

## APPLICATION REPORT – 17/00483/FUL

**Validation Date: 5 May 2017**

**Ward: Heath Charnock And Rivington**

**Type of Application: Full Planning**

**Proposal: Demolition of existing equestrian centre and replacement with three dwellings**

**Location: Liptrot Farm Gilbertson Road Heath Charnock Chorley PR7 4DJ**

**Case Officer: Mike Halsall**

**Applicant: Mr & Mrs Mason**

**Agent: SDA Architecture Ltd**

**Consultation expiry: 31 May 2017**

**Decision due by: 12 October 2017**

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### RECOMMENDATION

1.1 The application is recommended for approval.

### SITE DESCRIPTION

1.2 The application site is located in Heath Charnock, accessed off Rawlinson Lane to the west. The site is surrounded by agricultural land with sporadic housing along Rawlinson Lane. The site currently houses a number of interconnecting stable buildings with associated hardstanding and exercise areas.

### DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the demolition of the existing stable buildings and the erection of three detached dwellings. The originally submitted proposal was for the erection of four dwellings, however, the case officer requested the removal of one of the dwellings as it was considered to impact upon the openness of the Green Belt.

### RELEVANT HISTORY OF THE SITE

**Ref:** 11/01041/AGR **Decision:** WDN **Decision Date:** 12 December 2011  
**Description:** Agricultural Prior Notification application for the levelling of existing depressions using top soil, sub soil, demolition waste and rubble to make the land safe for horses.

**Ref:** 5/1/01662 **Decision:** PERFPP **Decision Date:** 15 February 1961  
**Description:** Residential development.

**Ref:** 93/00307/FUL **Decision:** PERFPP **Decision Date:** 6 July 1993  
**Description:** Erection of conservatory and extension to house swimming pool

**Ref:** 91/00538/FUL **Decision:** REFFPP **Decision Date:** 29 October 1991  
**Description:** Conversion of barn to form three tourist cottages in association with horse riding facilities

**Ref:** 90/00343/FUL **Decision:** PERFPP **Decision Date:** 4 September 1990  
**Description:** Alterations etc. to former agricultural buildings to form stables and indoor riding facilities

**Ref:** 90/00342/FUL **Decision:** REFFPP **Decision Date:** 8 January 1991  
**Description:** Conversion of barn into 3 tourist cottages to use in association with horse riding facilities

**Ref:** 90/00238/FUL **Decision:** PERFPP **Decision Date:** 29 June 1990  
**Description:** Erection of detached garage

**Ref:** 89/00509/FUL **Decision:** PERFPP **Decision Date:** 7 November 1989  
**Description:** Demolition of existing farmhouse and construction of a new house

**Ref:** 78/00184/FUL **Decision:** PERFPP **Decision Date:** 11 April 1978  
**Description:** Extensions and alterations

**Ref:** 77/00007/OUT **Decision:** REFOPP **Decision Date:** 1 March 1977  
**Description:** Outline application for dwelling

## REPRESENTATIONS

1.4 Two letter of representation were received which neither object nor support the proposed development but request that the impact from the removal of trees be taken into consideration in terms of privacy, setting and openness of the Greenbelt, and in conjunction with the Governments National Planning Policy Framework.

1.5 There has been five letters of objection received in relation to the proposed development which highlight the following issues:

- The scale of this development and its impact on the area are too overwhelming in the Green Belt location
- The proposal would constitute a small housing estate which would not meet the conditions of Green Belt or use of land for agricultural purposes
- Other houses would be allowed to be built in the future
- Such developments would also bring about light pollution
- Road safety from additional vehicles turning onto Gilbertson Road
- More houses will be built there if this proposal gets permission

1.6 All of the above issues, where considered to be a material planning consideration, are dealt with below within the Planning Considerations section.

## CONSULTATIONS

1.7 Parish Council – initially responded to state that *“the Parish Council does normally try to protect sites within the greenbelt from development as a matter of principle to maintain its character, openness and to protect the countryside. As discussed at last night's Parish Council meeting which the applicant attended, the proposed 4 dwellings will be within the foot print of the current buildings of the farm site. Once these are demolished, the site is technically a brownfield site. The Parish Council notes that there are no objections on highway grounds from Lancashire County Council. The Parish Council concluded that in determining this application, Chorley Council as the Planning Authority should be guided by the response of local residents to this proposed development.”*

A second response was then received to state that *“Some of the Parish Councillors have now had chance to study in more detail the proposals. Some concern has been expressed about the size and scale of the proposed 4 properties and whether the development might be 'overbearing'. However as stated previously the Parish Council believes that the views of Residents and the Local Planning Authority should be taken into account to determine the application.”*

- 1.8 CIL Officers – responded to state that the proposal is CIL liable.
- 1.9 Lancashire County Council Archaeology Service – responded to note that one of the buildings to be demolished is of some historical interest, probably dating from the first half of the 19th century, having undergone a number of changes in response to changes in agricultural practices and economics throughout the late 1800s and early years of the 20th century. As a result, LCC Archaeology Service suggest a condition be attached requiring the recording of the building prior to its demolition.
- 1.10 The Coal Authority – responded with standing advice. This involves a requirement for the Council to include an informative on the planning decision.
- 1.11 Canal & Rivers Trust – responded to state that it has no comments to make.
- 1.12 Environment Agency – responded to state that it has no comments to make.
- 1.13 Greater Manchester Ecology Unit – responded to the consultation to suggest planning conditions be attached to control lighting, protect nesting birds, Great Crested Newts and provide biodiversity enhancements. With regards to bats, the ecology unit outlined to duties of the Local Planning Authority with regards to ensuring compliance with nature conservation legislation. This resulted in additional information being requested from the applicant. This is explained in more detail beneath the Ecology heading of the Planning Considerations section below.
- 1.14 Lancashire Highway Services – responded to state that the proposal is acceptable in principle from highways point of view, however, given the narrow width of the existing site access, two passing places should be provided at suitable locations along the access. Highway Services has suggested a planning condition be attached accordingly.
- 1.15 Health & Safety Executive – responded to state that it has no comments to make.
- 1.16 Lead Local Flood Authority – did not respond to the consultation. It is considered that a sustainable drainage condition could be attached to any grant of planning condition.
- 1.17 Tree Officer – responded to recommend that the mature and semi-mature oak trees along the southern boundary of the access road, outside the site, are protected during construction works. A condition can therefore be attached requiring this.
- 1.18 United Utilities - Suggests that; should this application be approved and the applicant wishes to progress a Section 104 agreement, no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

## **PLANNING CONSIDERATIONS**

### Principle of the proposed development

- 1.19 The application site is located within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.20 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

1.21 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

1.22 Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:

The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

- a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
- b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.

In the case of infill:

- c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In the case of redevelopment:

- d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

1.23 The construction of the new dwellings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:

1.24 The partial or complete redevelopment of previously developed land;

- Which would not have a greater impact on the “openness” of the Green Belt; and
- Which would not have a greater impact on the purposes of including land in the Green Belt.

1.25 The Framework contains a definition of previously developed land which includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings. The application site includes a number of existing buildings in use as stables and garage/storage buildings. It is considered that the proposed development falls within the definition of previously developed land.

1.26 Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'.

1.27 In terms of scale, given the site is in the Green Belt, the starting point is what exists on the site at the present time. Whether the proposed dwelling has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.

1.28 The proposed dwellings would have a combined reduced volume of approximately 2,600 cubic metres compared to that of the existing buildings to be demolished. The floor area, in terms of buildings, would be increased by approximately 500 square metres. It is therefore considered that, on balance, the proposal would have no greater impact upon the openness of the Green Belt than what currently exists. The proposal is therefore not considered to be inappropriate development in the Green Belt.

#### Mineral Safeguarding Area

1.29 The site is located within a Mineral Safeguarding Area, covered by policy M2 of Lancashire County Council's Site Allocation and Development Management Policies document. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate one of a number of criteria, as follows:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

1.30 As this site is already developed, any mineral resource which located beneath the site will have already been sterilised. There is therefore no conflict with policy M2 of Lancashire County Council's Site Allocation and Development Management Policies document.

#### Ecology

1.31 The applicant has submitted an ecological assessment in support of the proposed development which includes a number of site surveys and proposed mitigation measures for any disturbance caused to protected species. The surveys of the buildings to be demolished found a small common pipistrelle roost and a day roost for brown long-eared bats. All species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. Since bats have been found on this site, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), which enacts the Directive into the UK, a licence may be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats. Before a licence can be granted three tests must be satisfied. These are:

- i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- ii) That there is "no satisfactory alternative";
- iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

- 1.32 In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Government Circular 05/06 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. During the licence application process Natural England will ask the local planning authority for evidence that the above three tests were properly considered during the determination of the planning application. The first two tests are essentially land-use planning tests. As regards the third test, the Greater Manchester Ecology Unit (GMEU) has stated that the roosts found are small, of a relatively common bat species and compensation for any possible disturbance to bats should be straightforward.
- 1.33 The applicant submitted further information in order to demonstrate compliance with the three tests. In summary, this stated the following:

#### **Public Interest**

- The whole application site falls within Green Belt. The demolition of the tall equestrian buildings which create a “large bulk” will reduce the volume of the existing built form on site and increase separation. This is thought to provide a public benefit by improving the aesthetics of the site and creation of open spaces, including grassed areas, within the Green Belt. The enhancement of the appearance of the site is regarded as a primary benefit which overrides and outweighs the already determined and accepted low scale harm to roosting bats.
- The amended proposals comprise development on previously developed land and are therefore compliant with the NPPF (paragraph 89 and associated definitions).
- The construction of new dwellings on the previously developed area of the Green Belt is an appropriate alternative use for the site, in this case, to meet the needs of Mr and Mrs Mason.
- The site has operated as an equestrian centre and stud since 1990s. However, there has been a national decline in the demand for riding stables. As reported by the National Equestrian Survey 2015, whilst there have been some stable figures in relation to younger riders, “The overall number of those who ride has fallen, from 3.5 million in 2011 to 2.7 million in 2015. There has been a decline in regular riders, from 1.6 million in 2011 to 1.3 million in 2015”.
- The operating business at Stepol Stud has not been immune to these declines and the business is not projected to be commercially viable. Mr and Mrs Mason have operated the business successfully but the combination of demise in demand and increasing costs are becoming prohibitive in the long-term.
- The redevelopment of the equestrian centre area of the site provides an alternative use that is appropriate for the setting / location, satisfies the requirements of the Green Belt policies and is acceptable to Mr and Mrs Mason (as they will continue to reside at the site).
- The proposal meets the need for Mr and Mrs Mason to continue to reside at the site and be absolved of the increasingly burdensome concerns with regard to the decline in the equestrian business.

#### **Alternatives**

- The redevelopment of the equestrian centre area of the site to low density housing is the most appropriate option to meet the identified need
- To satisfy the requirements for this test, the following reasonable alternatives have been considered as part of this assessment.
  - Conversion of the buildings to dwellings (rather than demolition) would not achieve the benefits to the aesthetics of the Green Belt as outlined above. Conversion would also have the same impact on bats as demolition and redevelopment.
  - The access, location and size of the site does not lend itself to use by any other type of business. In addition, owing to the Green Belt status at the site it may not be possible to obtain planning permission for a change of use. Similarly, Mr and Mrs Mason wish to continue to reside at the site so the alternative use of

the site by another business would have to be compatible and acceptable to them.

- The current proposed site design satisfies the requirements of the relevant Green Belt planning policies and will achieve an attractive residential site that is complementary to the surrounding rural area and existing properties. The proposals are the most appropriate design for the site.
- The do-nothing option is not viable. Mr and Mrs Mason wish to retire from the equestrian business. Sale of the business is not a financially viable option. Similarly, as Mr and Mrs Mason wish to continue to reside at the site, the operation of the business by others is not an acceptable prospect.
- If the equestrian business was closed but the vacant buildings were retained, Mr and Mrs Mason would continue to have the liability of the vacant buildings. In the absence of any business at the site to finance repairs, the buildings would become derelict and possibly dangerous. In the long-term the conservation of bats at the site could not be guaranteed as the buildings may become too draughty and dilapidated and unsuitable for use by roosting bats.
- The controlled demolition and redevelopment outlined in the proposed scheme will secure the long-term provision of opportunities for use by roosting bats at the site.
- In addition, in the absence of the proposals, the benefits of improving the aesthetics in this local area of the Green Belt would not be achieved and the site is likely to become unsightly.

1.34 The applicant's arguments for the proposals being in the public interest and there being no suitable alternative are considered to be finely balance in terms of the test. However, in appraising the proposals compliance with the three tests, it is a key consideration that the roosts found are small and of a relatively common bat species and the Ecology Unit has stated that compensation for any possible disturbance to bats should be straightforward. Natural England's guidance note on this issue states that "*Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned.*" The Ecology Unit has also stated that it is likely Natural England would grant a license for the proposed development. It is therefore considered that, on balance, the tests have been met and the proposal is acceptable in terms of its ecological impacts, subject to the implementation of mitigation measures, to be controlled by planning condition. The applicant has submitted revised drawings which identify the location for bat roosting features to be incorporated into the proposed development.

#### Open Space

1.35 The Development Plan requires affordable housing / public opens space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

1.36 A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites (i.e. 11 or less) and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).

1.37 The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.

1.38 The Councils agreed approach for developments of 10 dwellings or less is to only seek contributions towards provision for children/young people. There is a deficit of provision of this typology in Heath Charnock therefore a contribution towards new provision would

normally be required however there are no identified schemes for new provision in the settlement/ward. A contribution is therefore not required from this development.

1.39 There are no sites within the accessibility catchment (800m) of this site that need improving therefore a contribution towards improvements is also not required.

#### Design and Amenity

1.40 Policy BNE1 of the Chorley Local Plan states planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that:

a) The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

b) The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.

1.41 The proposed dwellings, in terms of their design, are considered acceptable. The final appearance of the dwellings and use of materials can be controlled by condition to ensure they are consistent with the setting.

1.42 The orientation and positioning of the dwellings would ensure there would be no harm from overlooking, overshadowing or overbearing between the three properties. In light of the above and the remote location of the site, there would be no conflict with policy BNE1 of the Local Plan.

#### Highway Safety and Parking

1.43 Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development which would be parking for four cars for each dwelling. It is considered that there is adequate space within the site for the parking of 12 cars. As such, it is considered there would be no conflict with this policy.

1.44 Lancashire Highway Services has responded with no objections to the planning application and so it is considered that the effects upon highway safety and parking would be acceptable.

#### **Community Infrastructure Levy**

1.45 The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### **CONCLUSION**

1.46 The proposed dwelling is not considered to have a greater impact upon the openness of the Green Belt, compared to what currently exists. As such, the proposal does not represent inappropriate development in the Green Belt. The proposal is considered to be of an appropriate scale and design and would not unacceptably impact upon the amenity of neighbouring occupants or the environment. The proposal is therefore recommended for approval.

**RELEVANT POLICIES:** 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

## Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Site Plan as Existing	(S)2-01-PP	4 May 2017
Site Plan as Proposed	(S)2-02-PP	26 September 2017
Granary Site Plan as Proposed	(P)4-04-PP	4 May 2017
Granary Site Plan as Proposed	(P)4-05-PP	4 May 2017
Granary Site Plan as Proposed	(P)4-06-PP	4 May 2017
Granary Elevations as Proposed	(E)5-04-PP	26 September 2017
Hayloft Site Plan as Proposed	(P)4-01-PP	4 May 2017
Hayloft Elevations as Proposed	(E)5-01-PP	26 September 2017
Barn Site Plan as Proposed	(P)4-03-PP	4 May 2017
Barn Elevations as Proposed	(E)5-03-PP	26 September 2017

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.*

5. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.*

6. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.*

7. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate,

has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*

8. No part of the development shall be occupied or brought into use until details of the passing places have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the approved details have been implemented on site. The approved passing places shall be retained at all times thereafter specifically for this purpose.

*Reason: To allow vehicles to safely give way to each and in the interest of highway safety.*

9. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements or other approved materials.

*Reason: To prevent loose surface materials from being carried on to the public highway thus causing a potential source of danger to other road users.*

10. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the first occupation of the development. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, 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.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

11. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

*Reason: To secure proper drainage and to prevent flooding. This is required to be pre-commencement as drainage systems typically are required to be integrated with the groundworks*

12. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. This shall include those located to the south of the access road.

*Reason: To safeguard the trees to be retained.*

13. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

*Reason: In order to protect a European Protected Species.*

14. A biodiversity enhancement plan shall be submitted to and approved in writing by the LPA, prior to the first occupation of the dwellings. The content of the plan should include details of the proposed pond. The approved plan will be implemented in accordance with the approved details.

*Reason: In order to enhance the site's biodiversity value.*

15. No works to or demolition of buildings or structures or clearance of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

*Reason: In order to prevent any disturbance to nesting birds.*

16. Prior to the commencement of the development hereby permitted, a method statement detailing the Reasonable Avoidance Measures (RAMs) to be adopted in order to avoid and/or minimize any unforeseen disturbance impacts on local Great Crested Newt populations during the course of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the RAMs detailed in the approved method statement.

*Reason: In order to protect a European Protected Species. This is required to be a pre-commencement condition as disturbance is most likely to occur during the construction phase.*

17. Prior to the commencement of the development hereby permitted, a method statement including full details of the compensation and mitigation measures for the site, including alternate bat roost provision. The development shall only be carried out in accordance with the approved method statement.

*Reason: In order to protect a European Protected Species. This is required to be a pre-commencement condition as disturbance is most likely to occur during the construction phase.*