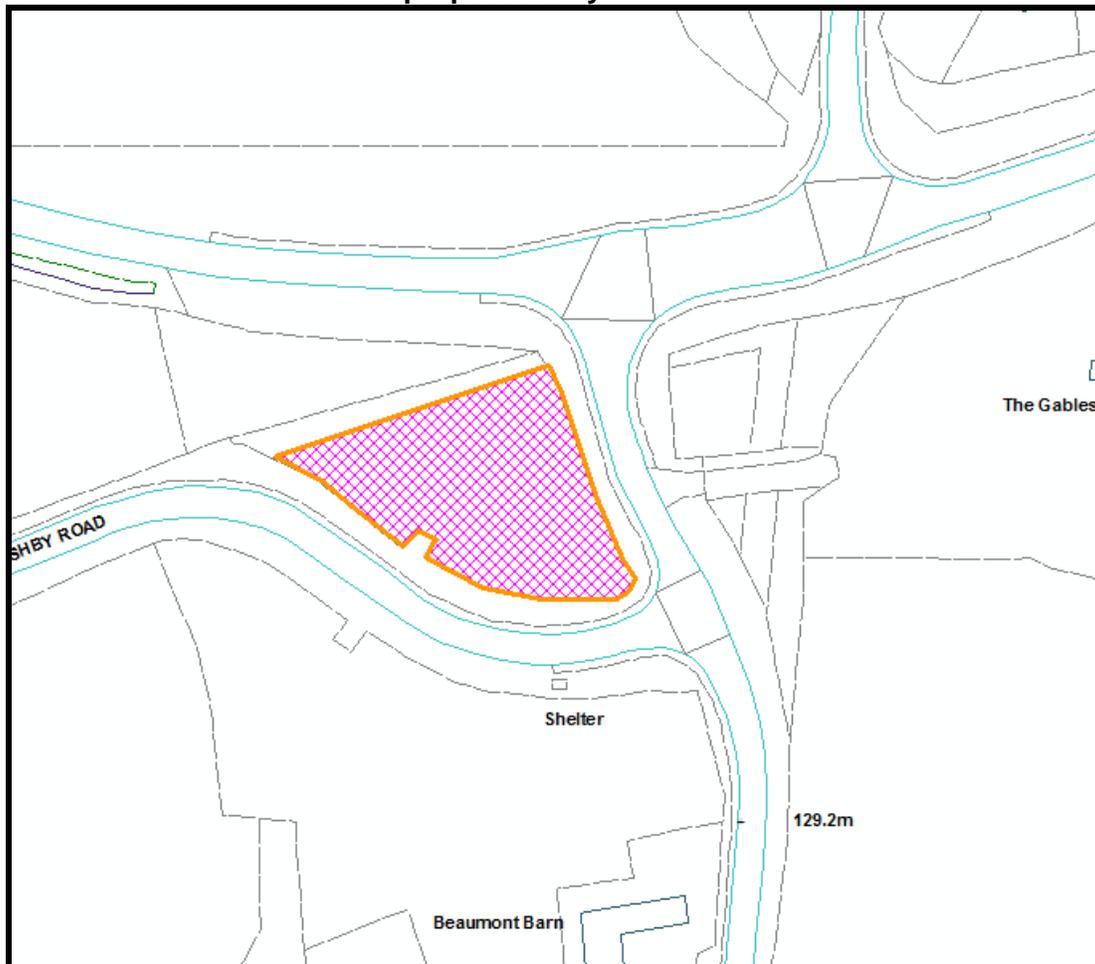
Case Officer:  
Adam Mellor

Target Decision Date  
3 June 2016

Recommendation:  
PERMIT Subject to a Section 106 Agreement

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Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought to the Planning Committee in order to allow Members to assess the sustainability credentials of the dwelling to be provided on the site and its impacts on the rural environment.

### **Proposal**

Planning permission is sought for the erection of a single storey detached dwelling on land at Ashby Road, Coleorton. The 0.18 hectare site is situated on the northern and eastern side of Ashby Road, given a bend in the road, and is outside the defined Limits to Development.

### **Consultations**

A total of three representations have been received objecting to the development with four representations being received which support the development. Coleorton Parish Council also objects to the development. All other statutory consultees have no objections subject to conditions.

### **Planning Policy**

The application site is outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

The site is located outside the Limits to Development, where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and limited environmental impacts, the proposal is considered to represent sustainable development. On this basis the principle of the development is considered to be acceptable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, heritage assets, highway safety, archaeology, ecology or the coal mining legacy on the site. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to in the main report below.

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

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a single storey detached dwelling on land at Ashby Road, Coleorton. The 0.18 hectare site is situated on the northern and eastern side of Ashby Road, given a bend in the road, and is currently scrubland/grassland which is outside the defined Limits to Development. To the north of the site lies the A512 with the Parish Council Millennium Garden adjoining the site to the south east, the surrounding area consists of woodland areas, residential properties which vary in their type and design and open fields.

Following amendments to the plans it is proposed that a single storey dwelling with a flat roof would be provided on the site which would be a modular type structure with a floor area of 100 square metres. It would be constructed from insulated panels clad in timber with the use of a 'living' roof and would be erected in one day. An existing vehicular access off Ashby Road would serve the site.

A design and access statement accompanies the application which highlights that the dwelling would be provided to meet a 'local need'. It is specified that: -

*"The applicant has lived and worked in the local area for over 20 years and now owns and runs the village taxi firm KTS Taxis, which provides an important service to local residents. She also voluntarily cares, on a daily basis, for the elderly occupant of 36 Colliery Farm (on the opposite side of The Moor) who sold Ms Walker the plot in the hope that she might gain permission to build a house there and live within the community.*

*Ms Walker's partner suffers from a condition that may require her to use a wheel chair in the future. The layout of their current house is not wheelchair compatible. The design of the home takes this into account. The flexible structure allows for further adaptations as time demands."*

No previous planning history was found.

### 2. Publicity

2 neighbours have been notified.

Site Notice displayed 18 April 2016

Press Notice published 20 April 2016

### 3. Consultations

Parish Clerk Coleorton Parish Council  
County Highway Authority  
Severn Trent Water Limited  
County Archaeologist  
Head of Environmental Protection  
LCC ecology  
Coal Authority

### 4. Summary of Representations Received

The following summary of representations is provided.

**Coal Authority** has no objections subject to conditions.

**Coleorton Parish Council** objects to the application on highway safety grounds due to the access arrangements as well as that the dwelling would be outside the Limits to Development in a sensitive area near the Parish Millennium Garden. The Parish Council is also of the view that there is no justification for the dwelling on 'local need' grounds.

**Leicestershire County Council - Archaeology** has no objections.

**Leicestershire County Council - Ecology** has no objections subject to conditions.

**Leicestershire County Council - Highways Authority** has no objections subject to their standing advice being considered.

**NWLDC - Environmental Protection** has no objections.

**Severn Trent Water** no representation received.

### **Third Party Representations**

Three representations have been received which object to the application with the comments raised summarised as follows: -

- No architectural quality and design is not modern or inspirational.
- Poor quality of design and materials.
- An important gateway into the village which is visually significant would be irreparably damaged.
- Inclusion of a package treatment plan adds to the inappropriate nature of the proposal.
- Applicant runs a taxi business from their current address and has at least four mini-bus/people carrier type vehicles.
- The site is inappropriate for the running of a taxi business.
- The proposal is contrary to the criteria within the Local Plan.
- The rationale provided in support of the application is risible.

Four representations have been received which support the application with the comments raised summarised as follows: -

- The applicant and her partner have worked very hard to improve the site which was previously an overgrown eyesore.
- The site is a well-cared for field with hedges.
- The addition of the dwelling would enhance the visual amenity of the area.
- Recent permissions have been granted in the area for permanent dwellings in isolated locations.
- The ecological and environmental sustainability credentials of the scheme should be recognised and attached weight in the decision.
- Dwelling would help sustain local services.
- Dwelling would have a limited visual impact given its scale and height.
- Area is characterised by dwellings in spacious plots so dwelling is not 'isolated' in that context.
- Provision of a dwelling will allow the applicants to remain in the area and could be easily adapted to meet the needs of the applicant's partner who suffers with disabilities.

## **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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 due weight in the determination of this application.

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

Paragraph 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Core planning principles);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraph 32 (Promoting sustainable transport);  
Paragraph 39 (Promoting sustainable transport);  
Paragraph 49 (Delivering a wide choice of high quality homes);  
Paragraph 53 (Delivering a wide choice of high quality homes);  
Paragraph 55 (Delivering a wide choice of high quality homes);  
Paragraph 57 (Requiring good design);  
Paragraph 60 (Requiring good design);  
Paragraph 61 (Requiring good design);  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraph 118 (Conserving and enhancing the natural environment);  
Paragraph 120 (Conserving and enhancing the natural environment);  
Paragraph 123 (Conserving and enhancing the natural environment);  
Paragraph 141 (Conserving and enhancing the historic environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 206 (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 S3 - Countryside;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy F1 - National Forest: General Policy;  
Policy F2 - Tree Planting;  
Policy F3 - Landscaping and Planting;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H4/1 - Housing Land Release; and  
Policy H7 - Housing Design.

### **Publication Version North West Leicestershire Local Plan**

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 advanced stage that has now been reached it is considered that weight can be attached to the following policies: -

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy S3 - Countryside;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy H6 - House Types and Mix;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation;  
Policy En3 - The National Forest;  
Policy En6 - Land and Air Quality;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 - Water - Flood Risk; and  
Policy Cc3 - Water - Sustainable Drainage Systems.

### **Other Policies**

#### **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.

#### **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.

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions, in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

## **6. Assessment**

### **Principle of Development and Sustainability**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which,

in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

With regards to the sustainability credentials of the site, it well related to the following services which are within an acceptable walking distance of 800 metres, or 1000 metres for a school: -

- Shop/Post Office (Lower Moor Road - 533 metres);
- Public Houses (Angel Inn, The Moor - 390 metres and The George Inn, Loughborough Road - 668 metres);
- School (Viscount Beaumont's Church of England School, Ashby Road - 540 metres);
- Church (St Johns Chapel, Ashby Road - 419 metres);
- Bus Stop for Two Services (Robert Coaches Air Link Service 155 1 hourly between Coalville and East Midlands Airport Monday to Saturday - 411 metres on The Moor and Arriva Service 9 1 hourly between Burton on Trent to Loughborough via Ashby De La Zouch Monday to Sunday (limited service on a Sunday) - 668 metres on Loughborough Road);

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop and school) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF. It would also be possible for the future occupants to access these services on raised footways which are well lit.

From an environmentally sustainability perspective it is noted that the application site is currently an enclosed paddock and as such is classed as greenfield land. The site is also outside the defined Limits to Development and therefore the 'principle' of the proposal would be in direct conflict with Policies S3 of the adopted and submitted Local Plans. However, as highlighted above given that the NPPF does not necessarily preclude development on greenfield land a determination would need to be made as to whether the proposed dwelling would be 'isolated' in the context of Paragraph 55 of the NPPF, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

In the circumstances that a greenfield site would be built upon there would be some harm to the environment, including its openness, and therefore conflict with this strand of sustainability.

Whilst this is the case the degree of harm needs to be assessed on the basis of the contribution such land makes to the undeveloped and nature of the rural environment. In this context the application site is an enclosed area of grassland/scrubland which has been dissected from the wider open rural environment by the formation of The Moor, Ashby Road and the A512 which all border the site. As a result of this the grassland/scrubland has no direct connection or visual/physical relationship with neighbouring greenfield land which would contribute towards the visual openness and undeveloped nature of the surrounding rural environment. In these circumstances the degree of harm to the 'openness' of the rural environment would be extremely limited particularly when factoring into account the scale and height of the property.

Although not impacting adversely on the 'openness' of the rural environment it is considered that the dwelling would be viewed in 'isolation', given its dissociation with nearby neighbouring built forms, but would not be 'isolated' from the linear settlement of Coleorton as a whole given that the site lies in the centre of the village between the main built up areas of The Moor (91 metres to the south-east) and Lower Moor Road (86 metres to the north-east). In any event, if it were considered isolated, Paragraph 55 of the NPPF emphasises that 'isolated' homes in the countryside should be avoided unless special circumstances exist. The special circumstances include: -

*"Be truly outstanding or innovative, helping to raise the standards of design more generally in rural areas;  
Reflect the highest standards in architecture;  
Significantly enhance its immediate setting; and  
Be sensitive to the defining characteristics of the local area."*

Although the dwelling would not be 'truly outstanding' it would be innovative given the following circumstances: -

- It could be constructed in one day thereby reducing traffic to and from the site and negating noise, mess and dust associated with traditional build techniques;
- It would have limited impact on the ground given that it would be laid on concrete pads thereby reducing its permanence on the site;
- The dwelling will be constructed to achieve the highest levels of thermal performance and reduce energy use;
- The dwelling will be enabled to generate sufficient solar power to be zero energy rated;
- It would be constructed from materials which would help the development assimilate into the natural environment;
- The inclusion of a 'living roof' would promote and encourage biodiversity on the site;

In respect of the other criteria emphasised within Paragraph 55 it is considered that although it would be difficult to make a case that the provision of the dwelling would significantly enhance the immediate setting it would create a property which would not be dominant in views from the public domain and which would assimilate into its natural setting due to the materials of construction. As a consequence of this it would be sensitive to the defining characteristics of the local area as assessed in more detail in the relevant section below.

Whilst a view is taken that the property would not 'reflect the highest standard in architecture' it is considered that as a bespoke and modern style of property there is no direct comparison which could be made to existing architecture in the area. However, the form and appearance of the dwelling is of interest and is considered to represent an acceptable standard of architecture.

On the basis of the above it is recognised that the proposal would be contrary to Policies S3 of

the adopted and submitted Local Plans, would result in a degree of harm to the rural environment due to the loss of a greenfield site and would not be wholly compliant with Paragraph 55 of the NPPF. Although conflict with these policies arises it is considered that such conflicts would be outweighed by the site's social sustainability credentials, the innovative design features and lack of physical intrusion into the ground being positive to the environment and encouraging biodiversity and the fact that the degree of harm to the 'openness' of the rural environment would be extremely limited due to the disassociation the application site has with the open countryside beyond. On balance, therefore, the proposal represents a sustainable form of development which is acceptable in principle.

Whilst coming to such a conclusion on this particular application it is considered that this would not set an undesirable precedent for similar forms of development elsewhere in the settlement given the particular circumstances of this site as well as the fact that any future development would need to achieve a higher level of innovation than that set by this proposed in order to be considered 'innovative' under the terms of Paragraph 55 of the NPPF. As a result of this no two dwellings deemed to be 'isolated' would ever be of the same design or exhibit similar environmental benefits.

### **Residential Amenity**

The nearest dwellings are The Gables, at least 105 metres to the east of the site, and Beaumont Barn, some 65 metres to the south. Given these distances, as well as the scale of the dwelling, it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise and therefore the development would be compliant with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Impact on the Character and Appearance of the Area, Streetscape and Heritage Assets**

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

In terms of topography the application site is relatively flat with low level post and rail fencing defining the majority of the boundaries of the site (1.8 metre high close boarded fencing defines part of the south-eastern boundary) with mature hedgerows adjacent to this fencing. The main settlement of Coleorton (Lower Moor Road) is situated to the north-east on the opposite side of the A512 with The Gables being set to the east and Beaumont Barn being set to the south. Mature tree planting is to the immediate north-west. Properties within the area are single storey and two-storey in height which are either detached or semi-detached.

The majority of development on The Moor and Lower Moor Road follows a relatively linear pattern with dwellings fronting onto, and being closely associated with, the highway. However, between the junction of Prestons Lane with The Moor and the junction of The Moor with the A512 the pattern of development becomes more sporadic with dwellings being positioned within relatively large plots and detached from the highway, The Gables and properties on Ashby Road being consistent with this pattern of development. In such a context it is considered that the construction of a dwelling on the site would not significantly detract from the character of the area as to justify a refusal of the application. It is also considered that as the dwelling would be single storey, with a maximum height of 3.26 metres, it would have limited implications to the appearance of the streetscape given the mature planting which exists to the site boundaries and the use of Larch cladding and 'living roof' assisting in assimilating the development into the existing natural environment.

From a design perspective it is acknowledged that the modern and individualistic style of the property would not be consistent with the traditional design of properties in the area. Whilst this is the case Paragraph 60 of the NPPF indicates that "*decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.*" Within the immediate area it is noted that a more modern style dwelling has been constructed at Octogonos on Lower Moor Road and that traditional properties exhibit differing designs and styles. In such a context, as well as the fact that no other dwelling would be of a similar design or construction build as that proposed, it is considered that it would be 'innovative' and would provide a bespoke and individual styled property which would not have a significantly adverse impact on the appearance of the streetscape or wider area. The materials of construction whilst different to the predominant materials in the area of render and brick would also not have a significantly adverse impact on the appearance of the streetscape and would be supported under Policy F1 of the adopted Local Plan by being National Forest inspired.

The south eastern boundary of the Coleorton Hall Grade 2\* Historic Park and Garden, a designated heritage asset, lies approximately 20 metres to the west of the site and covers the entire parkland, gardens and pleasure grounds formally associated with Coleorton Hall. The historic garden listing predominately refers to the garden and parkland areas associated with Coleorton Hall north of the A512. The nearest part of the Historic Park and Garden appears to relate to The Paddock area which is referred to in the Listing and includes a lake and areas of Woodland. Whilst the Council's Conservation Officer and Historic England have not been consulted on the application it is considered that the level of screening provided by existing mature woodland within the Historic Park and Garden, as well as adjacent to the site, the presence of the A512 and overall scale and positioning of the dwelling would ensure that no harm to the historic setting of the heritage asset would arise.

Overall it is considered that the development would be compliant with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies E4, H7 and F1 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

### **Highway Safety**

The County Council Highways Authority have raised no objections subject to their standing advice being considered.

It is considered that the existing access has the required visibility in both directions to ensure that vehicles could exit in a slow and controlled manner with the overall number of movements associated with a 2 bedroom dwelling being relatively low. Within the site it would also be possible to provide manoeuvring facilities to ensure vehicles exit the site in a forward direction. In these circumstances the proposal would not impact 'severely' on highway safety and as such would be compliant with Paragraph 32 of the NPPF as well as Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

Within the site an adequate level of off-street parking to serve the property would be provided and this would ensure compliance with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and IF7 of the submitted Local Plan.

## **Ecology**

The County Council Ecologist does not object to the application subject to the imposition of conditions to secure a scheme of planting on the roof of the dwelling which would be of native species as well as ecological management and enhancement of an area of the site given that it was once species-rich wet/neutral grassland. Subject to the imposition of such conditions the development would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

## **Landscaping**

It is proposed that the dwelling would be set to the south of a mature tree and the remnants of a hedge both of which are identified as being retained on the submitted plans. Given that the dwelling would be pre-fabricated and stood on concrete pads there would be minimum ground disturbance with the dwelling being set away from the root protection areas (RPAs) of retained vegetation which would ensure their integrity would be preserved. Given the National Forest setting of the site it would be a requirement that the landscaping is enhanced and the imposition of a condition on any permission granted could secure the submission of a landscaping scheme. On this basis the development would accord with Policies E7, F1, F2 and F3 of the adopted Local Plan as well as Policy En3 of the submitted Local Plan.

## **Drainage**

It is proposed that the dwelling would be served by a package sewerage treatment plant and the provision of such a drainage solution on the site will require separate permission from the Environment Agency (EA) who would issue a permit for the installation of such a system. In agreeing any permit application the EA will be responsible for ensuring that the installed system has sufficient capacity to deal with drainage from the dwelling and as a consequence it would not be considered an inappropriate system for dealing with drainage at the site as raised in the third party representations. On this basis the development would be considered acceptable in accordance with Paragraph 120 of the NPPF.

## **Coal Mining**

The Coal Authority have no objections to the proposal subject to the imposition of conditions on any consent granted. It is considered that the imposition of such conditions will ensure the land is 'stable' and fit for purpose in conjunction with Paragraphs 120 and 121 of the NPPF and Policy En6 of the submitted Local Plan.

## **Archaeology**

The County Council Archaeologist has raised no objections to the application and as such archaeology would not act as a constraint on the development which would ensure compliance with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

## **Other Matters**

Concerns have been raised that the applicant is intending to run a taxi business from the site. The application is solely for a new dwelling and not for any other use. If complaints were received regarding the operation of a taxi business from the site then the Council has separate powers to investigate.

It is also considered that the proposal would not impact adversely on the setting of the Parish Millennium Garden given that only limited views into the site would be established when utilising this area due to the presence of the boundary treatments.

### **Summary Reasons for Granting Planning Permission**

The site is located outside the Limits to Development, where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and limited environmental impacts the proposal is considered to represent sustainable development. On this basis the principle of the development is considered to be acceptable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, heritage assets, highway safety, archaeology, ecology or the coal mining legacy on the site. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above-mentioned policies.

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

- 1 The development shall be begun before the expiration of one year 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) and given the 'local need' for the dwelling.*

- 2 The proposed development shall be carried out strictly in accordance with drawing number BMashby0316.vwx (Location Plan), received by the Local Authority on the 8th April 2016, drawing numbers 01 (Proposed Elevations), 02 (Proposed Elevations) and 03 (Proposed Floor Plans), received by the Local Authority on the 10th August 2016, and drawing number BMashby0316.vwx (Site/Block Plan), received by the Local Authority on the 15th September 2016, unless otherwise required by another condition of this permission.

*Reason - to determine the scope of the permission.*

- 3 The proposed external materials to be used in the development will be in strict accordance with those specified in the application, including the use of a 'living roof', and as shown on the drawing referenced 'Proposed New Design for a House at Ashby Road', received by the Local Authority on the 10th August 2016. The above applies unless alternative external materials are first submitted to and agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the details shown on the approved plans before first occupation of the dwelling, hereby permitted, a scheme of soft and hard landscaping (which shall include the soft landscaping utilised on the 'living roof' of the dwelling) shall be submitted to and

agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation of the dwelling with the hard landscaping scheme being provided in full prior to the first occupation of the dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period, in the interests of visual amenity and to enhance the ecological value of the land.*

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

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

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

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

- 7 Before first occupation of the development hereby permitted the following shall be provided: -
- The access drive and turning space shall be surfaced in accordance with details agreed under Condition 4 of this permission;
  - The car parking and turning facilities as shown on drawing number BMashby0316.vwx (Site/Block Plan), received by the Local Authority on the 15th September 2016;
  - Drainage within the site such that surface water does not drain into the Public Highway;

Once provided the above shall thereafter be so maintained.

*Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); 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; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.*

- 8 Operations that involve the destruction/removal/management of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

*Reason - to ensure that nesting birds (a protected species) are adequately protected and their habitat enhanced.*

- 9 The dwelling shall not be occupied until a landscape/ecological management plan for the land cross hatched on the attached drawing number LPA/16/00404/FUL has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The submitted scheme shall include a timetable for implementation, management responsibilities and maintenance schedules. Once approved the landscape/ecological management plan shall be implemented in accordance with the approved details and timetable, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

*Reason - to secure opportunities for the enhancement of nature conservation in the area and to ensure the protection of wildlife.*

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

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

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

### **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 phase which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
- 4 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 5 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in

prosecution; anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.

- 6 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.