

Erection of 6 no. dwellings with associated access off Kings Gate

Report Item No
A6

Post Office Farm 7 Main Street Lockington Derby

Application Reference
13/00740/FUL

Applicant:
Mr M Wetton

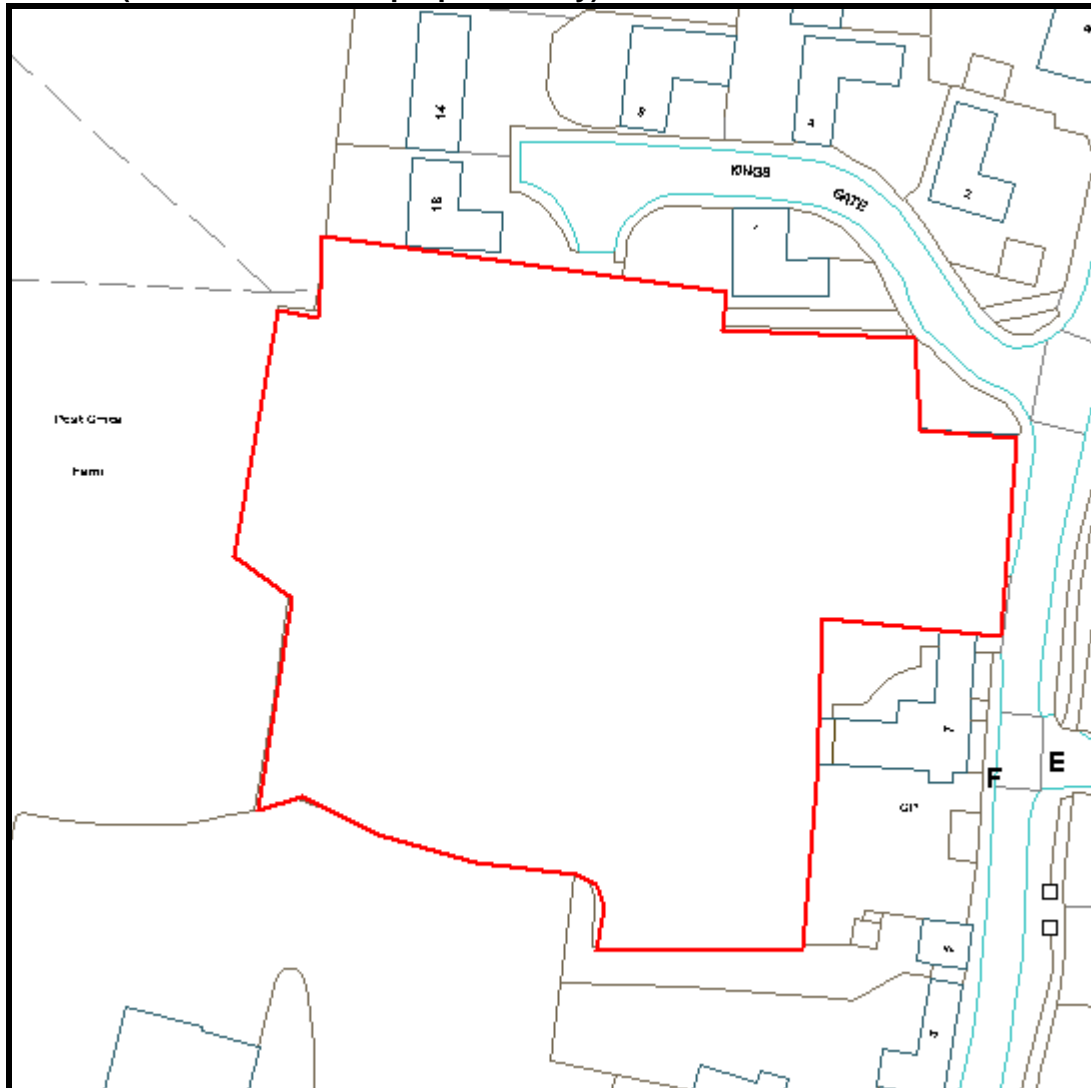
Date Registered
18 September 2013

Case Officer:
Joe Mitson

Target Decision Date
13 November 2013

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location (Plan for indicative purposes only)



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Executive Summary of Proposals and Recommendation

Proposal

The application seeks permission for 6 residential units and access onto Kings Gate.

Consultations

Members will see from the main report below that objections have been received from four neighbours in respect of the proposals and from the Highway Authority, although no objections are raised by the other statutory consultees.

Planning Policy

The site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application however is the supply of housing in the context of the National Planning Policy Framework and sustainability.

Conclusion

The report below indicates that the site is within the Limits to Development of Lockington; however, the village is not considered to represent a sustainable location in terms of residential development. The site is adjacent to the traditional and disused agricultural buildings which have permission for conversion to residential. This permission has not been fully implemented due to lack of funds and the Agent has advised the application for the new build housing would allow for funds to be generated to convert the farm buildings. The conversion of the barns prior to the completion of the proposed residential development could be achieved through a Section 106 agreement. Although the location is not considered to be the most sustainable in terms of the services and community facilities available in the village the application would allow the barn conversions to take place. This would re-use attractive former agricultural buildings to provide additional dwellings and would also benefit the character and appearance of the conservation area. Financial contributions would also be made for affordable housing and a contribution to the village playing facilities.

Recommendation:-

PERMIT SUBJECT TO SECTION 106 OBLIGATIONS AND SUBJECT TO THE IMPOSITION OF CONDITIONS.

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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

The application comprises the erection of six dwellings with an associated access onto Kings Gate. The existing agricultural buildings would be demolished and replaced with two L shape groups of two storey dwellings with the internal access road leading to the barns which already have permission for residential conversion. The application site includes these barns in order to allow the two applications to be linked through a s.106 agreement to ensure the conversions are forthcoming.

2. Publicity

14 no. Neighbours have been notified (Date of last notification 26 September 2013)

Site Notice displayed 4 October 2013

Press Notice published 2 October 2013

3. Consultations

Head of Environmental Protection consulted 18 October 2013
Lockington/Hemington Parish Council consulted 26 September 2013
County Highway Authority consulted 26 September 2013
Severn Trent Water Limited consulted 26 September 2013
County Archaeologist consulted 26 September 2013
LCC ecology consulted 26 September 2013
Airport Safeguarding consulted 26 September 2013
NWLDC Conservation Officer consulted 26 September 2013
Development Plans consulted 26 September 2013
LCC/Footpaths consulted 26 September 2013

4. Summary of Representations Received

Lockington cum Hemington Parish Council does not object but feels a s.106 agreement for the developer to provide £5000 contribution towards the replacement fund for the Lockington Playfield should be included, to be paid when planning consent is granted.

Leicestershire County Council Highways recommend refusal on the basis that the applicant has failed to demonstrate the proposal will be in a location for non-car modes of transport.

Leicestershire County Council Footpaths no objection subject to conditions/Informatives.

Leicestershire County Council Ecology no objection.

Leicestershire County Council Archaeology no objection subject to conditions.

North West Leicestershire Environmental Protection no objection subject to conditions.

North West Leicestershire Environmental Health no objection.

North West Leicestershire Conservation Officer no objection in principle but raises concerns over density and the provision of rooms/lofts above car ports.

North West Leicestershire Strategic Housing Team no objection to off-site financial contribution for affordable housing provision.

Severn Trent Water Ltd no objection subject to a condition.

Airport Safeguarding no objection.

Third Party Representations

Four letters from neighbouring properties objecting on the following grounds:

- o a previous request for new houses was rejected based on the village facilities being unable to sustain new building, that is unchanged and as there are still no facilities in Lockington there is no reason to make an exception for this application;
- o Kings Gate is a quiet and safe cul de sac and the development will lead to an unnecessary increase in vehicular movement which will raise noise levels and increase the risk of accidents to children who currently play out in comparative safety, together with the barns there will be 10 new houses and a minimum of 20 additional cars, the access would remove parking areas and make it increasingly difficult to drive out of Kings Gate;
- o The proposed route through Kings Gate is not acceptable and there is the alternative wide gated access from where Kings Gate joins Main Street; this would also not impinge on the footpath;
- o Increase in the risk of flooding, Kings Gate is isolated from the impermeable yard by grass and soil boundaries which are water absorbant, the proposal would provide a continuous impermeable channel into Kings Gate making a currently flood free area susceptible to large volumes of run-off water and flooding;
- o There is a lack of local amenities to support the proposal;
- o There is no bus service and the location is not sustainable;
- o A local footpath will be cut through increasing the risk of accidents for many locals and ramblers who walk over Daleacre Hill;
- o The bat survey has shown only foraging bats which is a result of the stop-start activity over the past 2-3 years on the renovation of the existing barns and illustrates the adverse impact on the local wildlife which will be further threatened by this development which has a disproportionate house to garden ratio, fewer houses with larger gardens would reduce the destruction of wildlife habitats;
- o The proposal will involve a significant amount of earth moving and construction due to the different heights of the land to either side of the footpath;
- o There are already many cars parked in Kings Gate along the roadside and this could increase if Kings Gate is the access road.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date

unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The sections of the NPPF that are relevant to this application are:

- 4 - Promoting Sustainable Transport;
- 6 - Delivering a Wide Choice of High Quality Homes
- 7 - Requiring Good Design;
- 8 - Promoting Healthy Communities;
- 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- 11 - Conserving and Enhancing the Natural Environment.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as set out in more detail below in the relevant section are consistent with the policies in the NPPF and except where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

North West Leicestershire Local Plan:

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Policy S1 provides general planning principles including the re-use of vacant or underused land and buildings.

Policy S2 states that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary

minimum having regard to a number of criteria.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst other things, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a density as possible, taking into account housing mix, accessibility to centres, design, etc.

Policy H7 requires good design in housing.

Policy H8 provides that where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on sites of 5 or more dwellings in such locations as Lockington.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing in settlements including Lockington.

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle of Development

The site is within the Limits to Development of Lockington which benefits from a village hall, playground and employment opportunities at Lockington Hall where there are 25 offices. The neighbouring village of Hemington contains a further village hall, a pub and primary school. The villages are linked by a public footpath and have a demand responsive transport service in place of a regular bus service which provides transportation to Castle Donington on a daily basis, to Long Eaton on Wednesdays and Fridays and to Kegworth and Loughborough on Thursdays. The nearest supermarket is in Castle Donington, within a 1.5 mile distance to the site. Castle Donington also provides a range of shops, doctors, restaurants and a primary school.

In policy terms H4/1 identified Lockington as falling within criterion (f), i.e. permission may be granted where appropriate in the context of other policies contained in the Local Plan. The now withdrawn Core Strategy, at paragraph 5.6, identified 17 villages as being sustainable through having at least five of the eight community facilities specified by policy CS7. Other rural settlements were identified as being unsustainable and not normally suitable for new development; Lockington was within this latter group.

In land use terms alone the site is located within the Limits to Development where there is a presumption in favour of development, subject to certain criteria being satisfactorily addressed. However, this needs to be balanced against the sustainability of the settlement. Although the Core Strategy has been withdrawn the criteria used to assess the sustainability of settlements remains a useful and relevant guide to ensure development is directed to the most sustainable locations. The criteria also complies with the general thrust of the NPPF in seeking to support sustainable development. Whilst Lockington has some facilities these are relatively limited and

residents of the village would rely heavily on using private vehicles to access services not provided within the settlement.

In support of the application the Agent states the following:

- o NPPF supports sustainable development;
- o The proposal will allow for a rural development to take place within a rural village and will contribute towards the contained sustainability of the village;
- o Whilst Lockington is not classed as a sustainable settlement within the emerging Core Strategy it is within close proximity of Hemington and this link has previously been tested on appeal. Whilst this appeal was dismissed the Inspector commented on services within Hemington being available to the proposed dwelling in Lockington. This was subsequently accepted in an application at Delacare Farm, Lockington (09/00772/FUL).

The Agent further states that the dwellings would be located adjacent to the barns which have permission for conversion, the site has access to a range of facilities and services in Hemington and the adjacent Lockington which combined include a demand responsive bus service, play area, village hall, public house, employment opportunity and primary school, all within walking distance. Many of the facilities are within a range of between 220 metres to 1440 metres of five facilities and the Agent refers to a recent appeal at Ashby where walking distances of between 1140 metres and 2000 metres were accepted.

The Agent also points to two additional material considerations. The first is that the adjacent barns were granted permission under 06/01943/FUL for residential conversion. Although development has commenced work has stalled due to the prohibitive development costs; the applicant is prepared to treat the proposal as enabling development in so far as a s.106 agreement could be used which prevents any new dwelling being built until completion of the barn conversions. The second issue is that the tenants who farm the land have been served notice to vacate. As such there will be no agricultural need for the barns.

Notwithstanding the case made by the applicant it is considered the village is an unsustainable location for residential development given the limited facilities. Although further facilities are available in Hemington the now withdrawn Core Strategy, in establishing the criteria, concluded Lockington was not sustainable. Whilst weight cannot be given to this document the assessment for sustainability continues to provide a guide in assessing applications. As such it is concluded the village is an unsustainable location for residential development.

The principle of development at this location is therefore a balanced judgement. Against the proposal is the issue of sustainability. Although the village has some facilities, and habitants can utilise the facilities at Hemington, it is rated as unsustainable by the criteria used in the Core Strategy. However, in favour of the development is the location within the Limits to Development and the District's need for housing. In addition, the proposal, if approved, would be linked to the implementation of the barn conversions on the adjacent site. The barns are currently unused and a prolonged period of disuse would lead only to further deterioration. The barns are a traditional group of agricultural buildings which enhance the character and appearance of the conservation area. However, further deterioration of the buildings would erode the appearance of this part of the conservation area. Although permission has been granted for the conversion of the buildings economic circumstances have prevented the permission being fully implemented. The Agent has confirmed willingness to convert the barns as per the planning permission prior to erecting any of the proposed dwellings. Therefore, the financial benefit of obtaining permission for the new dwellings would allow funds to be achieved to convert the barns.

On the issue of principle, therefore, it is concluded that the harm, in terms of the lack of sustainability, would be outweighed by the benefit in securing the conversion of the adjacent barns and enhancing the character and appearance of the conservation area. This recommendation to approve the principle of dwellings in an unsustainable village is based on the specifics of this application and the benefit to the adjacent barns and conservation area and not on the basis that the settlement has been accepted as a sustainable location for development.

Economic Evaluation and Affordable Housing

Policy H8 of the Local Plan states where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal. Under the North West Leicestershire District Council Affordable Housing SPD affordable housing will be sought on sites of 5 or more dwellings in such locations as Lockington at a minimum of 30% of residential units.

The proposal comprises the erection of six dwellings equating to 1.8 affordable housing units. The application is supported by the submission of an economic statement which concludes that the residual land valuation has shown that a scheme for six houses, including two affordable units, is not viable.

As such the Agent has offered an off-site contribution of £60,000 which has been accepted by the Council's Strategic Housing Team as being appropriate in this case both in terms of the amount and the principle of an off-site contribution.

The case submitted justifies a lower affordable housing provision in this case and the level of off-site contribution is accepted and can be part of the Section106 agreement.

Design, Visual Impact and Heritage Issues

The buildings to be demolished are of limited historic or architectural merit and no objection is raised to their removal. The site is also within the conservation area and the designation would benefit from the removal of these buildings.

The proposal would be based around two courtyards with the dwellings linked by cartsheds to form two L shaped buildings. A rural cottage style prevails with a number of different elements to each group of buildings resulting in changes to roof heights and building lines. From a design perspective the proposed dwellings would respect the character and appearance of the site and surrounding barns and farmhouse. The site is significantly elevated; however, there are dwellings already to the north and the visual impact of the proposals would be lessened by the massing and design.

The Conservation Officer has raised no objection in principle to the residential development but was concerned over the density of the development and the provision of rooms/lofts above the car ports. Notwithstanding this it is considered the proposed layout creates an attractive courtyard development to reflect the traditional barns on the adjacent site. Furthermore, the massing of the car port links between the dwellings provide an ancillary element to the development and results overall in a successful scheme. The proposal would enhance the character and appearance of the conservation area and the dwellings would be visible from the Grade I listed church; however, the setting would not be adversely affected.

Within the site the amount of hardstanding is minimised with shared surfaces within the

courtyard and the layout would achieve a high degree of enclosure. Landscaping within the site could further reduce the impact of the access road and from the adjoining countryside the dwellings would be separated by the rear gardens that would be on the outer side of the site. Adequate private amenity space would be provided for each dwelling.

Residential Amenity

The site is bordered to the south and west by countryside and no dwellings are adjacent. To the north there are existing dwellings on Kings Gate. No. 16 is a two storey dwelling with ground floor fenestration facing the site and one first floor window in the gable together with a rooflight. The proposal would site plot 1 approximately in line with this dwelling but set back so the rear building line would be closer to the countryside boundary. The existing and proposed dwelling would be approximately 8 metres apart with the proposed dwelling having no side facing windows and views from the front elevation towards the existing dwelling would be oblique. The two storey outbuilding serving plot 1 would be sited adjacent to the side elevation of no. 16 and would be set approximately 7 metres from the side elevation and separated by the public footpath. As such there would be a limited impact. The outbuilding would have rooflights which would look towards plots 2 and 3; however, these would be set at a height to prevent overlooking or loss of privacy.

Plot 2 would run parallel to plot 1 with a return to the front providing a first floor bedroom window looking towards no. 16 and over the front garden of plot 1. However, there would be at least 25 metres between plot 2 and no. 16 and views towards plot 1 would be oblique. Plot 2 would also have a front facing first floor bedroom window which would look towards the barn conversions but with a separation distance of approximately 37 metres. There would be a bedroom window in the side elevation of plot 2, this would look towards the end gable of plot 4 in close proximity which would not have any first floor windows.

Plot 3 would be orientated so that the façade would look towards the side elevation of no.16. However, a distance of around 25 metres would separate the properties. Side facing windows are limited to two small openings and sufficient space would exist between this dwelling and the barn conversions to the east. There would be ground and first floor windows in the rear elevation. Ground floor windows would be mitigated by the rear garden and boundary treatment and a distance of around 21 metres would separate the proposed dwellings to the rear.

Plot 4 would be orientated towards the farmhouse and set at least 40 metres from the barn conversions and would have only oblique views towards the rear of plot 3. Plot 5 would also be set a sufficient distance to the barns with the return wing to the front with a secondary bedroom window looking towards the rear of plot 3 more than 24 metres away. Plot 6 would look towards the rear of plot 3 with a separation distance of around 21 metres with no first floor side windows. The element closest to the barn conversion would be the cartshed which is limited to a storey and a half.

Overall it is considered the residential amenity of existing and future occupants would be acceptable.

Highway Safety

The proposed development would be served by an access from Kings Gate with the internal road leading into the approved barn conversion scheme. Adequate parking would be provided for each dwelling. The Highway Authority objected on the grounds that the applicant has failed to demonstrate the proposal would be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 seeks to deliver new development in areas where travel

distances can be minimised and genuine, safe and high quality choices are available for people to walk, cycle and use public transport facilities to nearby services.

For the reasons outlined above the principle of the development is supported as the benefits to the conservation area outweigh the sustainable nature of the settlement. As such the views of the Highway Authority on the issue of sustainability are also outweighed by the support for the proposal in principle.

The Highway Authority raised no objection on highway safety grounds as the proposal can be served by an adequate access and sufficient on-site parking and turning facilities can be provided.

Public footpath L76 runs to the north of the site but the route purported in the application to represent the right of way is not entirely consistent with the legal line of the footpath. As the exact location has not been clarified it cannot be comprehensively stated that the footpath could be maintained in the current position. However, there is scope to re-route the footpath if necessary and this can be adequately dealt with by informatives. This approach is supported by the County Footpaths Officer.

Ecology

The application includes the demolition of now disused agricultural buildings and a Bat and Barn Owl Survey has been submitted. This stated no bats or evidence of bats were found in or on the exterior of the buildings surveyed but several features identified in the cattle barn which provided moderate potential for roosting bats. No bats were recorded definitely emerging from the roosts in the buildings. However, bats were recorded flying within and around the building and were considered most likely to be foraging bats although the possibility of bats roosting cannot be ruled out. Jackdaws were recorded nesting in the cattle barn and an owl was possibly nesting in the Dutch barn. Swallow was recorded in the general vicinity.

The report concludes no mitigation is required for the Dutch barn, the cattle barn should be demolished under the supervision of a bat ecologist with all potential bat roosting features removed carefully by hand by a site worker. A precautionary approach is recommended to cover the risk of a bat being discovered during demolition and building work should be timed to avoid the bird breeding season which runs from March to September to avoid adverse impacts to any nests present. Bat roosting boxes/units shall be installed onto the new buildings with artificial nest boxes for house sparrows, sparrows and great tits could be installed on the new buildings. It also recommends a nesting bird survey could be required if the demolition is carried out during the bird breeding season.

No objection was raised by the County Ecologist although it was noted the survey did not cover the traditional barns on the adjacent site. A further survey is likely to be needed prior to any work carried out on these barns but this is a separate issue to the current application. An informative can be added to the decision.

Archaeology Issues

The site lies within the medieval and post-medieval historic settlement core of Lockington and in close proximity to the Grade I church of St Nicholas. Archaeological remains indicative of the settlement and occupation are likely to survive within the proposed development area. A condition can be imposed to ensure adequate site investigation and recording takes place to comply with NPPF paragraph 141.

Other Matters

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

- o Necessary to make the proposed development acceptable in planning terms;
- o Directly related to the proposed development; and
- o Fairly and reasonably related in scale and kind to the proposed development.

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

The relevant developer contributions are listed below.

Affordable Housing

A financial contribution of £60,000 is proposed and has been accepted as an approach to the provision and a satisfactory figure. The Agent proposed the contribution is payable on the second, fourth and sixth dwelling being erected.

Play Area

A payment of £5,000 to Lockington Parish Council towards play area, payable on planning consent being granted.

Link to Barn Conversions

The barn conversions, approved under 06/01943/FUL, shall be available for occupation prior to the commencement of the approved dwellings other than the provision of the shared access and laying of services (to include electricity, drainage and water connection).

Conclusions

The site is within the Limits to Development of Lockington; however, the village is not considered to represent a sustainable location in terms of residential development. The site is adjacent to the traditional and disused agricultural buildings which have permission for conversion to residential. This permission has not been fully implemented due to lack of funds and the Agent has advised the application for the new build housing would allow for funds to be generated to convert the farm buildings. The conversion of the barns prior to the completion of the proposed residential development could be achieved through a Section106 agreement. Although the location is not considered to be the most sustainable in terms of the services and community facilities available in the village, the application would allow the barn conversions to take place. This would re-use attractive former agricultural buildings to provide additional dwellings and would also benefit the character and appearance of the conservation area. Financial contributions would also be made for affordable housing and a contribution to the village playing facilities.

RECOMMENDATION - PERMIT, subject to Section obligations and subject to the following conditions:

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

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

- 2 The development shall be built strictly in accordance with the approved plans as follows:

1:1250 Location Plan
POF.LAY 004 Layout for 6 Dwellings Rev A
POF.PRP.011 Proposed Elevations Plot 1 Rev A
POF.PRP.005 Proposed Plans Plot 1
POF.PRO.017 Proposed Garage/Studio Plot 1
POF.PRP.012 Proposed Elevations Plot 2 Rev A
POF.PRP.006 Proposed Plans Plot 2
POF.PRP.013 Proposed Elevations Plot 3 Rev A
POF.PRP.007 Proposed Plans Plot 3
POF.PRP.014 Proposed Elevations Plot 4 Rev A
POF.PRP.008 Proposed Plans Plot 4
POF.PRP.015 Proposed Elevations Plot 5 Rev A
POF.PRP.009 Proposed Plans Plot 5
POF.PRP.016 Proposed Elevations Plot 6 Rev A
POF.PRP.010 Proposed Plans Plot 6

Reason: To determine the scope of this permission

- 3 Prior to the commencement of any part of the development representative samples of the materials to be used in all external surfaces shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

- 4 Before development commences on the site a landscaping scheme shall first be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

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

- 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.

- 6 Before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

Reason- to preserve the amenities of the locality.

- 7 Notwithstanding the provisions of Parts 1 and 2, Schedule 2, Article 3 of the Town and

Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) none of the dwellings hereby permitted shall be extended or altered (including any additional windows or dormer windows in the roofs) nor shall any incidental building, structure or enclosure be erected without the granting of planning permission.

Reason- To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

- 8 Before development commences details of existing and finished ground levels and the proposed floor levels of the buildings hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason- To enable the Local Planning Authority to fully assess the development in the light of the ground levels on the site.

- 9 No development (except any demolition permitted by this permission) shall commence on site until
a Risk Based Land Contamination Assessment has been submitted to and approved in writing by
the Local Planning Authority, in order to ensure that the land is fit for use as the development
proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance
with:

- o BS10175 Year 2011 Investigation of Potentially Contaminated Sites Code of Practice;
- o BS8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOC's)
- o BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- o CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

If, during the course of development previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the

Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of para. 120 of the NPPF

- 10 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - o Demonstrate the effectiveness of the approved Remedial Scheme; and
 - o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason: To ensure that the land is fit for purpose and to accord with the aims and objectives of para. 120 of the NPPF

- 11 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- 12 No demolition/development shall take place until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
- o The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - o The programme for post-investigation assessment;
 - o Provision to be made for analysis of the site investigation and recording;

- o Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- o Provision to be made for archive deposition of the analysis and records of the site investigation;
- o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition.

The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological advisor.

Reason: To ensure satisfactory archaeological investigation and recording and to comply with para 141 of the NPPF

- 13 The development shall be carried out in accordance with the mitigation measures outlined in the Bat and Barn Owl Survey Report.

Reason: In the interests of the ecology of the site and surroundings

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure 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 2010 (as amended).
- 2 Footpath L76 as recorded on the Definitive Map of Public Rights of Way is not entirely consistent with the footpath depicted on the submitted plans. Footpath L76 should be provided by the applicant on the route as depicted on the Definitive Map of Public Rights of Way and in the interests of safety and security the footpath should ideally comprise a minimum surfaced width of 2 metres together with grass borders of at least one metre along either side, in accordance with the County Council's Guidance Notes for Developments. The application of these criteria should ensure that the path does not appear narrow and unattractive to users and retains a more open aspect.

If it would not be practicable for footpath L76 to be incorporated within the development along its legal line, the applicant would need to apply to the District Council for the making of an Order in respect of the official diversion of the footpath along a route to be agreed with the Highway Authority. The company would not be entitled to carry out any works directly affecting the legal route of the footpath until a Diversion Order had become operative; it would be required to ensure that the existing path remained accessible at all times and its surface maintained in a satisfactory condition.

Before any works associated with the surfacing of the footpath are carried out, the County Council's approval should be obtained to the specification for this purpose. The applicant shall contact the Rights of Way Inspector for the area, Mr S Daniels, who is

based at the Northern Area Highways Officer, Mountsorrel (tel. 0116 305 0001). The applicant will otherwise be responsible for ensuring the legal line of the footpath L76 is not affected by any operations associated with the development and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with the construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no contractors vehicles are parked either along or across it.

Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the applicant to repair at their own expense, to the satisfaction of the Highway Authority.

The applicant should be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of the footpath without the written consent of the Highway Authority. Unless a structure has been authorised it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

- 3 Although the submitted ecology survey is adequate for the purposes of the application to demolish the barns and erect dwellings it does not cover the adjacent traditional barns. Further survey work to cover these buildings may be required prior to the commencement of development.