

Proposed erection of agricultural buildings, farm shop and farmhouse along with the formation of vehicular access and yard

Report Item No  
A3

Land South Of The Green Diseworth Derby DE74 2QN

Application Reference  
15/00950/FULM

Applicant:  
Mr & Mrs Dakin

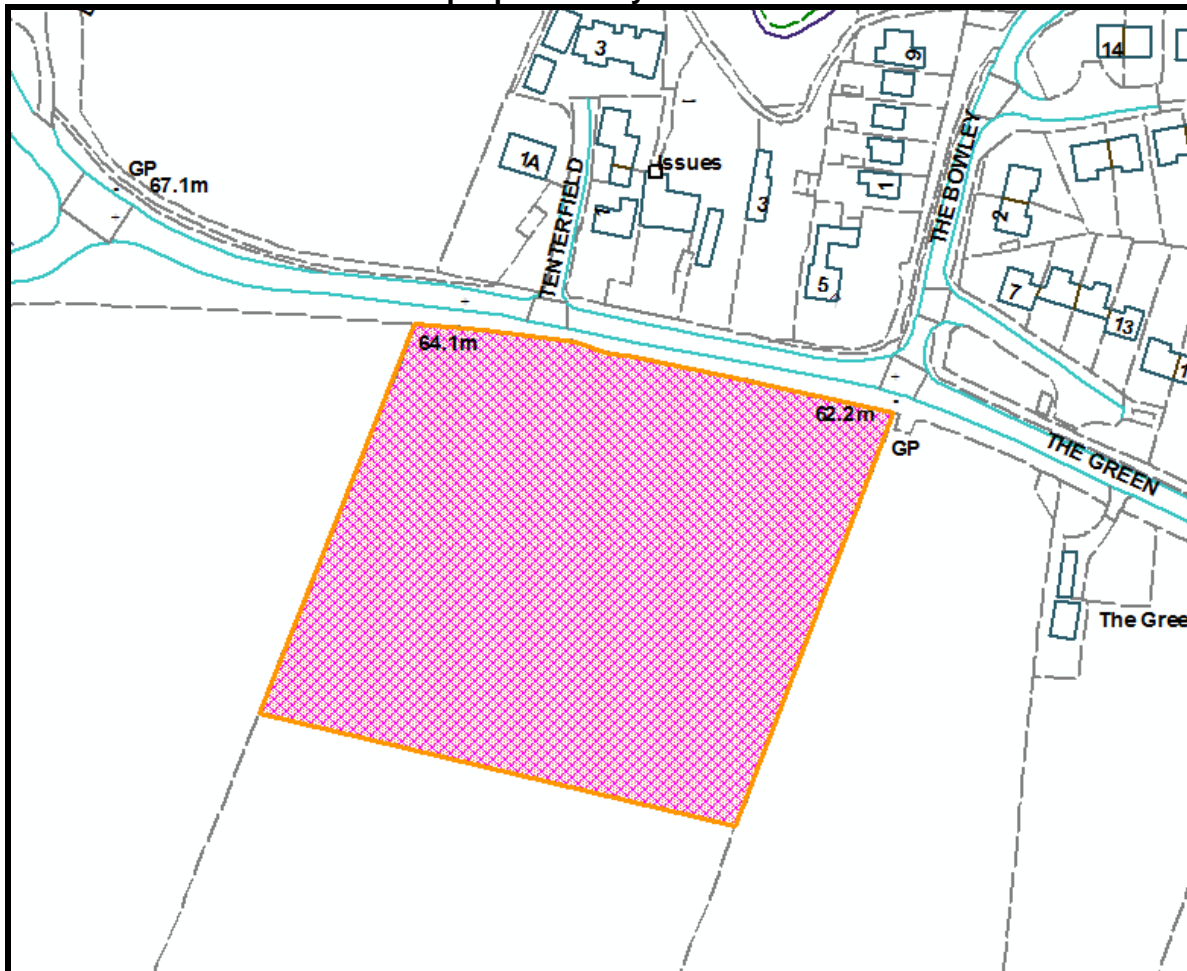
Date Registered  
12 October 2015

Case Officer:  
Adam Mellor

Target Decision Date  
11 January 2016

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application has been brought to the Planning Committee as one of three linked applications associated with residential development on two existing farm sites in Diseworth connected with Village Farm on Hall Gate and the relocation of the farmstead. The linked applications are considered under references 15/00948/FUL and 15/00949/FUL.

### **Proposal**

Planning permission is sought for the erection of agricultural buildings, farm shop and farmhouse along with the formation of vehicular access and yard at land south of The Green, Diseworth. The 1.38 hectare site is situated to the south of the junction of Tenterfield with The Green as well as to the south-west of the junction of The Bowley with The Green. It is currently utilised in connection with agriculture and is located outside the Limits to Development.

### **Consultations**

A total of ten no. individual representations have been received with seven of those representations opposed to the development, two in support and one simply commenting on the application. Long Whatton and Diseworth Parish Council have no objections. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

### **Conclusion**

The site lies outside the defined Limits to Development where the principle of agricultural development and provision of an agricultural worker's dwelling are acceptable if they are essential. As part of the application an Independent Agricultural Planning Advisor has assessed the supplied information and considers that the relocation of the farmstead and provision of an agricultural worker's dwelling is justified and sustainable. In these circumstances the principle of the development is supported by Paragraphs 28 and 55 of the NPPF as well as Policies S3 and H10 of the adopted Local Plan.

It is considered that the proposed position and proximity of the agricultural buildings to existing residential properties on the northern side of The Green, as well as on Tenterfield, would ensure that the proposed development would not impact severely on the occupants' amenities. It is also noted that agricultural structures could be constructed on the site as a form of permitted development without planning permission which could generate a similar level of noise, smell and dust impacts. As such the development would be considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Whilst the proposed buildings would impact visually on the rural environment the association of the built forms with the Limits to Development and the localised circumstances of the visual impact, due to the topography of the land to the south, would ensure that they would not have a

significantly adverse impact on the visual amenity or openness of the rural environment particularly as there is justification for the development. Although the farm dwelling would be of a contemporary design this is considered to be acceptable due to its association with the proposed farmstead. There would also be no impact on the significance of heritage assets as a result of the development. In these circumstances the proposed development would be considered compliant with Paragraphs 57, 59, 60, 61, 131 and 132 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies E4 and H7 of the adopted Local Plan.

The proposed access and off-street manoeuvring and parking facilities have been assessed by the County Highways Authority to be acceptable and in these circumstances it is considered that the proposed development would not impact severely on pedestrian and highway safety and would therefore be compliant with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Protected species would not act as a constraint on development, due to the limited extent of hedgerow which would be required to be removed to facilitate the access, with the agreement of a landscaping scheme securing suitable planting to mitigate against that lost. In these circumstances the development would be compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policies E2 and E7 of the adopted Local Plan.

A condition would also be imposed to secure flood risk mitigation measures with surface water drainage also being appropriately controlled via a planning condition and on this basis the development accords with Paragraph 103 of the NPPF.

The imposition of conditions will address any land contamination concerns associated with the development to ensure compliance with Paragraphs 120 and 121 of the NPPF.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to 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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of agricultural buildings, farm shop and farmhouse along with the formation of vehicular access and yard at land south of The Green, Diseworth. The 1.38 hectare site is situated to the south of the junction of Tenterfield with The Green as well as to the south-west of the junction of The Bowley with The Green. It is currently utilised in connection with agriculture and is located outside the Limits to Development. The southern side of The Green is largely undeveloped with residential properties being situated on the northern side of the highway.

The applicants existing farming business is run from two sites within the Limits to Development for Diseworth, at Village Farm on Hall Lane and land adjacent to Hallfield Farm on The Bowley, which are not in a position to be expanded further due to the presence of residential properties and other constraints. In order to expand the business, therefore, a decision has been made to relocate the farm to the application site with consideration being given to residential development on the existing sites which are being assessed under application references 15/00948/FUL (Village Farm) and 15/00949/FUL (land adjacent to Hallfield Farm), reported on this Planning Committee agenda.

In connection with the development four agricultural buildings would be constructed which would have the following footprints: -

- Cattle Shed - 1113.25 square metres with ridge height of 7.5 metres (at its highest point);
- Straw Store - 165.62 square metres with ridge height of 6.3 metres (at its highest point);
- Grain Store/Lean to Store - 800.80 square metres with ridge height of 9.2 metres (at its highest point);
- Farm Shop/Workshop/Potato Store/Machine Store - 607.88 square metres with ridge height of 7.5 metres (at its highest point);

The land on which the buildings are proposed to be sited rises from north to south and it is proposed that the buildings be 'cut into' the land in order to reduce their overall height with landscaping also being proposed to the roadside boundary.

A new two-storey four bed farm dwelling would also be created which would have a footprint of 107.21 square metres and use of a pitched gable ended roof with a ridge height of 8.4 metres. A detached car port with curved 'Dutch barn' style roof would also be associated with the farm dwelling which would have a footprint of 39.56 square metres and overall height of 4.8 metres.

In addition to the above works a new vehicular access into the site from The Green would be formed as well as areas of hardstanding associated with the farmyard, car parking and dwelling and a surface water attenuation pond.

In support of the application a design and access statement, supporting planning statement, farm business appraisal, ecology report, flood risk assessment, highways report, archaeological desk based assessment, archaeological evaluation and phase 1 site appraisal (desk study) have been submitted in support of the application.

No previous planning history was found.

## 2. Publicity

10 no neighbours have been notified (date of last notification 19 January 2016)

Press Notice published 21 October 2015

Site notice posted 21 October 2015

## 3. Consultations

Clerk To Long Whatton & Diseworth consulted 14 October 2015

Head of Environmental Protection

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

Natural England

County Archaeologist

LCC ecology

NWLDC Conservation Officer

LCC Flood Management

## 4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

**Agricultural Advisor (Sanham Agricultural Planning Limited)** considers that there is agricultural support for the relocation of the farmstead should the applications for residential development be permitted and that the Local Authority accept that the proceeds of sale for the residential development will fund the cost of the relocation.

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

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

**Leicestershire County Council - Footpaths** no representation received.

**Leicestershire County Council - Highways** has no objections subject to the imposition of conditions on any consent granted.

**Leicestershire County Council - Lead Local Flood Authority** has no objections subject to the inclusion of a drainage condition on any consent granted.

**Long Whatton and Diseworth Parish Council** has no objections.

**Natural England** has no objections subject to their standing advice being considered.

**NWLDC - Conservation Officer** has no objections.

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

**NWLDC - Environmental Protection (Contaminated Land)** has no objections subject to the imposition of conditions on any consent granted due to the findings of the submitted Phase 1 Site Appraisal (Desk Study).

**Severn Trent Water** no representation received.

### Third Party Representations

Seven no. individual representations objecting to the application have been received from the occupants of nos. 1, 2 and 3 Tenterfield as well as 3 and 5 The Green. The objections received are summarised as follows: -

- Pesticides storage is dangerous with high concentrations impacting on the health and safety of neighbouring residents;
- The speed of traffic on the highway is in excess of that which was used to inform the visibility splays for the site and as such there are highway safety issues;
- Movement of vehicles will impact on the safe usage of the pavement which is narrow in this area and the carriageway is unlit;
- The housing of animals on the site and noise and dust associated with the grain storage and machinery will impact on amenities;
- The development will result in a loss of a view;
- Proposed development will exacerbate flooding impacts;
- Proposed development will impact on the appearance of the streetscape and rural landscape given that the southern side of The Green is undeveloped;
- No financial justification for the proposed farm shop which at present does not sell a substantial amount of produce;
- Proposal will allow further development along The Green which will impact adversely on the landscape;
- Proposed development will devalue properties;
- Height and proximity of development will impact adversely on residential amenities;
- The development is not sustainable;
- There is no requirement for a dwelling to be provided on the site;

An independent technical highways review, received on the 15th December 2015, as well as an assessment of the submitted farm business appraisal, received on the 31st December 2015, have also been submitted by the objectors which have been directed to the County Highways Authority and Independent Agricultural Advisor, respectively, for comment.

One representation has been received from the occupant of 1A The Green who is not opposed to the development but wishes to see the following matters be considered should planning permission be granted: -

- The hedge alongside the roadside boundary should be kept at a minimum height of 3.0 metres to screen the development;
- The current access into the field be closed up and a hedge reinstated to match the existing hedge which is kept to a minimum height of 3.0 metres;
- The garage associated with the dwelling should be of a more traditional design rather than the 'Dutch barn' design currently proposed;

Two representations from the occupants of 49 The Woodcroft and 15 The Green have been received which support the application and whose comments are summarised as follows: -

- Proposal would reduce the flow of large farm vehicles through the centre of the village;
- Would enhance the look of the village and makes sense to use the land in this area for farming purposes;
- Proposal will be of benefit to the village.

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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

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

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

Paragraph 14 (Presumption in favour of sustainable development);  
 Paragraph 17 (Core planning principles);  
 Paragraphs 18-20 (Building a strong, competitive economy);  
 Paragraph 32 (Promoting sustainable transport);  
 Paragraph 39 (Promoting sustainable transport);  
 Paragraph 55 (Delivering a wide choice of high quality homes);  
 Paragraph 57 (Requiring good design);  
 Paragraph 60 (Requiring good design);  
 Paragraph 61 (Requiring good design);  
 Paragraph 63 (Requiring good design);  
 Paragraph 64 (Requiring good design);  
 Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);  
 Paragraph 109 (Conserving and enhancing the natural environment);  
 Paragraph 112 (Conserving and enhancing the natural environment);  
 Paragraph 118 (Conserving and enhancing the natural environment);  
 Paragraph 121 (Conserving and enhancing the natural environment);  
 Paragraph 123 (Conserving and enhancing the natural environment);  
 Paragraph 131 (Conserving and enhancing the historic environment);  
 Paragraph 132 (Conserving and enhancing the historic environment);  
 Paragraph 134 (Conserving and enhancing the historic environment);  
 Paragraph 137 (Conserving and enhancing the historic environment);  
 Paragraph 141 (Conserving and enhancing the historic environment);  
 Paragraph 203 (Planning conditions and obligations);  
 Paragraph 204 (Planning conditions and obligations);  
 Paragraph 206 (Planning conditions and obligations);

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan;  
 Policy S3 - Countryside;  
 Policy E2 - Landscaped Amenity Open Space;  
 Policy E3 - Residential Amenities;

Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy E8 - Crime Prevention;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H7 - Housing Design;  
Policy H10 - Agricultural and Forestry Workers' Accommodation;

### **Draft Consultation North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;  
Policy S2 - Future Housing and Economic Development Needs;  
Policy S3 - Settlement Hierarchy;  
Policy S5 - Design of New Development;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation;  
Policy En6 - Land and Air Quality;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 - Sustainable Design and Construction;  
Policy Cc3 - Water - Flood Risk;  
Policy Cc4 - Water - Sustainable Drainage Systems;

### **Other Policies**

#### **National Planning Practice Guidance**

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

#### **Diseworth Village Design Statement**

This supplementary planning document addresses the positive and negative features raised by residents of Diseworth from a planning perspective.

#### **Diseworth Conservation Area Character Appraisal and Management Plan - April 2001.**

This document outlines that the special character of Diseworth is derived from the informal groupings of farmhouses, outbuildings and the former tied cottages along the curvatures of the principal streets. Although modern infill housing development has been undertaken, the overall pattern of the pre-enclosure settlement remains largely evident.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the



character or appearance of a Conservation Area.

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

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

## **6. Assessment**

### **Principle and Sustainability**

Policy S3 of the adopted Local Plan outlines that development is permitted if it can be demonstrated that such development is essential for the efficient long term operation of agriculture with Paragraph 28 of the NPPF emphasising that planning policies should support economic growth in rural areas which includes, amongst other things, promoting *"the development and diversification of agricultural and other land-based rural businesses."* Paragraph 55 of the NPPF indicates that Local Authorities should avoid new isolated dwellings in the countryside unless there are special circumstances such as *"the essential need for a rural worker to live permanently at or near their place of work in the countryside."* Policy H10 of the adopted Local Plan concludes that applications for on-site dwellings will be determined in accordance with the provisions of Annex A of Planning Policy Statement 7 (Sustainable Development in Rural Areas) (PPS 7).

The agent for the application has submitted a planning statement and farm business appraisal in support of the application which highlights that the following: -

*"The business has grown to a 280 acre holding that is mainly arable cropping with some extensively fattened beef cattle that are sold on the Waitrose scheme to Dovecote Park. The farm also retails eggs and potatoes with some other produce from the farm yard in the village centre. Currently this is the only retail outlet in the village."*

*"For the future the business will need to expand so as to maintain its profitability and to enable a full time staff member to be employed as Ian and Sheila Dakin gradually retire from the physical work. Expansion is a major issue as the current buildings are too small and pose a welfare and environmental risk to the village, hence the need to consider relocating the farm yards onto another part of the land holding."*

*"The business has always had a track record of making profits. In the recent past the farm has expanded slightly. The future plans will enable a staff member to be employed while increasing the livestock aspects of the business and enabling a better retail farm shop to be created. The hen units will be enlarged slightly will become a free range unit with the eggs sold from the farm shop along with potatoes and other vegetables etc...Expansion on the current site is not feasible and poses too many problems in the village environment. By doing all of this, the current business remains viable and will be able to provide reasonable livings for the family while meeting all commitments and taxation. Details are shown in the section headed "Business viability check..." and in the appendix that shows the cash budget."*

In the circumstances that the existing farming operations are compromised and restricted from expanding by the development which has occurred around the Village Farm and the site

adjacent to Hallfield Farm a business decision has been made to relocate the existing farmstead to the application site in order that it can continue to operate and expand to maintain the viability of the business.

As part of the consideration of the application an Independent Agricultural Planning Advisor has reviewed the submitted information, as well as that supplied by the objectors, and has made an assessment based on guidance contained within Annex A of PPS 7 which whilst superseded by the guidance contained within the NPPF still acts as a relevant and useful guide in assessing the need for an agricultural development including an agricultural workers dwelling (assessed in Paragraph 3 of the above annex). The report prepared by the Independent Agricultural Planning Advisor has concluded the following: -

*"Paragraph 3 (i) states "There is clearly established existing functional need" - I consider that if the farmstead is relocated to the proposed site there would be an existing functional need, and therefore this criteria would be satisfied together with the essential need criteria set out within the Framework);"*

*"Paragraph 3 (ii) states "The need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to part-time requirement." - I consider the holding is and will remain a full-time, therefore this criteria would be satisfied."*

*"Paragraph 3 (iii) states "the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so" - I have had sight of three years accounts for the business and I consider the holding is currently financially viable, and has been profitable in all three of the last three years. However, I calculate that the enterprise would be unable to sustain the cost of the proposed relocation, unless the proceeds from the sale of the proposed development land are taken into account. I therefore consider the holding is capable of satisfying the criteria in paragraph 33 and the sustainability element of the Framework if the sale proceeds are taken into account, which I am unable to do."*

*"Paragraph 3 (iv) states "The functional need could not be fulfilled by another existing dwelling on the unit, or any other accommodation in the area which is suitable and available for occupation by the workers concerned;" - as the holding is capable of passing the essential/functional needs tests in the Framework and Annex A to PPS 7, I consider if the relocation is acceptable in planning terms, then the application would satisfy this criteria."*

*"Paragraph 3 (v) states "Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied." - I consider this is a planning criteria, and should be assessed by the Case Officer for the application as it will not affect the agricultural needs of the enterprise."*

In conclusion the Independent Agricultural Planning Advisor has outlined that should residential development be granted on the existing farming sites there would be justification for the relocation of the proposed farmstead which would be sustainable if the Local Authority are prepared to accept that the proceeds of the sale for the residential development are utilised to fund the cost of the relocation. In respect of this point it is considered that the provision of the new farmstead, and the associated farm dwelling, are unlikely to occur should planning permission not be granted for residential development on the existing sites particularly as the relevant funds would not be available and there would be no functional need to relocate the existing farmstead. In these circumstances the funds raised by the sale of the existing sites can be factored into the assessment.

On this basis, as well as the information supplied in support of the application, it is clear that the proposed agricultural buildings and farm dwelling would be required for the efficient long-term operation of agriculture from the application site, given the loss of the farming enterprise at Village Farm and the site adjacent to Hallfield Farm, and would be compliant with the three strands of sustainability enshrined within the NPPF. In this context the principle of the development would be considered compliant with Policies S3 and H10 of the adopted Local Plan as well as Paragraphs 28 and 55 of the NPPF (in respect of the essential need for an agricultural worker to reside at the site).

The development would also be considered in accordance with the aims of Paragraph 10 of the DEFRA Rural Statement which highlights that: -

*"no Government Rural Statement can ignore the crucial role of farming and food production in rural life. Farming and the wider food production sector make an important contribution to the rural economy, and farmers and land managers are responsible for managing over 70% of the countryside."*

As well as Paragraph 11 which highlights that: -

*"The Government is committed to support and develop British farming and our aim is to encourage sustainable production of the high quality produce and food that Britain is known for. Food and farming benefit directly from a number of actions announced in the Rural Economy Growth Review, as well as from additional funding that farmers and land managers can access through environmental stewardship. We want to ensure the next round of the Common Agricultural Policy supports the development of a competitive industry with improved environmental performance."*

The provision of the farm shop would also improve the social sustainability credentials of the settlement of Diseworth by providing an alternative means of providing goods which would meet the 'day to day' needs of residents without necessarily having to travel to the nearest retail service at the airport.

To prevent the 'premature' construction of the agricultural workers dwelling a condition could also be imposed on any consent granted for a particular percentage of the floorspace of the agricultural buildings to be provided before such time as development commenced on this element of the scheme.

### **Residential Amenity**

It is considered that the properties most immediately affected by the proposed works would be those located on the northern side of The Green as well as on Tenterfield.

In respect of the physical impact of the development it is considered that whilst the land levels rise to the south, as well as from east to west, the proposed building containing the farm shop/workshop/machine store would be located 52.9 metres from no. 1 Tenterfield with the grain store being situated 41.55 metres from no. 5 The Green (being the nearest residential receptor). Directly opposite the site access is no. 1 The Green which is utilised as a vehicle repair garage. On the basis of the submitted site section it is proposed that the buildings would be 'cut into' the landscape and as a consequence the buildings would have the following finished floor levels, eaves and ridge heights at their highest points above the level of The Green highlighted on the plan (63.19): -

- Farm shop/workshop/machine store - Finished floor level = 1.31 metres; Eaves height = 5.81 metres; Ridge height = 8.21 metres;
- Grain store - Finished floor level = 1.21 metres; Eaves height = 8.01 metres; Ridge height = 10.41 metres;
- Cattle shed (located over 75.0 metres from northern side of The Green) - Finished floor level = 2.81 metres; Eaves height = 7.31 metres; Ridge height = 10.36 metres;
- Straw store (located over 75.0 metres from northern side of The Green) - Finished floor level = 2.81 metres; Eaves height = 8.31 metres; Ridge height = 9.26 metres;
- Proposed dwelling (located 25.2 metres from the northern side of The Green) - Finished floor level = 1.81 metres; Eaves height = 7.01 metres; Ridge height = 10.21 metres;

As a point of reference the topographical survey submitted in support of the application demonstrates that the existing land level down the centre of the site at a point beyond the cattle shed is 4.62 metres higher than that of The Green with the furthest point down the centre of the site from The Green being 12.01 metres higher.

Taking into account the distances involved and the overall heights of the structures it is considered that there would be no adverse impacts on the amenities of neighbouring residential properties, in respect of overbearing, overshadowing or overlooking impacts. In terms of the objections raised in respect of the loss of a view and the impact of development on a property's value it is noted that these would not constitute material planning considerations which could be taken into account in an assessment of the application.

Concerns have also been raised in respect of noise, smell and dust impacts associated with a working agricultural farm. The land is currently farmed and as such a level of noise would be associated with operations undertaken albeit these would be largely based around harvesting and planting of crops. It is noted that the amount of land owned and farmed by the applicants would be in excess of five hectares and therefore permitted development rights, under Class A of Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, would exist for the establishment of agricultural buildings on the site under a simplified prior notification procedure. The only matters for consideration under such applications would relate to siting and design. In this context storage buildings for grain and pesticides could be created on the site which would have similar levels of noise, smell and dust associated with them but which would not be subject to any strict assessment in respect of their relationship with residential dwellings. Planning permission would also not be required for animals to graze on the land. Given these facts it is considered that the only buildings which could not be established without formal planning consent would be the farm dwelling and the farm shop which would not generate substantial amounts of noise when in operation in comparison to that of a working farm.

The Council's Environmental Protection team have been consulted and have raised no objections in respect of noise, smell or dust impacts. Given that the existing sites where farming practices are carried out, in the residential core of the settlement, have been able to operate without detriment to neighbouring amenities it is considered that the proposed location of the development would be acceptable and would not have a significantly adverse impact on neighbouring amenities. In addition the design and access statement highlights that silage storage would be undertaken inside the cattle shed, so as to limit odour, and that dust extractors and a grain dryer would be provided internally within the grain store so as to reduce dust and noise emissions. The provision of these measures, in accordance with the submitted information, could be secured as a planning condition on any consent granted.

In respect of the objection advising that the timing of deliveries to the proposed farm shop and

its hours of operation should be limited it is considered that a condition securing such restrictions would be unreasonable given that the farm holding will be operational on a 24 hour basis and as such the level of vehicular movements in connection with the shop element of the development would be insignificant in comparison to those of the operational farm holding.

Overall, therefore, the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

### **Impact on the Character and Appearance of the Wider Area, Streetscape and Historic Environment**

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that *"although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

At present the site is an agricultural field located on the southern side of The Green which is predominately undeveloped, a stable building being the only built form in close proximity to the site. The northern side of The Green is defined by residential properties which act as the boundary of the Limits to Development and from a topographical point of view the application site slopes upwards from north to south by around 4.62 metres and from east to west by around 1.57 metres. It is defined by hedging to a height of 2.2 metres.

Ultimately the development will result in visual implications to the rural environment given the amount of built infrastructure which would be created. However, whether such development would 'adversely' impact on the character of the rural environment needs to be assessed in the context of the fact that agricultural buildings could be erected on the site as a form of 'permitted development' subject to compliance with certain criteria (such criteria would limit a building on this site to a height of 3.0 metres due to its proximity to an aerodrome).

Annex E (Permitted Development for Agriculture and Forestry), taken from the now defunct Planning Policy Statement 7 (Sustainable Development in Rural Areas), outlines how the siting and design of agricultural buildings should be assessed and this states, amongst other things, the following: -

*"New buildings should normally form part of a group rather than stand in isolation...To reduce their visual impact buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost;"*

*"Judicious tree planting and external works may enhance new buildings. The aim should not be to hide a building from site, but rather to soften a hard outline, break up a prominent silhouette, and help 'anchor' a new building to the surrounding landscape."*

*"The colours chosen should be compatible with the rural setting, not to camouflage the building, but to allow it to relate to existing buildings. Careful choice of colour reduces the apparent scale of a large agricultural building (e.g. if the roof of a building is coloured darker than the walls, it's visual impacts on the surroundings is reduced)."*

The proposed buildings have been arranged to be as close to each other as is practical and to ensure that the efficiency of the agricultural operation is not compromised with it being outlined

that the buildings would be 'dug into' the land in order for them to be situated on a level base and that additional landscaping would be provided to the roadside boundary in order to enhance the natural screening which exists. It is considered that the most prominent views of the development would be established from the east and west when travelling along The Green, however, given that the spread of development would be contained to that which would be necessary, the overall implications to the visual amenities of the rural environment, its openness and the streetscape, would not be significantly detrimental as to warrant a refusal of the development. This is particularly true in the context that agricultural buildings are not uncommon in a rural environment, there is agricultural justification for the structures, the site is well related to the built environment of Diseworth and the containment of built forms on this particular site would limit the need for further development on open fields associated with the holding which would likely have more substantial visual implications. The particular site is also considered to be the most suitable for such a development, of those parcels of land in the ownership of the applicants, due to its proximity to the built environment.

The areas of hardcore associated with the buildings has also been limited to what is necessary and these would not have a particularly adverse impact on the rural environment given that their inclusion with the development is justified. The particular material to be utilised for the surfacing would be subject to a condition on any consent granted.

Whilst the proposed farm dwelling would be of a contemporary design it is noted that Paragraph 60 of the NPPF indicates that *"decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."* In the context that the dwelling would be associated with a newly created farmstead it is considered that the design approach adopted would be acceptable and would allow the dwelling to have a distinctive character whilst maintaining a degree of consistency with the standard of the agricultural buildings which would be constructed as part of the farmstead. The proposed design of the residential garage is also considered to be acceptable in providing a distinctive building which would be consistent with agriculture and which would not impact adversely on the character and appearance of the landscape or streetscape.

In respect of materials it is proposed that the agricultural buildings are constructed from timber cladding and light grey profiled metal sheeting which would be consistent with agricultural buildings of modern construction and therefore not detrimental to the visual amenities of the streetscape or wider area. The proposed dwelling is proposed to be constructed from brick and timber cladding with plain clay roof tiles which is considered acceptable in combining the prevalent use of bricks on dwellings in the vicinity of the site with timber cladding which would be consistent with the agricultural buildings. A condition could be imposed on any consent granted for the precise materials to be agreed.

With regards to the historic environment the Council's Conservation Officer has concluded that the proposed development would result in no harm to the setting of heritage assets the principle one being the Diseworth Conservation Area.

Overall the proposed development is considered compliant with Paragraphs 57, 60, 61, 131 and 132 of the NPPF, Section 72 of the 1990 Act and Policies E4 and H7 of the adopted Local Plan.

### **Highway Safety**

As part of the application a highways report has been provided which indicates that a new vehicular access with appropriate levels of visibility, in order to accord with the County Council's

6Cs Design Guide, would be provided onto The Green. Existing vehicular movements associated with Village Farm and Hall Field Farm would be redirected to the application site although it is anticipated that there would be an overall reduction in vehicular movements due to all facilities being based on one site, rather than spread across two sites as is presently the case. A relocation of the existing agricultural enterprise from within the centre of the settlement will also ultimately reduce, or remove completely, agricultural traffic from that area which would be considered a highway gain. Suitable manoeuvring facilities, to allow vehicles to exit the site in a forward direction, along with off-street parking would also be accommodated within the site.

Objections have been received that vehicles travel in excess of the 40 mph speed limit which is in place and that the presence of debris in the highway from farming traffic compromises the safe movement of vehicles (particularly motorbikes). An independent review of the highways report by a highways consultant, on behalf of the objectors, has also been received which indicates that there is a lack of appropriate pedestrian facilities to access the site, inadequate visibility splays are provided, insufficient vehicle manoeuvring facilities are provided, that there is a lack of off-street car parking and no study of personal injury accidents in the area has been undertaken.

The County Highways Authority have reviewed the highways report, as well as the independent review, and have raised no objections subject to the imposition of conditions on any consent granted which include the provision of suitable visibility splays, surfacing of the access drive and off-street parking provision. In terms of the objections received relating to vehicle speeds it is considered that this is a matter for the police to address if vehicles exceed an enforced speed limit. There are also no restrictions in place which prevent the movement of farming vehicles along The Green and therefore debris could easily be deposited by any agricultural vehicle, which may not necessarily be connected with the site, in the highway. Should there be particular issues associated with debris on the carriageway then this would be a matter for the County Highways Authority to enforce against. The County Highways Authority also maintain a database of reported accidents in the area and as such it is not entirely necessary for the highways report to highlight such circumstances.

Paragraph 32 of the NPPF identifies that applications should only be refused on highway grounds where the cumulative impacts of the development are severe and as no objections are raised by the County Highways Authority, subject to conditions, it is considered the development is compliant with the aims of this Paragraph as well as Policy T3 of the adopted Local Plan.

In the view of the County Highways Authority a sufficient level of off-street parking would be provided in connection with the development, with the garage associated with the dwelling having sufficient internal dimensions so as to be utilised for parking, and subject to this being appropriately conditioned it is considered that the development accords with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

## **Ecology**

Natural England has no objections subject to their standing advice being considered and the County Council Ecologist also has no objections given that the application site is an arable field of low biodiversity value and that all hedgerows are proposed to be retained and have adequate buffer zones to the development. The provision of the new vehicular access will have a minor impact on the integrity of the hedgerow given the overall width of the gap created (17.0 metres). In the circumstances that no ecological concerns are raised it is considered that the development would accord with Paragraph 118 of the NPPF and Circular 06/05.

## **Landscaping**

The application site is landscaped with hedgerows to its boundaries which also contain trees. Part of the hedgerow along the northern (roadside) boundary would be removed to facilitate the provision of the vehicular access but this would not impact significantly on the overall integrity of the hedgerow given the length which would be retained. Additional landscaping, in the form of trees, is proposed to assist in screening the farming buildings and an appropriate landscaping condition could be imposed on any consent granted for the precise details to be agreed to ensure a suitable type and species is provided. Such a condition could also secure a suitable hedgerow species to be planted where the existing vehicular access would be closed.

Whilst it is suggested that the hedgerows on the site should be grown to a height of 3.0 metres, and that they be retained at such height in perpetuity, it is considered that such a condition(s) would be unnecessary and unreasonable given that they are not required to visually mitigate the development.

Overall the proposal accords with Policies E2 and E7 of the adopted Local Plan.

## **Archaeology**

The County Council Archaeologist has confirmed that the negative results of the trial trenching undertaken on the site will ensure that no further archaeological work will be required as part of the development of the site and therefore the proposals comply with Paragraph 141 of the NPPF.

## **Development and Flood Risk**

Objections have been received in respect of the proposed development exacerbating an existing localised flooding impact on The Green due to the increased provision of impermeable surfacing on the site. The submitted design and access statement acknowledges that the geology and topography of the site leads to surface water discharging into the highway as it cannot be naturally 'absorbed' into the ground. Therefore it is proposed that the development of the site will lead to a drainage solution being provided which would control surface water discharge, which is currently uncontrolled, with the use of an above ground attenuation pond acting as a sustainable urban drainage (SuDs) scheme.

The submitted Flood Risk Assessment (FRA) has been assessed by the Lead Local Flood Authority (LLFA) who have raised no objections subject to the imposition of a drainage condition on any consent granted. This condition proposes that the filter/land drain to be provided along the southern and eastern boundaries should be diverted directly into the watercourse to the northern boundary rather than the attenuation pond which is designed to only address surface water run-off from the developed area. Subject to the imposition of this condition it is considered that the proposed development would not further exacerbate any localised flooding impact and in many ways would control the run-off which would be of benefit to the area. As outlined in previous sections agricultural buildings could also be provided on the site, along with associated areas of hardstanding, as a form of permitted development under a prior notification procedure which would result in similar drainage impacts and which would not be subject to any controls via planning conditions given that only siting and design are considered.

In conclusion, therefore, the proposal accords with Paragraph 103 of the NPPF.

Insofar as foul drainage is concerned it is indicated on the application form that this would be



discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that no representation has been received from Severn Trent Water objecting to this approach it is considered that any additional demands for foul drainage discharge could be met by the existing sewerage system in place. Overall, therefore, the development would accord with Paragraph 120 of the NPPF.

### **Other Matters**

The Council's Land Contamination Officer has reviewed the submitted land contamination report and has no objections subject to the imposition of conditions on any consent granted for a further risk based land contamination assessment to be undertaken due to the findings of the report. It is considered that such a condition is reasonable, given that this is a recommendation of the submitted land contamination report, and its imposition will ensure that the development accords with Paragraphs 120 and 121 of the NPPF.

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

The site lies outside the defined Limits to Development where the principle of agricultural development and provision of an agricultural worker's dwelling are acceptable if they are essential. As part of the application an Independent Agricultural Planning Advisor has assessed the supplied information and considers that the relocation of the farmstead and provision of an agricultural worker's dwelling is justified and sustainable. In these circumstances the principle of the development is supported by Paragraphs 28 and 55 of the NPPF as well as Policies S3 and H10 of the adopted Local Plan.

It is considered that the proposed position and proximity of the agricultural buildings to existing residential properties on the northern side of The Green, as well as on Tenterfield, would ensure that the proposed development would not impact severely on the occupants' amenities. It is also noted that agricultural structures could be constructed on the site as a form of permitted development without planning permission which could generate a similar level of noise, smell and dust impacts. As such the development would be considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Whilst the proposed buildings would impact visually on the rural environment the association of the built forms with the Limits to Development and the localised circumstances of the visual impact, due to the topography of the land to the south, would ensure that they would not have a significantly adverse impact on the visual amenity or openness of the rural environment particularly as there is justification for the development. Although the farm dwelling would be of a contemporary design this is considered to be acceptable due to its association with the proposed farmstead. There would also be no impact on the significance of heritage assets as a result of the development. In these circumstances the proposed development would be considered compliant with Paragraphs 57, 59, 60, 61, 131 and 132 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies E4 and H7 of the adopted Local Plan.

The proposed access and off-street manoeuvring and parking facilities have been assessed by the County Highways Authority to be acceptable and in these circumstances it is considered that the proposed development would not impact severely on pedestrian and highway safety and would therefore be compliant with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Protected species would not act as a constraint on development, due to the limited extent of

hedgerow which would be required to be removed to facilitate the access, with the agreement of a landscaping scheme securing suitable planting to mitigate against that lost. In these circumstances the development would be compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policies E2 and E7 of the adopted Local Plan.

A condition would also be imposed to secure flood risk mitigation measures with surface water drainage also being appropriately controlled via a planning condition and on this basis the development accords with Paragraph 103 of the NPPF.

The imposition of conditions will address any land contamination concerns associated with the development to ensure compliance with Paragraphs 120 and 121 of the NPPF.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, 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 proposed development shall be carried out strictly in accordance with the following drawing numbers: -

- 150 (02) 006 (Site Location Plan), received by the Local Authority on the 12th October 2015;
- 150 (02) 003 (Existing Site Plan), received by the Local Authority on the 12th October 2015;
- 150 (08) 003 Revision E (Proposed Site Layout), received by the Local Authority on the 12th January 2016;
- 150 (08) 019 Revision A (Farmhouse Plans and Elevations), received by the Local Authority on the 12th October 2015;
- 150 (08) 020 Revision (08) (Cattle Shed Plan & Elevations), received by the Local Authority on the 12th October 2015;
- 150 (08) 021 Revision A (Grain Store Plan & Elevations), received by the Local Authority on the 12th October 2015;
- 150 (08) 022 Revision A (General Shed Plan & Elevations), received by the Local Authority on the 12th October 2015;
- 150 (08) 023 (General Shed Plan & Elevations), received by the Local Authority on the 12th October 2015;
- 150 (08) 025 Revision B (Site Section), received by the Local Authority on the 12th January 2016;

unless otherwise required by another condition of this permission.

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

- 3 The occupation of the dwelling, hereby permitted, shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any residential dependents.

*Reason - the erection of dwellings in the countryside is contrary to the Local Planning Authority's policies for the area and were it not for the special agricultural justification the development would not be permitted.*

- 4 Notwithstanding the details shown on the approved plans, nor Condition 2 above, no building shall be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -
- Precise details of the external materials to be used in the development (including bricks, roof tiles, stone and timber cladding);
  - Precise details, including manufacturers details, of the paint/colour finish to the timber cladding, all other external joinery and PVC coated box profile galvanised steel sheeting;
  - Details of the brick bond to be used on the farm dwelling;
  - Position of the meter boxes on the farm dwelling and their external finish;
  - Details of the rainwater goods;
  - Details of the verges and eaves to the farm dwelling;

The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

*Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.*

- 5 Notwithstanding the provision of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the dwelling, hereby permitted, shall not be enlarged, improved or altered unless planning permission has first been granted by the Local Planning Authority.

*Reason - to enable the Local Planning Authority to retain control over future development in view of maintaining the overall appearance of the scheme and as the dwelling is provided in connection with an agricultural need.*

- 6 Notwithstanding the details shown on the approved plans before first occupation/use of the site, hereby permitted, a scheme of soft and hard landscaping (which shall provide for the provision of mature trees and a strong landscaping presence to the northern boundary of the site) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the site with the hard landscaping scheme being provided in full prior to the first occupation/use of the site unless an alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's relationship with the rural environment.*

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

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

- 8 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with the canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS 5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

*Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 9 Notwithstanding the details shown on the approved plans before occupation/use of the site, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railing, other means of enclosure) and the relevant elevation details (should brick walls be proposed than the brick bond shall also be specified) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation/use of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

*Reason - to preserve the visual amenities of the locality and in the interests of highway safety.*

- 10 Before first occupation/use of the site, hereby permitted, the following shall be provided:-
- The access in accordance with the details shown on drawing number ADC1225/003 Rev B, received by the Local Authority on the 12th October 2015 as shown in the Highways Report by ADC Infrastructure Limited;
  - The external car parking and turning facilities (to ensure vehicles exit the site in a forward direction) shown on drawing number 150 (08) 003 Revision E, received by the Local Authority on the 12th January 2016, and the internal car parking shown on drawing number 150 (08) 019 Revision A, received by the Local Authority on the 12th January 2015; 150(08)011 Revision D (Plot 1),
  - Drainage shall be provided within the site such that surface water does not drain into the public highway, including private drives;
  - The access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate), in accordance with the scheme agreed under Condition 6 of this permission, for a distance of at least 15.0 metres behind the highway boundary;

Once provided the above shall thereafter be so permanently maintained (including internal car parking spaces within garages) with any relevant turning area also not being obstructed.

*Reasons - to enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the*

*area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users; to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.).*

- 11 The gradients of the access drives shall not exceed 1:12 for the first 5.0 metres behind the highway boundary.

*Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the general interests of highway safety.*

- 12 If any vehicular access gates, barriers, bollards, chains or other such obstruction are to be erected they shall be set back a minimum distance of 15.0 metres behind the highway boundary and shall be hung so as not to open outwards.

*Reason - to enable a vehicle to stand clear of the highway whilst the gates are opened and protect the free and safe passage of traffic, including pedestrians, in the public highway.*

- 13 No development shall commence on site until such time as a construction traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Highways Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason - to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 14 Prior to the first occupation/use of the site, hereby permitted, existing surface water discharge from the southern areas of the site shall be directed into the filter/land drain running along the southern and eastern boundaries which will be diverted directly into the watercourse on the northern boundary. Proposed surface water discharge from the developed site shall be directed into the SuDS feature as shown on drawing number 150 (08) 003 Revision E, received by the Local Authority on the 12th January 2016. Once provided the surface water drainage scheme shall thereafter be so retained unless an alternative surface water drainage strategy is first submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

*Reason - to ensure suitable design of the SuDS feature and to reduce the risk of flooding from surface water.*

- 15 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, as recommended by GRM report Diseworth, Leicestershire Phase I Site Appraisal (Desk Study) for F J Dakin & Son Ltd Project Ref: P6659/DS.1 Date: July 2014 Prepared for: F J Dakin & Son Ltd Village Farm 36 Hall Gate Diseworth Derby DE74 2QJ, received by the Local Authority on the 12th October 2015, 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:

- BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and
- CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, no development shall commence on site until a Remedial Scheme and Verification Plan have been prepared and submitted to, and approved in writing, by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004; and
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

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

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

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, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.*

- 16 Prior to occupation of any part of the completed development, or part thereof, either:

If no remediation was required by Condition 15 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of the development, or part thereof, is received and approved in writing by the Planning Authority, or

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 the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed

- Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
  - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
  - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
  - Demonstrate the effectiveness of the approved Remedial Scheme; and
  - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.*

- 17 Operations that involve the destruction/removal/management of vegetation, or the conversion of the dairy parlour and threshing barn, shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

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

- 18 The residential curtilage for the farm dwelling shall be restricted to the area outlined in red on the attached plan number LPA/15/00950/FULM.

*Reason - to enable the Local Planning Authority to retain control over future development in view of the form of development proposed and its location as well as to protect the amenity of trees and maintain wildlife habitat.*

- 19 Notwithstanding the details shown on drawing number 150 (08) 025 Revision B, nor the requirements of Condition 2 above, no development shall commence on site until the finished floor levels of the all the agricultural buildings and the farm dwelling, including a scale section drawing running from north to south and east to west, and proposed finished site levels which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details and shall thereafter be so retained.

*Reason - to determine the scope of the permission given that no precise details have been submitted and in the interests of residential and visual amenity.*

- 20 Until such time as 60% of the total proposed agricultural buildings floorspace (which shall exclude that of the farm shop), or any alternative percentage which has been submitted to and agreed in writing by the Local Planning Authority, as shown on drawing number 150 (08) 003 Revision E received by the Local Authority on the 12th January 2016, has been provided no development shall commence on the construction of the agricultural worker's dwelling.

*Reason - in the interests of the visual amenity of the environment and to ensure that the agricultural need for the dwelling has been established on the site.*

- 21 The proposed silage store and grain dryer (Master Farm Super 120 Type R/S), which

shall include a dust extraction unit, shall be provided on site in strict accordance with that specified within Paragraphs 2 and 3 on Page 15 (The proposed development should not be significantly detrimental to the amenities of the occupiers of nearby dwellings through its oppressiveness, proximity, noise, vibration, smells, fumes, smoke, soot, ash, dust, grit or excessive traffic generation) of the Design and Access Statement by Chave Planning, received by the Local Authority on the 12th October 2015, before first use of the relevant agricultural buildings hereby permitted and shall thereafter be so retained. The above applies unless an alternative silage store and position of grain dryer is first submitted to and agreed in writing by the Local Planning Authority.

*Reason - in the interests of limiting odours and to protect wider residential amenities.*

- 22 The existing vehicular access that becomes redundant as a result of the proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved in the Local Planning Authority in consultation with the Highway Authority within 30 days of the new access being brought into use. The approved scheme shall then be implemented within 30 days of the date of approval.

*Reason - to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.*

### Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such works can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg).
- 5 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 6 If there are works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this



process and a sample application form can be found via the following website: [www.leics.gov.uk/watercourse](http://www.leics.gov.uk/watercourse). No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

- 7 Following the DEFRA/DCLG consultation and subsequent legislation change surrounding the future adoption and maintenance of SuDS brought into power on April 15th 2015, Leicestershire County Council are no longer the SuDS Approval Body (SAB) and are now a statutory consultee in the planning process. For all enquiries regarding the application and future adoption and maintenance of SuDS features, please direct these to the District Council.