

Item 3c	14/00550/OUT
Case Officer	Nicola Hopkins
Ward	Eccleston and Mawdesley
Proposal	Outline application (all matters reserved) for the erection of upto three detached dwellings.
Location	Land To The South West Of Ricmarlo, Preston Nook Eccleston
Applicant	Mr Paul Thompson
Consultation expiry:	24 June 2014
Decision due by:	18 July 2014 (extension agreed until 8 August following the deferral at July Development Control Committee)
Link to view plans	http://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application

Recommendation

Approve outline planning permission subject to the associated S106 Agreement

Executive Summary

The main issues to consider are whether the proposals accord with the policies contained within the current and emerging Local plan. For the reasons set out below it is considered that the proposals are consistent with the aims of the Framework and represent a sustainable form of development within the settlement boundary of Eccleston.

Representations

Eccleston Parish Council objects to the application on the following grounds:

- It fails to comply with any of the three criteria contained within Policy HS3 of the proposed Chorley Local Plan 2012-2106 for permission for development within private residential gardens on sites not allocated in the Housing Allocations Policy.
- Para 27of the Chorley Local Plan 2012-2106 states "There are areas that are particularly sensitive to the potential negative impact of garden development such as locally important areas and other areas where character is defined by low density housing set in mature, generous gardens, and where development could have a detrimental impact on heritage assets such as listed buildings, conservation areas and locally important areas. Accordingly, in such areas garden development will only be considered to be acceptable in exceptional circumstances, subject to other material planning considerations, providing the developer can demonstrate that the proposed development is in keeping with the character of the area."
- Preston Nook is an example of an area where character is defined by low density housing set in mature, generous gardens. From the application submitted there is no indication whatsoever that the developer has demonstrated the required exceptional circumstances.

In total 6 representations have been received which are summarised below

Objection

Total No. received: 6

- Cannot view the documents on line
- No local need for these houses
- The proposed houses are planned to be built on a flood plain that has been seen to flood on a regular basis to a depth of 2 to 5 feet depending on the severity of the weather causing damage and loss to garden structures and fencing.
- Under the National Planning Policy garden development is classed as in the Green belt and as the proposed development does not meet the criteria for approval under policy HS3 of the Chorley Borough Local Plan
- The proposed development is not in keeping with the surrounding area and would directly infringe on the current level of privacy
- Does the proposed development include the provision for Preston Nook to be adopted by the relevant authority to cover the ongoing maintenance this development would cause to the roadway which is currently maintained by the residents.
- Will turn the area into a housing estate.
- If the proposals for the development at Camelot are successful there will be an even bigger surplus.
- The road gradient proposed would be impossible to use in inclement weather and there is insufficient road space at the higher level to safely accommodate this many additional parked vehicles.
- The Flood Risk Assessment also says "The development proposal is to demolish Ricmarlo and erect 7no. new residential dwellings across the site" (page 2) - is this the same development as covered by this application?

Consultees

Consultee	Summary of Comments received
Chorley's Waste and Contaminated Land Officer	Has recommended a condition in respect of contamination
LCC Ecology	Originally raised concerns in respect of the proximity of the development to the watercourse
Environment Agency	Have no objection subject to suitable conditions
LCC Highways	Have commented on the indicative access arrangements

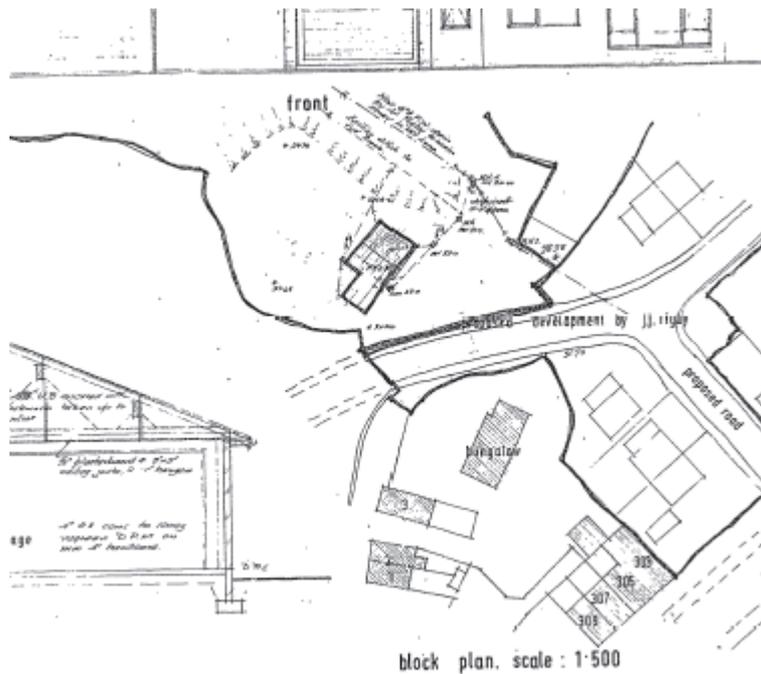
Assessment

Principle of the Development

1. Members will note that this application is submitted in conjunction with application 14/00551/OUT which is reported elsewhere on this agenda.
2. The site is located within the settlement area of Ecclestone as identified within both the existing and emerging Local Plan. The emerging Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the emerging plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Ecclestone is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.
3. Policy GN3 of the current Local Plan restricts development in Ecclestone to development and redevelopment of land wholly within the existing built up extent of the settlement. As this site falls within the settlement boundary the principle of developing the site accords with Policy GN3.
4. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
5. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
6. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
7. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the policies referred to below can be afforded significant weight.

Outline Application

8. This is a wholly outline application to establish the principle of redeveloping the site for housing which as set out above is considered acceptable in terms of planning policy. It is not considered that this site forms part of the residential curtilage of Ricmarlo as from aerial photos it is clear that this site, which has always been at a lower land level than the formal garden area associated with Ricmarlo, was until recently densely vegetated and separate from the formal curtilage associated with Ricmarlo.
9. Members will recall this application was deferred at 8th July Development Control Committee to enable a site visit to be undertaken. One of the queries raised was whether this land was actually garden land. Planning permission was granted for the property in July 1973 (5/5/9928) which detailed the whole site but specifically stated, by condition, that the permission relates only to one dwelling sited as shown on the 1:500 block plan. This is as follows:



10. As set out above the permission for the dwelling only related to the area of land detailed which is considered to be the garden area associated with the dwelling. The remainder of the land, subject to this planning application, although owned by the applicant has not been used as garden. The agent for the application has confirmed that the land is not part of the garden of Ricmarlo, there is a significant difference in levels between the garden of Ricmarlo and the application site.
11. Three aerial photographs have been provided, dated 2000, 2005 and 2009, which demonstrates that the garden of Ricmarlo has been maintained whereas the land to the rear has not.
12. When the applicant purchased the site it was extremely overgrown and the applicant cleared the weeds. Two photos have been provided which detail how overgrown the site had become. There were no clear paths on the site and the levels of growth of the plants indicate that no maintenance had been undertaken on the site for a significant period of time.
13. As such this site represents undeveloped greenfield land within the settlement of Eccleston. However extensive works have recently been undertaken to the land including tree removal. These works have created a significant level difference between the residential curtilage and the adjacent land.
14. To demonstrate that the site can be suitably developed an indicative layout plan and levels plan have been submitted with the proposals indicating that three dwellings will be constructed within the southern part of the site with an access road from Preston Nook along the line of the existing sewer.

Density

15. The red edge site location plan covers an area of 0.32 hectares which results in a density of 10 dwellings per hectare. Policy 5 of the Core Strategy confirms that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. 10 dwellings per hectare is a very low density however given the character of the area and the site level constraints this density is considered to be appropriate and reflects the character of the area.

Levels

16. There are significant level changes across the site and the edge of the residential curtilage slopes down steeply to the application site (with a level difference of approximately 5.5 metres from the bottom of the banking to the garden level) and the proposals involve cutting into the banking and raising the finished floor levels to accommodate plots 3 and 4. The indicative finished floor level of plot 3 is approximately 4.5 metres lower than the dwellings within the garden curtilage of Ricmarlo (subject to planning application 14/00551/OUT). A full assessment of neighbour amenity is addressed below.
17. Plot 5 is indicatively shown within the south western corner of the site and is detailed with a finished floor level of approximately 1 metre higher than the current ground level.
18. The proposed access road will slope down into the site dropping by approximately 6.6 metres from the existing road level to the edge of the proposed turning head.

Impact on the neighbours

19. Although the plans are submitted indicatively an assessment of the impacts on the neighbours is essential to demonstrate that the development can be accommodated without adversely impacting the neighbours amenities.
20. The immediate neighbours to the site are Twisted Chimney, 1 Ince Lane, 12 Ince Lane, Ince Cottage, 16 Enfield Close, Ricmarlo and Woodview. The proposed new dwellings within the curtilage of Ricmarlo will also be neighbours in the event that planning permission is granted for those proposals.
21. Twisted Chimney is a large detached dwellinghouse which was granted planning approval in May 2000 and has a finished floor level of approximately 30.07. This is approximately 4.7 metres higher than the suggested road level and 6.42 metres higher than plot 5. The elevated land level along with dense vegetation at the boundary ensures that the proposals will not create loss of privacy to the detriment of the amenities of the residents of Twisted Chimney.
22. The proposed indicative layout also ensures that Twisted Chimney will not allow overlooking of any private amenity space associated with the new dwellings.
23. 1 Ince Lane and Ince Cottage are a pair of semi-detached dwellings adjacent to the site. The finished floor level is approximately 30.84 which is approximately 3 metres higher than the indicated road level. As there is no housing development proposed within this part of the site it is not considered that this relationship will adversely impact on the existing or future residents.
24. 12 Ince Lane is located to the west of the application site however this property is not visible from the application site given the dense vegetation which is shown as being retained and as such it is not considered that the proposals will adversely impact on the occupiers of 12 Ince Lane.
25. 16 Enfield Close is located close to the indicated access junction away from the proposed new dwellings and as such it is not considered that the proposed development will adversely impact on the amenities of the occupiers of 16 Enfield Close.
26. Ricmarlo is the applicant's property fronting onto Preston Nook. Plot 3 is indicated to be sited to the rear of Ricmarlo. The side elevation of plot 3 is detailed as being 25 metres from the rear elevation of Ricmarlo and approximately 4.5 metres lower. Given the level difference there would be a requirement to maintain 28 metres from the rear elevation of Ricmarlo to the side gable of the proposed dwelling (taking the standard 12 metre window to gable distance and increasing the spacing distance to take into account the level change). In the case of this indicative relationship only 24 metres is maintained however given the significant level difference Ricmarlo will not face a gable wall it will view the roof of plot 3 (if a standard two storey dwelling is constructed which would be appropriate from

a design perspective in this location) and as such 24 metre is considered to be a sufficient spacing distance.

27. Woodview is an existing detached bungalow which neighbours Ricmarlo. Plots 3 and 4 are shown indicatively to back onto the garden area of Woodview. Plot 3 has a finished floor level which is approximately 4.6 metres lower than Woodview and as with the other properties within this area the gardens slope down to Syd Brook. As such there is no significant level change within this location. At its closest point plot 3 is sited 8 metres from the boundary with Woodview which does not meet the Council's required 10m window to garden distance however this reflects the closest point of plot 3. Due to the line of the boundary and the orientation of plot 3 the opposite corner of this plot is located 17 metres away from the common boundary. As such it is considered that plot 3 could be designed to ensure that habitable room windows maintain in excess of the required 10 metres.
28. Plot 4 is shown to be sited at an oblique angle to the garden of Woodview and as such will not allow for any direct overlooking.
29. Members will note there is another application on the agenda for the erection of 2 detached dwellings either side of Ricmarlo and the remodelling of the Ricmarlo (14/00551/OUT). In the event that application 14/00551/OUT is approved the proposed dwellings on plots 1 and 2 will border plot 3 which is subject to this application. However plot 2 is sited to ensure that there will be no loss of privacy to the detriment of the future residents and plot 2 maintains over 27 metres to the rear boundary and does not allow any direct views of the private garden area. As such no loss of amenity will be created by the proposals subject to application 14/00551/OUT.
30. Whilst it is acknowledged that the layout is indicative it is considered that a scheme for 3 dwellings on this site can be designed to maintain both the existing neighbours' amenities and the future residents' amenities.

Affordable Housing

31. Policy 7 of the Core Strategy sets out the requirements for the provision of affordable housing in Central Lancashire to meet the acute need for such housing in the area. Amongst other things, the Policy states that the minimum site size threshold will be 15 dwellings (0.5 hectares or part thereof) but a lower threshold of 5 dwellings (0.15 hectares or part thereof) is applicable in rural areas. As Eccleston is a Rural Local Service Centre the 5 dwelling threshold applies in this case. Policy 7 is supported by the accompanying Supplementary Planning Document on affordable housing (SPD) which was adopted in October 2012.
32. The accompanying SPD explains that the size of a development should not be artificially reduced in order to avoid the affordable housing requirements, for instance by subdividing sites or reducing the density of all or part of the site. Although this application is only for 3 dwellings it is noted that it is intrinsically linked to the planning application on the adjacent site (14/00551/OUT). Two applications have been submitted as there are different planning policy issues in respect of each application. However both applications have been submitted together and by doing this has effectively subdivided the site which is specifically referred to within the SPD. As such the development of this site actually results in the erection of 5 new dwellings and as such the development will be required to make provision for affordable housing in accordance with Policy 7, which in the case of this site would be 35% (or 1 unit).
33. In this regard the Council's greatest current need is 2 bedroom houses with little requirement for large dwellings as proposed on this site. Policy 7 does include provision for off-site provision or financial contributions of a broadly equivalent value instead of on-site provision where robustly justified. However this can only be justified where the site or location is unsustainable for affordable or special housing. In the case of a site located within a rural service centre, such as this site, this is considered to be a suitable location for onsite affordable housing. This will be secured via the associated S106 Agreement.

Flooding

34. The southern part of the site is located within flood zone 3 due to the fact that Syd Brook is sited adjacent to the site. The majority of this part of the site is left undeveloped although it is noted that part of plot 4's garden will be sited within the 1 in 1000 year flood risk event boundary. As noted above concerns have been raised by neighbours in respect of the future risk of development on this site from flooding.
35. In this regard the Environment Agency has been consulted as the application is supported by a Flood Risk Assessment. Flood Zone 3 is defined as having a high probability of flooding within the Framework. The Environment Agency has concluded that the development would be safe for its lifetime without increasing flood risk elsewhere. As such in respect of flooding, subject to suitable conditions the proposals are considered to be acceptable.

Highways and Traffic

36. As set out above issues have been raised about the additional traffic generated by the proposed dwellings, noise and the usability of the proposed access road in inclement weather.
37. The Highway Engineer at LCC has reviewed the proposals and commented that the indicative plans submitted show the access is proposed to Enfield Close and not Preston Nook as indicated.
38. There are no highway objections to the proposal in principle, but the Highway Engineer has suggested that measures should be incorporated into the design of the development to ensure that vehicles from the development do not use Preston Nook as a rat-run to The Green and vice versa due to the fact that the road is unadopted, narrow and unsuitable for 2-way traffic. Whilst this would be preferred it is noted that the applicant has no control over Preston Nook to secure any suggested measures. The access points will be served off the part of the highway which is suitable for 2 way traffic and as the access via Preston Nook is very restricted and appears to be controlled by the surrounding residents this risk is considered to be low.
39. It is noted that the access road would not be adopted however it is possible to have a private access road to serve three properties as proposed. The access road would slope down into the site with a level change of approximately 6.6 metres. Given the length of road proposed it is considered that the gradient will not result in an unsuitable access road however there may be issues in inclement weather. As this access road will be privately managed this issue can be addressed by condition.

Trees

40. The site is bordered by dense mature vegetation and in this regard the application is supported by a Tree Survey Report. The report identifies no trees of high or exceptional value, but a number of trees are deemed to have moderate value.
41. 36 individual trees, 6 groups of trees and 1 hedgerow have been surveyed. 17 individual trees and 1 group of trees were categorised as retention category B (which are trees of moderate quality with a remaining life expectancy of at least 20 years). The remainder of the individual trees, groups of trees and hedgerow were categorised as retention category C (which are trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) apart from 1 which is categorised as retention category U (which is trees of such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years.)
42. All of the higher quality trees are located on the periphery of the site and it is considered that the development can be designed to ensure the continued protection of these trees. To ensure the trees of highest value are protected a TPO will be placed on the trees identified as being retention category B. Any tree loss identified at reserved matters stage can be mitigated for by replacement planting.

Ecology

43. Due to the extensive tree cover at the site and the proximity of Syd Brook the application is supported by an Ecological Survey and Assessment. This has been reviewed by the Ecologist at LCC who initially raised the following concerns:

- Chorley Borough Council should be satisfied that no works are to be carried out within 5m of the tops of the banks of the watercourse (e.g. outlet pipes/drainage works). If works are to be carried out within 5m of the tops of the banks of the watercourse then further water vole assessment will be required, prior to determination of the application, to confirm presence/absence of water vole and to inform the need for appropriate mitigation, if present.
- Owing to the clearance work undertaken within close proximity to the watercourse, it is recommended that The Environment Agency be consulted before the application is determined.

44. In response to this an updated ecology report was provided which the Ecologist at LCC has reviewed. The Ecologist has made the following comments:

Bats (European Protected Species)

45. A bat roost was found in the building associated with planning application 14/00551/OUT. The ecology report recorded Common Pipistrelle foraging along the trees and shrubs on the north-western boundary and over the gardens. The report also acknowledges that the Syd Brook is favourable for use by commuting and foraging bats. It should therefore be ensured that such habitat is retained within the design of the development to ensure that habitat connectivity is maintained and enhanced.

46. The bat report recommends the provision of bat roosting opportunities within the proposed buildings and bat boxes located on appropriate trees to provide a biodiversity enhancement. Such proposals would appear appropriate and in line with the NPPF. This could be addressed at reserved matters/full application stage and will be addressed via condition.

Lighting

47. The report recommends that no lighting should directly illuminate the retained and protected trees and shrubs along the boundaries of the site as light spill may deter foraging and commuting bats and disturb nesting and roosting birds. It will also need to be ensured that there is no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. This can be addressed by condition.

Water Vole (Protected Species)

48. Whilst the survey was undertaken at a sub-optimal time, the consultant has confirmed that the existing records in the wider area are not well connected to the existing drain. On this basis combined with the sub-optimal habitat it would seem reasonably unlikely that the proposed development would have a significant impact on water voles. However the Ecologist has confirmed that it would be appropriate to provide at least a 5m buffer from the top of the bank of the drain and the proposed development to protect the existing drain.

49. Following a high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained

50. The Ecologist is satisfied with the content of both the original report and the updated report and considers that a favourable conservation status can be maintained subject to appropriate conditions.

Open Space

51. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the requirements below are based upon the standards within emerging Local Plan Policies HS4A and HS4B and the approach in the SPD.

Amenity Greenspace

52. Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

53. Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

54. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

55. There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

56. There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Station Road, Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

57. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

58. In the event that 3 dwellings are constructed on this site this would result in a contribution of £5262.

Sustainable Resources

59. Policy 27 of the Adopted Core Strategy requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016 in accordance with Policy 27 of the Core Strategy.
60. Policy 27 also includes the following requirements which are applicable to schemes of five or more dwellings. Similar to the affordable housing requirements this application and the adjacent application are intrinsically linked and as the proposals result in the erection of 5 new dwellings the following is applicable:
Criteria (a)- Evidence is set out to demonstrate that the design, orientation and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change;
Criteria (b)- Prior to the implementation of zero carbon building through the Code for Sustainable Homes for dwellings or BREEAM for other buildings, either additional building fabric insulation measures,
Or
appropriate decentralised, renewable or low carbon energy sources are installed and implemented to reduce the carbon dioxide emissions of predicted energy use by at least 15%;
Criteria (c)- Appropriate storage space is to be provided for recyclable waste materials and composting;
Criteria (d)- If the proposed development lies within a nationally designated area, such as a Conservation Area or affects a Listed Building, it will be expected to satisfy the requirements of the policy through sensitive design unless it can be demonstrated that complying with the criteria in the policy, and the specific requirements applying to the Code for Sustainable Homes and BREEAM, would have an unacceptable adverse effect on the character or appearance of the historic or natural environment.

Community Infrastructure Levy

61. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sq m. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013.
62. This is an outline application which does not include the internal dimensions of the dwellings however the submitted CIL forms indicates that 504 m² of floorspace will be provided which at a rate of £65.00 per m² (in accordance with the Adopted CIL Charging Schedule), would result in the development being CIL chargeable to an approximate value of £32,760. This may change at reserved matters stage when the precise extent of floorspace is known which would result in the issuing of a revised CIL liability notice.

Overall Conclusion

63. In conclusion the proposals are considered to be acceptable and it is has been adequately demonstrated that up to 3 dwellings can be accommodated on this site without having an adverse impact. As such the proposals are recommended for approval subject to the associated S106 Agreement.

Planning Policies

64. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Recommended Conditions

No.	Condition
1.	<p>An application for approval of the reserved matters (namely access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
3.	<p>The proposed measures given in section 5.2.1 of the ecological survey and assessment by ERAP Ltd (March 2014) for the avoidance of impacts on protected and priority species shall be implemented in full. In the event that great crested newt (or other protected species) is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures.</p> <p>Reason: In the interests of maintaining a favourable conservation status of protected species on the site.</p>
4.	<p>Any application for reserved matter(s) shall be supported by a landscaping scheme demonstrating enhancement of biodiversity and habitat connectivity. In particular the scheme shall include suitable foraging habitats for bats.</p> <p>Reason: in the interests of the visual amenities of the site, to enhance the biodiversity value of the site and to maintain existing foraging habitats.</p>
5.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years 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.</p> <p>Reason: In the interest of the appearance of the locality</p>
6.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: In the interests of eradicating and ensuring that Invasive & Injurious Weeds are permanently removed from the site</p>
7.	<p>All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction -</p>

	<p>Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p>
8.	<p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. In particular, in accordance with the submitted Ecological Assessment, no lighting shall directly illuminate the retained and protected trees and shrubs along the boundaries of the site and there shall be no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p>
9.	<p>The development hereby permitted shall only be carried out in accordance with the approved FRA (Ref: 738NE Version 1.0, dated 3 April 2014) and the following mitigation measures detailed within the FRA:</p> <p>1. Finished floor levels are set no lower than 22.90 metres above Ordnance Datum (AOD).</p> <p>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.</p> <p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p>
10.	<p>Any application for reserved matters shall detail that the driveways/hardsurfacing areas for each of the dwellings shall be constructed using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The materials shall be maintained in perpetuity thereafter.</p> <p>Reason: In the interests of highway safety and to prevent flooding</p>
11.	<p>Any application for reserved matters shall be accompanied by the following details:</p> <p>a) Details of the colour, form and texture of all external facing materials to the proposed dwellings</p> <p>b) Details of the colour, form and texture of all hard ground- surfacing materials.</p> <p>c) Location, design and materials of all fences, walls and other boundary treatments.</p> <p>d) The finished floor level of the proposed dwellings and any detached garages</p> <p>The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: In the interests of the visual amenities and character of the area</p>
12.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
13.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p>Reason: In the interests of minimising the environmental impact of the development</p>
14.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot</p>

	<p>has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority. Reason: In the interests of minimising the environmental impact of the development</p>									
15.	<p>Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. The development shall only be carried out in accordance with the approved Carbon Reduction Statement. Reason: In the interests of minimising the environmental impact of the development</p>									
16.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission. Reason: In the interests of neighbour amenity.</p>									
17.	<p>The development shall be limited to no more than 3 new properties and shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Topographical Land Survey</td> <td>S13/651</td> <td>16TH May 2014</td> </tr> <tr> <td>Proposed Site Layout (Location plan)</td> <td>13/095/P02</td> <td>16TH May 2014</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Topographical Land Survey	S13/651	16TH May 2014	Proposed Site Layout (Location plan)	13/095/P02	16TH May 2014
Title	Drawing Reference	Received date								
Topographical Land Survey	S13/651	16TH May 2014								
Proposed Site Layout (Location plan)	13/095/P02	16TH May 2014								
18.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling. Reason: To safeguard the visual amenity of the area</p>									
19.	<p>Any application for reserved matters shall include details of the access arrangements, highway visibility splays, parking, servicing and turning areas. The development thereafter shall be constructed in accordance with the approved details. Reason: In the interest of the highway safety.</p>									
20.	<p>The mitigation measures in respect of bats and their habitats, included within the submitted Ecological Survey and Assessment (dated June 2014), shall be implemented in full and incorporated into the design of the new dwellinghouses, including the provision of bat boxes located on appropriate trees. Prior to the commencement of the development full details of the measures to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures. Reason: to ensure the continued protection of bats and their habitats and to maintain a favourable conservation status of the species</p>									