
Partial demolition of farm buildings, conversion and extension of remaining farm building to form one dwelling along with the erection of three additional dwellings and alterations to access.

Report Item No
A5

Hallfield Farm 1 Hall Gate Diseworth Derby DE74 2QJ

Application Reference
15/00949/FUL

Applicant:
Mr & Mrs Dakin

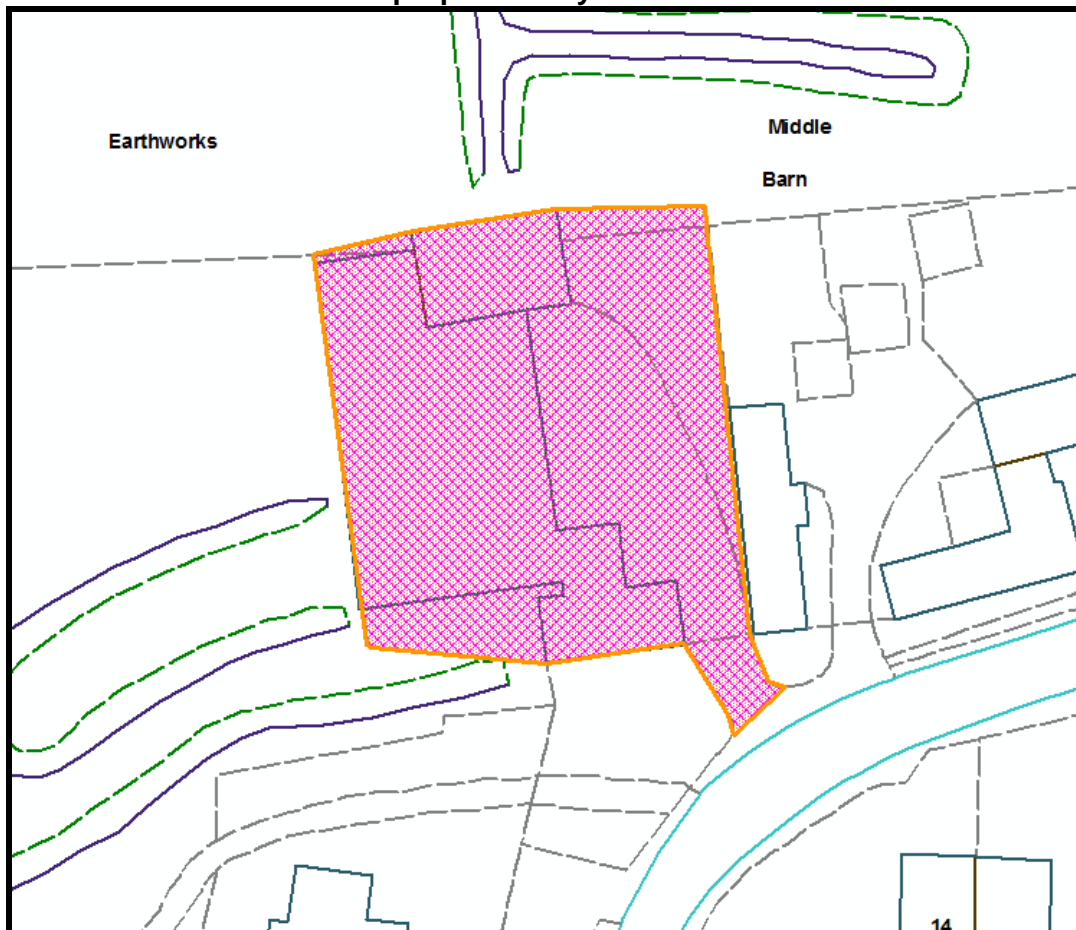
Date Registered
12 October 2015

Case Officer:
Adam Mellor

Target Decision Date
7 December 2015

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 15/00950/FULM.

Proposal

This application relates to the partial conversion of one agricultural building which would be converted to a residential dwelling and the provision of three new two-storey dwellings following the removal of modern agricultural structures at land adjacent to Hallfield Farm, 1 Hall Gate, Diseworth. It is proposed that the new dwellings would be of a contemporary design and that the dwellings would be served by an existing vehicular access point which would be upgraded. The application site is within the defined Limits to Development.

Consultations

A total of three no. individual representations have been received with two of those representations opposed to the development and one in support of the development. Long Whatton and Diseworth Parish Council have also objected to the application. 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 is situated within the defined limits to development where there would be a presumption in favour of development with Diseworth also being considered a sustainable settlement for new development given the level of service provision. On this basis the proposal would accord with Paragraphs 14, 28, 49 and 55 of the NPPF and Policy S2 of the adopted Local Plan. It is considered that the density of the scheme and the mix of housing on the site would also be acceptable and would accord with Paragraph 50 of the NPPF and Policy H6 of the adopted Local Plan.

On the basis of the proposed layout, scale and position of the dwellings it is considered that the amenities of both existing and future occupants would be adequately protected, particularly given the presence and scale of existing buildings on the site and the orientation of development to the site, and as a result there would be no adverse overbearing, overshadowing or overlooking impacts. General noise and smells associated with the site would also be improved due to the removal of the farming operations. In these circumstances the development accords with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

It is considered that the site is of a sufficient size to accommodate four dwellings and will retain

stone walling which is an important habitat for bats. Overall the less than substantial harm caused to the significance of the heritage assets would be outweighed by the public benefits associated with the proposal. Whilst of a contemporary design this is considered to be acceptable and will enhance the character of the area with the layout also being reflective of former agricultural sites which have been redeveloped for housing. Overall the proposed development is considered compliant with Paragraphs 57, 59, 60, 61, 131, 132, 134 and 137 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.

Whilst the loss of farming operations would not physically alter the overall amount of vehicular movements associated with the access, with there actually being an overall increase, the type of vehicles associated with the site would change and as part of the application the access would be upgraded to ensure that it conforms with the 6Cs Design Guide in relation to the provision of visibility splays and an appropriate width. Sufficient off-street parking and manoeuvring facilities would also be accommodated within the site. Given that no objections have been raised by the County Highways Authority it is considered that that the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to appropriate conditions being imposed to mitigate against any impacts on protected species it is considered that the development would not conflict with Paragraph 118 of the NPPF or Circular 06/05. An agreement of a landscaping scheme would also ensure appropriate planting would be provided in order to comply with Policies E2 and E7 of the adopted Local Plan.

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. Archaeological constraints would also be addressed by the imposition of conditions on any consent granted in order to comply with Paragraph 141 of the NPPF.

A condition would also be imposed to secure flood risk mitigation measures with surface water and foul drainage also being appropriately controlled via a planning condition and on this basis the development accords with Paragraphs 103 and 120 of the NPPF as well as Policy E30 of the adopted Local Plan.

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 partial demolition of farm buildings, conversion and extension of remaining farm building to form one dwelling along with the erection of three additional dwellings and alterations to access at land adjacent to Hallfield Farm, 1 Hall Gate, Diseworth. The application site is located to the west of Hallfield Farm and a range of agricultural buildings, of both modern and traditional construction, are presently on the site which are used in connection with the farming operations undertaken at Village Farm (no. 36 Hall Gate). Vehicular access into the site is achieved from The Bowley which is adjacent to Middle Barn. The site is situated within the Limits to Development with the surrounding area being residential in character and consisting of properties which vary in their type and design. It is also noted that the site is within the Diseworth Conservation Area with the Grade II Listed no. 16 Hall Gate being located to the east of the site.

This application is linked with an additional residential development at Village Farm (no. 36 Hall Gate) (15/00948/FUL) and the relocation of the farmstead to land south of The Green (15/00950/FULM). These are considered and assessed in separate reports and are also reported on this Planning Committee agenda.

The scheme proposes the retention of a 19th century cart shed with all 20th century buildings being demolished. It is proposed that the cart shed would be extended and altered to form one dwelling with three additional properties being constructed on the land formerly occupied by the 20th century farm buildings, a total of four dwellings would therefore be provided. The proposed dwellings would be two-storey in nature and have been designed to reflect the agricultural heritage of the site in a contemporary way and in total two x three bed houses, one x four bed house and one x five bed house would be provided.

As part of the works the vehicular access into the site off The Bowley would be provided with appropriate levels of visibility and will allow vehicles to pull clear of the highway whilst another vehicle exits. The layout shows that the converted cart shed would be located to the southern boundary with plots 2 and 3 being in close proximity to the western boundary and plot 4 being towards the northern boundary.

A design and access statement, supporting planning statement, ecology report, highways report, phase 1 site appraisal (desk study), structural appraisal, flood risk assessment, archaeological standing building survey, archaeological desk based assessment and an archaeological evaluation have been submitted in support of the application.

No previous planning history was found.

2. Publicity

6 No neighbours have been notified (date of last notification 14 October 2015)

Site Notice displayed 14 October 2015

Press Notice published 21 October 2015

3. Consultations

Clerk To Long Whatton & Diseworth consulted 14 October 2015
Head of Environmental Protection

NWLDC Conservation Officer
County Highway Authority
Environment Agency
Severn Trent Water Limited
Natural England- Within 2k Of SSSI
NWLDC Tree Officer
County Archaeologist
LCC ecology
LCC Flood Management
Building Control - NWLDC
NWLDC Conservation Officer

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.

Environment Agency has no comment to make on the proposals.

Leicestershire County Council - Archaeology has no objections subject to the imposition of conditions on any consent granted in respect of further archaeological investigations.

Leicestershire County Council - Ecology has no objections subject to the recommendations of the ecology report being made into planning conditions.

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 imposition of a condition on any consent granted for the surface management principles outlined in the application being provided.

Long Whatton and Diseworth Parish Council object to the application on the following grounds:-

- The scale of the properties is overbearing and could create privacy issues to neighbouring properties.
- The size, scale and construction materials used in this proposed development do not comply with the Diseworth Village Design Statement;
- There is a lack of off-street parking for the dwellings with on-street parking being an issue given that the access is located on a bend of a narrow road (The Bowley);
- Consideration should be given to reducing the amount of housing in this location;

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

NWLDC - Conservation Officer initially objected to the application given that the retention of the more 'traditional' shed would act as a constraint on the development due to the lack of an active street frontage and degree of natural surveillance. If the traditional shed was to be retained then it should be in its entirety (i.e. retention of brick gables and pitched roof). Concerns were also expressed in respect of a lack of variety in roofing materials and the proposed facing materials. Following reconsultation objections in respect of facing materials and roofing materials are removed but concerns still exist with the retention of part of the shed compromising the design of the scheme although the overall impacts to the significance of

heritage assets are less than substantial.

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 agricultural use of the site and findings of the submitted Phase 1 Site Appraisal (Desk Study).

NWLDC - Tree Officer has no objections.

Severn Trent Water no representation received.

Third Party Representations

Two representations to the application, from the occupants of Middle Barn, The Bowley and no. 9 The Bowley have been received objecting to the application and whose objections are summarised as follows: -

- The plans do not preserve the character and appearance of the conservation area;
- The buildings have been raised due to the potential for flooding;
- The barn is in the conservation area and although it is without listing it is a hugely important building of historical interest adjacent to the old village sheep dip;
- The alterations to the barn show disregard for the integrity and character of this barn;
- The privacy of neighbours would be compromised by the size, height and scale of the development;
- Insufficient off-street parking is provided;
- I will lose a view of the rural countryside;
- Provision of dense landscaping to boundary will result in adverse impacts on amenities;
- Orientation of dwellings to Middle Barn will result in adverse overlooking impacts onto private rear amenity space and glazed living room;
- Oriel windows in Plot 2 must be conditioned accordingly if permission is granted;
- Increase in vehicular movements will result in detriment to residential amenities;
- Land levels and position of dwellings will lead to adverse overbearing and overshadowing impacts;
- The waste storage area should be carefully considered;
- Layout of development does not preserve or enhance the character and appearance of the conservation area with the position of Plot 4 disconnecting the former manorial site from the village due to the loss of a view;
- Alterations to Plot 1 also disrupt the scale and balance of the existing group of buildings within the streetscape which would conflict with Policy E4 of the Local Plan;

One representation from the occupant of 49 The Woodcroft has been received who supports the application and whose comments are summarised as follows: -

- Proposal would reduce the flow of large farm vehicles through the centre of the village;
- The plan is well designed and is a must for 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 47 (Delivering a wide choice of high quality homes);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 63 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
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 within 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 S2 - Limits to Development;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;

Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy E30 - Floodplains;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H6 - Housing Density;
Policy H7 - Housing Design;

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 H6 - House Types and Mix;
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 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.

Diseworth Village Design Statement

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

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.

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.

6. Assessment

Principle and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and that proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The settlement of Diseworth benefits from a range of local services including a bus service (which connects Nottingham and Derby to East Midlands Airport, a school (Diseworth Church of England Primary School, Grimes Gate), community centre (Hall Gate), church (St Michaels & All Angels, Clements Gate) and public house (The Plough, Hall Gate). Convenience facilities and employment opportunities would also be available at the airport, which is easily accessible via public transport or cycling, with consideration also being given to the provision of a farm shop for the new farmstead proposed under application reference (15/00950/FULM) which may provide further convenience facilities.

Given this level of service it is considered that a scheme for four dwellings would score well against the sustainability advice contained within the NPPF, with any future occupants of the development also helping to sustain these services in the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

Overall the development would be considered sustainable in accordance with the core principles of the NPPF.

It is also concluded that the redevelopment of the site would fund the relocation of the farmstead to a new site at The Green with the resulting benefits of this being the removal of agricultural traffic from the centre of the settlement and the fact that the long-term viability of the farming enterprise would not be compromised by the lack of agricultural development opportunities at the existing sites.

Density and Housing Mix

With a site area of 0.14 hectares the proposed development would have a density of 28.57 dwellings per hectare which would be below the 40 dwellings per hectare advised by Policy H6 of the adopted Local Plan in locations well served by public transport and accessibility to

services.

Whilst this density would fall below that advised in Policy H6 this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. It is noted that the site is situated within a conservation area, with the development also being constrained by the extent of land which falls within the Limits to Development as well as its proximity to flood zone 3, and as such, a greater density of development would not be appropriate. Given these constraints and the requirement to provide a suitable design approach, given the conservation area location, it is considered that the density proposed would represent an efficient use of the land in this instance and would not substantially conflict with the intentions of Policy H6 as to warrant a refusal of the application. Given that the density of the scheme would be below the recommended thresholds it is also difficult to support the Parish Council's view that the amount of dwellings is too many for the site.

It is proposed that a mix of 3, 4 and 5 bed two-storey dwellings would and this is considered to represent an appropriate housing mix on the site. As such the proposals would accord with Paragraph 50 of the NPPF.

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be Middle Barn and no. 9 The Bowley.

Overall the removal of agricultural operations from the site would result in betterment for the immediate neighbours with regards to noise and smell impacts associated with the movements of agricultural vehicles and machinery as well as the storage of fertiliser.

Middle Barn on The Bowley lies along the eastern boundary of the site and is a single storey detached former agricultural building which has been converted to a residential dwelling. The western (side) elevation of Middle Barn contains no habitable room windows although an addition to its northern (rear) elevation does have a glazed roof. plots 2 and 3 would be set 15.0 metres from the shared boundary with an integral garage to plot 4 being within 1.2 metres of the boundary and the two-storey elements of plot 4 being 11.8 metres away. The land levels rise by around 3.07 metres from south to north and by 0.72 metres east to west and as part of the application submission a section drawing, from north to south, has been supplied to show this topography and the heights of the new dwellings in comparison to the existing agricultural buildings on the site. This shows that the overall height of plot 2 would be 2.0 metres higher than the existing building with plot 3 being 0.65 metres lower and plot 4 matching the height of the tallest agricultural building and being situated on the highest part of the site. As plot 2 would not be substantially higher, with plot 3 being lower, than the current agricultural structures it is considered that they would not result in any adverse overbearing or overshadowing impacts on the amenities of Middle Barn due to their distance to the shared boundary. Whilst plot 4 would be located on the highest part of the site it is located to the north-west of the rear elevation of Middle Barn with the two-storey element of plot 4 being off-set from the boundary. In this circumstance it is considered that it would not impact adversely on the occupant's amenities in respect of overbearing or overshadowing impacts particularly as it would be peripheral in any direct view established from the northern rear elevation. The proposed garaging for plot 4 would be in closer proximity to the shared boundary with Middle Barn but this structure would utilise a flat roof with an overall height of 2.8 metres and as a consequence it is considered that its mass and scale would not lead to the creation of an oppressive environment for the occupants of Middle Barn.

In terms of overlooking impacts on Middle Barn it is considered that both plots 2 and 3 would be situated a sufficient distance from the shared boundary so as to avoid adverse overlooking impacts with it being noted that first floor windows on plot 2 would be of an oriel design which would direct views away from the shared boundary; the approved plans condition would ensure these windows were built in accordance with the approved plans. The first floor window in the eastern elevation of plot 4 would serve a bathroom and as such this could be conditioned accordingly to be obscure glazed and non-opening in order to avoid a direct overlooking impact.

No. 9 The Bowley lies to the south-west of the site with plot 1 being set 4.8 metres from the shared boundary and 26.0 metres from the elevation. Given the distance to the elevation, as well as the orientation of no. 9 to plot 1, it is considered that no adverse overbearing or overshadowing impacts would arise which would result in sufficient detriment to the occupant's amenities. In respect of overlooking impacts two roof lights (serving bedrooms) and a ground floor living room window would be provided in the southern elevation of plot 1 but given the distances involved it is considered that no adverse overlooking impacts would arise. Windows in the western elevation of plot 1 serving habitable rooms would be orientated away from no. 9 so as to avoid any overlooking implications.

Objections have been raised in respect of vehicular movements associated with the dwellings causing adverse noise impacts but on the basis of the information contained within the highways report there would be an overall reduction in the equivalent passenger car unit movements should the agricultural operations be removed. Given that the existing movements would be undertaken by larger agricultural vehicles, with operations on the site not being limited to specific hours, it is considered that the proposed development would result in an overall reduction in noise levels associated with vehicular movements and therefore betterment to existing residential amenities. It is also noted that the Council's Environmental Protection Team have raised no objection to the application on noise grounds.

With regards to future amenities it is considered that in the whole an acceptable relationship would exist between the proposed properties and the majority of the existing development around the site particularly as Middle Barn is a single storey building and no. 9 The Bowley is set away from the boundary. It is proposed that plot 2 would have a first floor balcony projecting from its western (rear) elevation and whilst this would not project any further than the rear elevations of plots 1 and 3 it is considered reasonable to impose a condition on any consent granted for a screen to be supplied to the northern and southern boundaries of this balcony in order to prevent a direct overlooking impact occurring. This is considered reasonable given that the view established from a balcony is more substantial than that gained from a window where such a view is at an oblique angle. It is also accepted that any future occupants of plots 1 and 3 would be aware of such a relationship prior to their purchase.

Overall it is considered that the development would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Historic Environment and Streetscape

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."*

The site lies within the Diseworth Conservation Area although none of the buildings on the site are recognised as being 'unlisted buildings of merit.' As part of the development proposals it is proposed that all modern agricultural structures would be removed from the site with stonework incorporated into one of the barns, which is presented to Hall Gate/The Bowley, being retained as a 'skin' to plot 1. Three new dwellings would be created on the land vacated by the modern agricultural structures which would be two-storey in height and which would take a more contemporary approach to their design concept by incorporating stone plinths with brick work, timber cladding and composite aluminium/timber windows.

In commenting on the application the Council's Conservation Officer raised concerns that the partial retention of the stone barn neither retained the character of the barn nor did it offer a high quality design for plot 1 due to the lack of an active frontage or natural surveillance. As part of the revisions to the scheme a ground floor window into the living room of plot 1 has been inserted, as well as roof lights, to provide an active frontage and encourage natural surveillance although it is noted that plot 1 is off-set from the main public highway. It is also noted that the crevices within the stone walls are utilised by bats and whilst this protected species would have to be excluded from the wall whilst plot 1 was constructed it is good practice to seek to retain existing features which can be utilised in the future and this has been confirmed by the County Council Ecologist.

Whilst the concerns of the Council's Conservation Officer have not been fully addressed he has concluded that the scheme as proposed would result in less than substantial harm to the significance of heritage assets. It is considered that such harm would be outweighed with the public benefits of the development associated with the removal of modern agricultural structures, the safeguarding of habitats for a protected species and the provision of additional housing stock of mixed accommodation levels for the settlement within the defined Limits to Development. Although an objection has been raised in respect of the loss of a view of the former manorial site from the village this has not been identified as a point of concern by the Council's Conservation Officer.

With regards to the layout of the development this is largely influenced by where built forms are currently located with plot 1 being within the grounds of the stone barn and the remaining dwellings being on land vacated by the modern agricultural structures. Such a layout is considered appropriate in the context of the characteristics of the surrounding area particularly as the redevelopment of the adjacent Hallfield Farm site follows a similar pattern as does the site containing 11 Hall Gate/Orchard Cottage/Horseshoe Cottage which is located to the east. The layout also reflects the historic significance of agricultural operations conducted from the site.

Although the proposed dwellings would be of a modern 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 circumstances that the Council's Conservation Officer has raised no objections to the particular design approach it is considered that the scheme would provide dwellings which have a distinctive character, whilst still maintaining some significance to agriculture, and which would distinguish themselves from neighbouring built forms which comprise modern dwellings and traditional barn conversions. Whilst the Parish Council has objected to the design approach utilised on this scheme it is noted that it is no different to that proposed at Village Farm (no. 36 Hall Gate) (15/00948/FUL) where no objections were raised.

In respect of the materials of construction it is proposed that stone, brick and timber cladding

would be utilised along with variety in the roofing materials, as requested by the Council's Conservation Officer. Whilst timber cladding is not utilised elsewhere on dwellings in the settlement it is considered that its use, in this instance, would not be inappropriate given the contemporary design approach and it being reflective of a construction material widely utilised in modern agricultural developments which the site has a connection with. A condition would be imposed to agree the specific materials along with conditions associated with eaves and verge detailing and a specific schedule of works associated with the retention of the stone wall.

Such a design approach is also considered to be consistent with the *"Buildings and spaces within the village"* recommendations of the Diseworth Village Design Statement by providing a development which is *"appropriate in scale," "constructed from materials which harmonise with traditional materials"* and by providing *"variety in both the size and style of houses within the group."*

Overall the development is considered compliant with Paragraphs 57, 59, 60, 61, 131, 132, 134 and 137 of the NPPF, Section 72 of the 1990 Act and Policies E4 and H7 of the adopted Local Plan.

Highway Safety

The County Highways Authority (CHA) has commented on the application and have raised no objections subject to the imposition of conditions on any consent granted as well as relevant notes to the applicant.

At present the site is connected with the movement of agricultural traffic with the submitted highways report indicating that 30 two-way movements (peak-season) and 20 two-way movements (low-season) per day would occur which involves movements by tractors, articulated lorries and agricultural machinery. The loss of the farming practice from the site will ultimately remove these vehicle movements from the access with it being anticipated that the equivalent two-way domestic vehicle movements associated with the site would total 40 two-way movements (four dwellings). Whilst such totals would suggest there would be 10 more two-way movements associated with a residential development than the existing farming practice in peak-season (20 more in low-season) it is important to factor into account the impact of different vehicles by converting them to Passenger Car Units (PCUs) where a car is equivalent to 1.0 PCU and a tractor and trailer or HGV is 2.3 PCUs. On the basis of such a calculation the existing site generates 46 two-way PCU movements whilst a residential scheme would generate 40 two-way PCUs. It is also noted that at present movements are undertaken via a site access which lacks the relative width to allow a vehicle to pull clear of the highway whilst another vehicle exits.

The proposed development will ensure that the vehicular access off The Bowley is upgraded to meet the requirements of the 6Cs Design Guide, in terms of access width and visibility achieved, with the overall loss of agricultural traffic representing a highway gain. Sufficient space would also be accommodated in the site to allow vehicles to manoeuvre and exit in a forward direction. In conclusion the development would not have a detrimental impact on pedestrian or highway safety and therefore the development accords with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

As part of the consideration of the application it has also been ensured that internal and external parking spaces have the relevant dimensions to accord with the guidance contained within the 6Cs Design Guide and therefore each plot has sufficient off-street parking provision. Whilst concerns have been expressed in respect of the lack of visitor parking it is noted that the CHA

have raised no objections on this basis and the layout plan submitted does allow visitor parking to be accommodated within individual plots where required. In conclusion, therefore, the development would accord 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 subject to the imposition of conditions on any consent granted. It is noted that a small number of pipistrelle bats were observed roosting in crevices of the stone wall which is proposed to be retained and incorporated into plot 1 but in the circumstances that this roost is not a maternity roost it would be acceptable to exclude bats from the wall whilst plot 1 was constructed and they could then be reintroduced at a later stage given that the wall is proposed to be retained. The exclusion of bats from the wall whilst plot 1 was constructed would require a European Protected Species (EPS) License from Natural England.

In addition to this it will also be a requirement that swallow nest boxes are provided and that consideration is given to any lighting installed on the site to avoid impacts on Diseworth Brook. Any site clearance should also occur outside the bird nesting season and should the development not commence within three years of the September 2015 ecology surveys then updated bat surveys will be required prior to the development commencing. Subject to the imposition of such conditions on any consent granted for these matters to be addressed it is considered that protected species would not act as a constraint on the development and as such the proposal would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

Given that the agricultural buildings, and their associated hard surfacing, cover the majority of the site no substantial landscaping is in existence. As the buildings would be cleared it presents an opportunity for landscaping to be provided in the form of hedgerows, to potentially define the boundaries, and locally-occurring native trees. Such landscaping would assist in softening the 'edges' of the development.

At this stage the precise planting to be provided has not been specified and as such it is considered reasonable for a condition to be imposed on any consent granted for a soft landscaping scheme to be submitted to the Local Planning Authority for approval to ensure that the species of trees, and any potential hedgerows, are appropriate and will integrate well into the development. Subject to the imposition of such a condition it is considered that the development would accord with Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site is within the medieval and post-medieval historic settlement core of Diseworth with the proposals including the redevelopment of Village Farm which incorporates a number of historic buildings. These buildings have been subjected to a preliminary phase of building assessment with limited trial trenching also being undertaken on the site.

It has been ascertained, from the limited trial trenching undertaken, that the development area has not been subject to significant disturbance and there remains good potential for the

presence of below ground archaeological deposits relating to the medieval and post-medieval occupation of Diseworth.

Given the opportunities which exist for archaeological remains to be present on the site the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a written scheme of investigation and programme of archaeological mitigation to be provided, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF.

Development and Flood Risk

Following a review of the submitted Flood Risk Assessment (FRA) the Environment Agency (EA) has raised no objections subject to the imposition of a condition on any consent granted for the mitigation measures detailed within the FRA to be provided.

The Lead Local Flood Authority (LLFA) has also assessed the submitted FRA and has determined that the surface water management principles contained within the application will be acceptable and that a condition should be imposed on any consent granted for these principles to be followed. In the circumstances that the surface water drainage scheme for the development would not increase the probability of flooding occurring in the site, or within the designated flood zones, it is considered that the development would accord with the principles of Paragraph 103 of the NPPF and Policy E30 of the adopted Local Plan.

Insofar as foul drainage is concerned it is indicated on the application forms 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 Severn Trent Water has raised no representation in respect of 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 agricultural use of the site. 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 is situated within the defined limits to development where there would be a presumption in favour of development with Diseworth also being considered a sustainable settlement for new development given the level of service provision. On this basis the proposal would accord with Paragraphs 14, 28, 49 and 55 of the NPPF and Policy S2 of the adopted Local Plan. It is considered that the density of the scheme and the mix of housing on the site would also be acceptable and would accord with Paragraph 50 of the NPPF and Policy H6 of the adopted Local Plan.

On the basis of the proposed layout, scale and position of the dwellings it is considered that the

amenities of both existing and future occupants would be adequately protected, particularly given the presence and scale of existing buildings on the site and the orientation of development to the site, and as a result there would be no adverse overbearing, overshadowing or overlooking impacts. General noise and smells associated with the site would also be improved due to the removal of the farming operations. In these circumstances the development accords with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

It is considered that the site is of a sufficient size to accommodate four dwellings and will retain stone walling which is an important habitat for bats. Overall the less than substantial harm caused to the significance of the heritage assets would be outweighed by the public benefits associated with the proposal. Whilst of a contemporary design this is considered to be acceptable and will enhance the character of the area with the layout also being reflective of former agricultural sites which have been redeveloped for housing. Overall the proposed development is considered compliant with Paragraphs 57, 59, 60, 61, 131, 132, 134 and 137 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.

Whilst the loss of farming operations would not physically alter the overall amount of vehicular movements associated with the access, with there actually being an overall increase, the type of vehicles associated with the site would change and as part of the application the access would be upgraded to ensure that it conforms with the 6Cs Design Guide in relation to the provision of visibility splays and an appropriate width. Sufficient off-street parking and manoeuvring facilities would also be accommodated within the site. Given that no objections have been raised by the County Highways Authority it is considered that that the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to appropriate conditions being imposed to mitigate against any impacts on protected species it is considered that the development would not conflict with Paragraph 118 of the NPPF or Circular 06/05. An agreement of a landscaping scheme would also ensure appropriate planting would be provided in order to comply with Policies E2 and E7 of the adopted Local Plan.

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. Archaeological constraints would also be addressed by the imposition of conditions on any consent granted in order to comply with Paragraph 141 of the NPPF.

A condition would also be imposed to secure flood risk mitigation measures with surface water and foul drainage also being appropriately controlled via a planning condition and on this basis the development accords with Paragraphs 103 and 120 of the NPPF as well as Policy E30 of the adopted Local Plan.

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: -
- 20625_05_P (Existing Floor Plans), received by the Local Authority on the 12th October 2015;
 - 20625_06_P (Existing Elevation Layout Plan), received by the Local Authority on the 12th October 2015;
 - 20625_07_E (Existing Elevations), received by the Local Authority on the 12th October 2015;
 - 20625_08_E (Existing Elevations), received by the Local Authority on the 12th October 2015;
 - 150 (02) 001 (Existing Site Layout), received by the Local Authority on the 12th October 2015;
 - 150 (02) 004 (Site Location Plan), received by the Local Authority on the 12th October 2015;
 - 150 (08) 001 Revision D (Proposed Site Layout), received by the Local Authority on the 12th October 2015;
 - 150 (08) 004 Revision E (Plot 1 - Proposed Plans and Elevations), received by the Local Authority on the 21st December 2015;
 - 150 (08) 005 Revision B (Plot 2 - Proposed Plans and Elevations), received by the Local Authority on the 21st December 2015;
 - 150 (08) 006 Revision B (Plot 3 - Proposed Plans and Elevations), received by the Local Authority on the 21st December 2015;
 - 150 (08) 007 Revision A (Plot 4 - Proposed Plans and Elevations), received by the Local Authority on the 12th October 2015;
 - 150 (08) 008 (Courtyard Street Scene Elevation), received by the Local Authority on the 12th October 2015;
 - 150 (08) 009 (Hall Gate Street Scene), received by the Local Authority on the 12th October 2015;

unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, nor Condition 2 above, no dwelling 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 finish to the timber cladding and all other external joinery;
 - Precise details, including sections, of the roof lights to be installed in plot 1;
 - Details of the brick bond;
 - Position of the meter boxes and their external finish;
 - Details of the rainwater goods;
 - Details of the verges and eaves;

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.

- 4 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 dwellings, 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, given its setting with heritage assets, and in the interests of preserving the amenities of neighbours.

- 5 No development shall commence on plot 1 until a schedule of works associated with the retention of the stone walls and how they would be incorporated into the property has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works indicated within the schedule shall be carried out in full prior to the first occupation of this plot and shall thereafter be so retained.

Reason - in the interests of the preservation of historic fabric.

- 6 Notwithstanding the details shown on the approved plans, nor Condition 2 above, plot 2 shall not be built above damp proof course level until details of a screen to prevent overlooking to the north and south to a height of 1.8 metres for the projecting rear balcony on this plot has first been submitted to and agreed in writing by the Local Planning Authority. Once approved the screening shall be provided before first occupation of the relevant plot and shall thereafter be so retained.

Reason - in the interests of preserving the amenities of future occupants.

- 7 The window serving the bathroom at first floor level in the eastern elevation of plot 4 shall be glazed with obscure glass, to Pilkington Standard 3 (or its equivalent), and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which the window is installed, which once provided shall thereafter be so retained.

Reason - in the interests of preserving the amenities of existing and future occupants.

- 8 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby permitted, a scheme of soft and hard landscaping 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 dwelling(s) with the hard landscaping scheme being provided in full prior to the first occupation/use of any dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

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

- 9 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.

- 10 Notwithstanding the details shown on the approved plans before occupation/use of the dwellings, 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.

Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s) which front onto a highway (which shall include any private highway) other than any that are agreed under this Condition or other then in accordance with a comprehensive and unified scheme of enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality and residents, in the interests of highway safety and in the interests of the significance of heritage assets.

- 11 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided:-
- Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6Cs Design Guide at its junction with the adopted road carriageway.
NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it so bounded on both sides, additional 0.5 metre strips will be required on both sides;
 - The external car parking and turning facilities (to ensure vehicles exit the site in a forward direction) shown on drawing number 150 (08) 001 Revision D, received by the Local Authority on the 12th October 2015, and the internal car parking shown on drawing numbers 150 (08) 007 Revision A (Plot 4), received by the Local Authority on the 12th October 2015, and 150 (08) 004 Revision E (Plot 1), 150 (08) 005 Revision B (Plot 2) and 150 (08) 006 Revision B (Plot 3), received by the Local Authority on the 21st December 2015;
 - Drainage shall be provided within the site such that surface water does not drain into the public highway;
 - 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 8 of this permission, for a distance of at least 5.0 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 afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and 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 enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety; 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.).

- 12 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.

- 13 No development shall commence until a programme of historic building survey and archaeological investigation defined within a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Archaeologist. The scheme shall include an assessment of significance and research questions; and

- The programme and methodology of historic building survey and recording;
- The programme for post investigation assessment and analysis;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

No development shall take place other than in accordance with the Written Scheme of Investigation.

Reason - to ensure a satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss.

- 14 No development shall take place until a programme of archaeological mitigation, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved in writing by the Local Planning Authority in consultation with the County Council Archaeologist. The scheme shall include an assessment of significance and research questions; and

- The programme and methodology of site investigation and recording (informed by consideration of the results of the exploratory trenching);
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the

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

No development shall take place other than in accordance with the Written Scheme of Investigation.

Reason - to ensure satisfactory archaeological investigation and recording.

- 15 The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14 (above) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory completion of the archaeological investigation and recording, including submission of reports and deposition of the project archive.

- 16 The proposed surface water drainage scheme for the development shall be provided in strict accordance with that specified within Sections 3.6.5 (Sustainable Site Drainage Systems), 3.7 (Off Site Impacts) and 4.0 (Recommendations) of the Flood Risk Assessment by BSP Consulting (Ref: 14342/FRA/Rev B) dated September 2015, received by the Local Authority on the 12th October 2015, before first occupation/use of the dwellings hereby approved. Once provided the surface water drainage scheme shall thereafter be retained unless an alternative surface water drainage scheme is first submitted to and agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason - to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

- 17 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);
- BS 8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; 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, 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.

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

If no remediation was required by Condition 17 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.

19 No dwelling shall be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist: -

- The proposed position and design of features within the dwellings to encourage roosting bats;
- The proposed position and design of bird boxes for swallows to be installed in the dwellings;
- The proposed position and design of external lighting to the properties which should be directed away from Diseworth Brook, where this is not possible the lighting shall be of a down-lighting or cut-off beam type in order to reduce the overall amount of light spill;

Once agreed the development shall thereafter be carried out in accordance with the approved details which shall thereafter be retained unless alternative details are first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

20 Operations that involve the destruction/removal/management of vegetation, or the development of plot 1, shall not be undertaken during the months of March to October 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.

21 If no development has commenced on site, with regards to the partial demolition of farm building, conversion and extension of remaining farm building to form one dwelling along with the erection of three additional dwellings and alterations to access, prior to September 2018 then no development shall commence until an updated bat survey (which shall include any mitigation measures and licenses which would be obtained) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. Once agreed the development shall thereafter be carried out in accordance with the recommendations of the bat survey and any mitigation measures once provided shall thereafter be so retained.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

22 No development shall commence on site until the finished floor levels of the proposed dwellings, 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 supplied and in the interests of residential and visual amenity.

- 23 Notwithstanding the requirements of Condition 2 above, nor the information shown on drawing number 150 (08) 001 Revision D, received by the Local Authority on the 12th October 2015, no dwelling shall be built above damp proof course level until details of an enclosed bin collection area/point have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the bin collection area shall be provided prior to the first occupation/use of any of the dwellings and shall thereafter be so retained.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential and visual amenity.

- 24 The residential curtilage's for the properties shall be restricted to the area hatched in red on the attached plan number LPA/15/00949/FUL.

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 setting of archaeological remains.

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 the 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 Drawing no. 150 (08) 001 Revision D (Proposed Site Layout), received by the Local Authority on the 12th October 2015, provides details of physical kerbs (solid lines on both sides, demarcating the access at its junction with Hall Gate/The Bowley). However, in accordance with the above condition, the access should be provided in a dropped crossing arrangement.
- 4 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 5 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.
- 6 In respect of Condition 23 of the consent given the site's setting within a Conservation Area the bin collection area will need to be an enclosed structure constructed from the approved materials for the residential scheme.
- 7 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development,

- the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and 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.
- 8 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.
- 9 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. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
- 10 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.
- 11 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the 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 contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.