

Partial demolition of farm building, conversion and extension of remaining farm buildings to form two dwellings along with the erection of six additional dwellings and alterations to vehicular access

Report Item No  
A6

Village Farm 36 Hall Gate Diseworth Derby DE74 2QJ

Application Reference  
15/00948/FUL

Applicant:  
Mr & Mrs Dakin

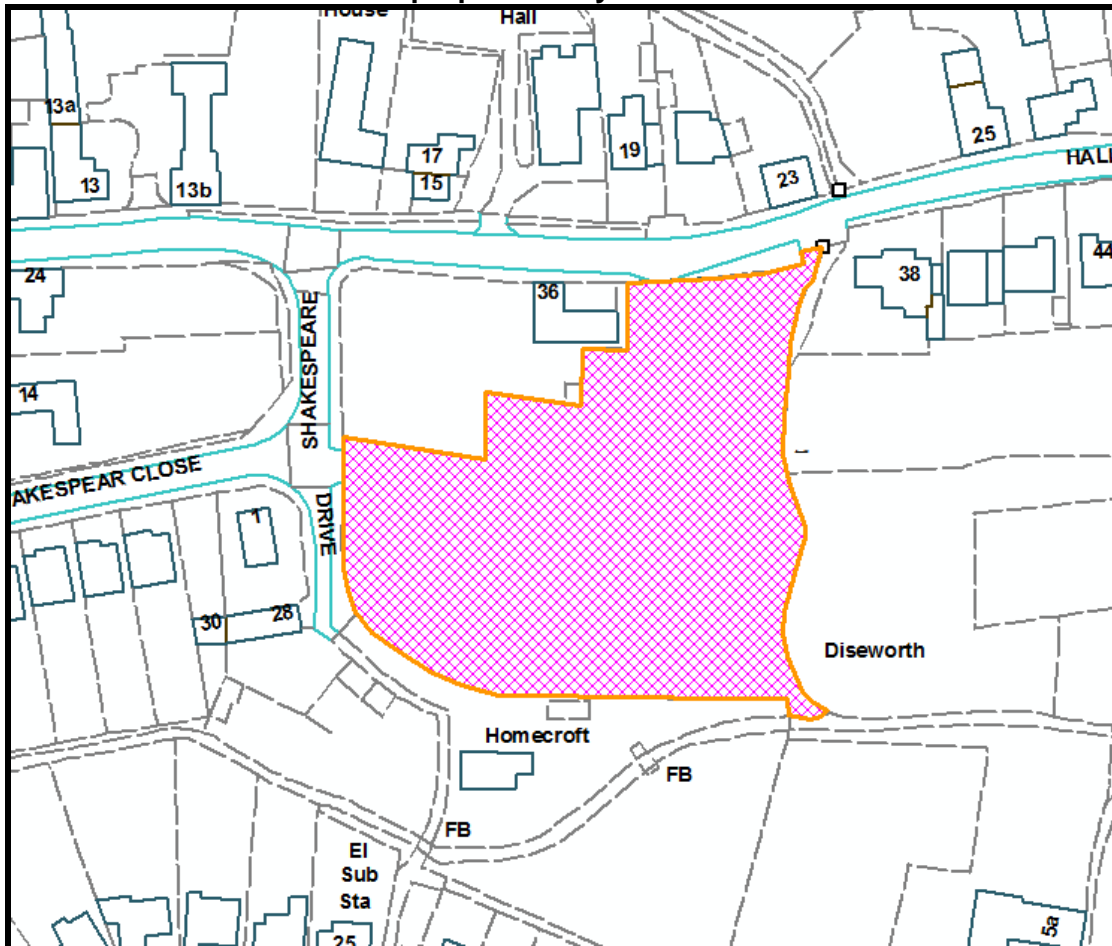
Date Registered  
12 October 2015

Case Officer:  
Adam Mellor

Target Decision Date  
7 December 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **UPDATE**

This application was previously reported to Members of the Planning Committee on 1 March 2016, with an officer recommendation of approval subject to the completion of a Section 106 agreement in order to provide for an-off site affordable housing contribution of £193,814. The Agreement has yet to be completed and, therefore, the planning permission has not yet been issued. However in May 2016, in *West Berkshire District Council Reading Borough Council v Department for Communities and Local Government [2015]*, the Court of Appeal backed government plans to exempt small development sites from the need to have affordable housing included on them. On 19 May 2016 Therefore, it is now national planning policy that schemes of 10 dwellings or less or spanning less than 1000 square metres of combined floor space should not be required to provide affordable housing or be subject to off-site contributions. On this basis, the Local Planning Authority could no longer request that an off-site affordable contribution is required as part of this proposal.

This is not considered to alter the previous conclusions reached that the scheme would be acceptable (as detailed in the original planning committee report) as the proposal remains compliant with current planning guidance.

**UPDATED RECOMMENDATION - PERMIT, subject to conditions but without the need to complete a Section 106 Agreement in relation to an off-site affordable housing contribution;**

The previous report that was considered by planning committee is provided in full below:

## **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 15/00949/FUL and 15/00950/FULM.

### **Proposal**

This application relates to the retention of two traditional agricultural buildings on the site which would be converted to residential dwellings along with the provision of six new two-storey dwellings following the removal of the modern agricultural buildings at Village Farm, 36 Hall Gate, Diseworth. It is proposed that the new dwellings would be of a contemporary design and that the dwellings would be served by two existing vehicular access points 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 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 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.

It is proposed that an off-site affordable housing contribution would be provided on the basis that this has been demonstrated to be viable by the District Valuer and as such the scheme would accord with Paragraphs 173, 203 and 204 of the NPPF as well as Policy H8 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 and as a consequence 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. As such 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 eight dwellings and will allow the restoration and enhancement of buildings recognised as non-designated heritage assets. 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. The modern approach to the design of the dwellings is welcomed with the layout of the development also respecting the characteristics of the environment in which it would be situated. Overall the proposal is considered compliant with Paragraphs 57, 59, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies E4 and H7 of the adopted Local Plan.

The removal of the farming operations from the site would lead to an overall reduction in the amount of vehicular movements associated with the two access points, in particular the access of Shakespeare Drive, and as part of the works improvements would be made to the widths and visibility splays associated with the access points. Sufficient levels of off-street parking are also proposed for each of the dwellings. Given that the County Highways Authority has raised no objections it is considered that the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan. An existing public footpath (L42) would also not be impacted on by the development which would ensure compliance with Paragraph 75 of the NPPF.

Subject to appropriate conditions 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 drainage also being appropriately controlled via a planning condition and on this basis the development accords with Paragraph 103 of the NPPF and Policy E30 of the adopted Local Plan.

It is therefore recommended that the application be permitted subject to the completion of a Section 106 Agreement to secure an off-site affordable housing contribution.

**RECOMMENDATION - PERMIT, subject to conditions and the completion of a Section 106 Agreement;**

**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 building, conversion and extension of remaining farm buildings to form two dwellings along with the erection of six additional dwellings and alterations to vehicular access at Village Farm, 36 Hall Gate, Diseworth. Village Farm (no. 36) is situated on the southern side of Hall Gate where it in part abuts this highway. Agricultural buildings of traditional and modern construction are located to the east and south of the farmhouse with vehicular accesses into the site being in place off Hall Gate as well as Shakespeare Drive. The site is situated within the defined 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. 25 Hall Gate being located to the north-east.

This application is linked with an additional residential development at land adjacent to Hallfield Farm (15/00949/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 two 18th/19th century agricultural buildings on the site (a dairy parlour and threshing barn) with all 20th century buildings being demolished. The dairy parlour and threshing barn would be extended and altered to form two dwellings with six new dwellings being constructed on land formerly occupied by the 20th century farm buildings, a total of eight dwellings would therefore be provided. The proposed new 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 five x three bed houses and three x four bed houses would be provided.

As part of the works the existing vehicular access into the site off Hall Gate and Shakespeare Drive would be altered to provide appropriate levels of visibility and allow vehicles to pull clear of the highway whilst another vehicle exits. It is proposed that the converted dairy parlour (plot 1) and the retained farmhouse (to be occupied by the applicant) would be served by the access off Hall Gate with plots 2 - 8 being served from the access off Shakespeare Drive. The layout shows that seven dwellings, including the converted threshing barn (plot 2) would be situated to the south of the farmhouse with the converted dairy parlour (plot 1) being located to the east; all properties would face onto the newly created access road.

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

29 no. neighbours have been notified (Date of last notification 16 December 2015)

Site Notice displayed 13 October 2015

Press Notice published 21 October 2015

### 3. Consultations

Clerk To Long Whatton & Diseworth consulted 13 October 2015  
LCC Flood Management consulted 15 December 2015  
County Highway Authority consulted 14 October 2015  
Environment Agency consulted 14 October 2015  
Severn Trent Water Limited consulted 14 October 2015  
Head of Environmental Protection consulted 14 October 2015  
Natural England- Within 2k Of SSSI consulted 14 October 2015  
NWLDC Tree Officer consulted 14 October 2015  
County Archaeologist consulted 14 October 2015  
LCC ecology consulted 14 October 2015  
NWLDC Conservation Officer consulted 14 October 2015  
Manager Of Housing North West Leicestershire District Council consulted 14 October 2015  
LCC/Footpaths consulted 14 October 2015  
NWLDC Footpaths Officer consulted 14 October 2015  
Building Control - NWLDC consulted 14 October 2015

### 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 objections subject to the imposition of a condition on any consent granted.

**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 - 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** initially objected to the application as no assessment of the greenfield run-off rate has been supplied and the existing discharge rate is too high for a development site of this size.

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

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

**NWLDC - Conservation Officer** initially raised concerns in respect of some of the proposed alterations to the milking parlour and threshing barn as well as the proposed facing materials for the new dwellings and lack of variety on roofing materials. Following reconsultation the Conservation Officer considers that the works to the milking parlour and threshing barn would be acceptable although clarification is still required on the variety of roofing materials to be used on the new dwellings.

**NWLDC - Environmental Protection** no representation received.

**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 - Footpaths** no representation received.

**NWLDC - Housing Manager** provided advice outlining that an off-site contribution, in lieu of an on-site contribution of 2 x 2 bed houses, would be requested and if there were viability issues then a viability appraisal would be required.

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

**Severn Trent Water** no representation received.

### **Third Party Representations**

Two representations have been received from the occupants of nos. 28 Hall Gate and 2 The Gables who object to the application and whose comments are summarised as follows: -

- Proposed development will exacerbate a localised flooding impact associated with Diseworth Brook due to lack of controls over water discharge into this brook;
- Traffic generated by the development will have adverse impacts on the safe usage of the public highway and road users along Shakespeare Drive;
- In order to protect amenities the vegetation to the southern boundary should be retained in order to camouflage the development and reduce the glare from any lighting installed on the dwellings.

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;  
Policy H8 - Affordable Housing;

### **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.

##### **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.

##### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Diseworth.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Diseworth.

##### **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.

##### **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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

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 eight 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 0.51 hectares the proposed development would have a density of 15.69 dwellings per hectare which would be significantly 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 parts of the site also being within flood zone 3, and as such a greater density of development is unlikely to be supported given the adverse impacts it would have on the setting of heritage assets as well as the potential flooding implications. A large area of the site would also be retained for the existing farmhouse, and its associated residential garden, with existing buildings also being converted in specific areas thereby only leaving the southern areas of the site 'open' to new development. In the circumstances that the existing farmhouse, and its traditional outbuildings, are considered to contribute positively to the streetscape their retention is essential and the setting of these buildings should also be duly protected. Overall, therefore, the proposals would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

It is proposed that a mix of 3 and 4 bed dwellings would be provided with them mainly being two-storey in nature, the converted dairy parlour being the only single storey property, 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.

### **Viability of the Development**

Given the proposed number of dwellings to be provided the only developer contribution which would be applicable to the scheme would be that associated with affordable housing. This contribution has been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 as well as Paragraphs 203 and 204 of the NPPF which outline that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

#### *Affordable Housing*

The Council's Affordable Housing Supplementary Planning Document (SPD) states that in Diseworth schemes for 5 or more dwellings should provide 30% of the proposed units as affordable housing (i.e. two units) with the Council's preferred position for this to be provided on site. The Council's Affordable Housing Enabler has advised that an off-site contribution, in lieu of onsite provision of 2 x 2 bed 4 person houses, calculated in line with the SPD be provided. An off-site contribution has been requested in this instance due to the reversal of the legislative requirement for affordable housing in the National Planning Practice Guidance (NPPG) at a late stage in the design and layout for the scheme. On this basis the application would currently be assessed in accordance with the Council's Affordable Housing SPD as more than 5 dwellings

are proposed.

It has been identified by the planning agent that there are viability constraints associated with the development due to there being significant financial cost involved in the conversion of the historic farmbuildings as well as removing the dilapidated farm buildings; as a result of this the development would not provide a competitive return to any landowner or developer. If viability is to be a constraint on the development then the Council's Affordable Housing Enabler has advised that a viability assessment would need to be supplied which should be independently assessed.

Paragraph 173 of the NPPF outlines that careful attention to viability and costs in plan-making and decision-taking should be undertaken with it being necessary for plans to be deliverable. As a result of this the NPPF outlines that development "*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened,*" and that to ensure viability contributions should take account of normal costs for development and "*provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*"

A viability assessment submitted in support of the application has been independently assessed by the District Valuer (DV) which has concluded that the scheme could be policy compliant. This would be based on an all private housing scheme with an off-site commuted sum for affordable housing of £193,814.00 (which is based on the equivalent subsidy to 30% affordable housing) and such a scheme would be policy compliant with a profit level of 17.5% and shows a land value of £263,691.00 which is comparable with the benchmark outlined in the applicant's viability appraisal of £260,000.00.

The agent for the applicant is reviewing the findings of the DV's report and any further information received will be directed to Members via the Committee Update Sheet but for the avoidance of doubt, at this stage, the applicant is willing to enter into a Section 106 Agreement to provide the off-site affordable housing contribution. It has also been requested by the agent that consideration be given by Members to any future decisions in respect of the affordable housing contribution being delegated to the Planning Officer and Affordable Housing Enabler in light of the fact that on the 15th and 16th March 2016 the Court of Appeal is to consider the appeal relating to the 10 unit thresholds associated with when affordable housing contributions become applicable. Should such guidelines be reintroduced the proposed scheme would not be required to provide an off-site contribution.

As it stands the development would be considered compliant with Paragraph 173 as well as Policy H8 of the adopted Local Plan.

### **Residential Amenity**

It is considered that the properties most immediately affected by the proposed development would be the farmhouse (no. 36 Hall Gate) as well as nos. 28 and 38 Hall Gate, 1 Shakespear Close and Homecroft, Shakespeare Drive.

Overall the removal of agricultural operations from the site, which does involve the keeping of livestock, would result in betterment for the immediate neighbours with regards to smell and noise impacts.

No. 1 Shakspear Close and 28 Hall Gate lie to the west of the site and a distance of 19.0 metres would exist between the western (side) elevation of plot 8, a two-storey detached dwelling, and

the eastern (front) elevation of no. 1 Shakespear Close with 16.0 metres being provided between the south-western corner of plot 8 and the eastern (side) elevation of no. 28 Hall Gate. No. 1 Shakespear Close and no. 28 Hall Gate are situated at a higher land level than those associated with the application site and given the distances proposed it is considered that there would be no adverse overbearing or overshadowing impacts on the occupants amenities. In respect of overlooking implications a first floor landing and bathroom window are proposed in the western (side) elevation of plot 8 and as such there would be no direct overlooking impacts given that these rooms are not habitable rooms.

Homecroft on Shakespeare Drive is located to the south of the site and a 4.0 metre high conifer screen exists along the shared boundary with the site. Relevant distances of over 27.0 metres would be provided between the southern (rear) elevations of plots 6 and 7 and the northern (front) elevation of Homecroft and on this basis there would be no adverse overbearing, overshadowing or overlooking implications.

The converted dairy parlour (plot 1) would be a single storey dwelling and would lie 23.0 metres from the western (side) elevation of no. 38 Hall Gate with mature vegetation, as well as Diseworth Brook, existing between the elevations. In the context that the converted dairy parlour would be a single storey dwelling there would be no adverse overbearing, overshadowing or overlooking impacts on the amenities of no. 38.

In respect of the farmhouse (no. 36 Hall Gate) it is considered that the development has been arranged so that the new dwellings would not result in any adverse overbearing or overshadowing impacts on the farmhouse, the nearest new dwelling being plot 3 at a distance of 28.6 metres away. The converted agricultural buildings would also not impact adversely on the occupant's amenities, in respect of overbearing and overshadowing impacts, given that these buildings already exist. With regards to overlooking impacts it is noted that the farmhouse would retain a substantial sized amenity space with the part closest to the dwelling being considered its 'private' amenity space. Whilst plots 7 and 8 are only set 11.0 metres, at the closest point, from the 'defined' boundary with the farmhouse they would be around 32.0 metres from the elevation (where the 'private' amenity space is located) and as such this distance would ensure there would not be any adverse overlooking impacts. It is also considered that this relationship is no different to that which is established between the farmhouse and properties on the northern side of Hall Gate which are closer to the boundary. The converted threshing barn (plot 2) would provide a first floor bedroom window in the southern (side) elevation of this property but this would not lead to any direct overlooking impacts due to the orientation of the elevation leading to any view being at an oblique angle.

The relationship of the site with properties on the northern side of Hall Gate would be considered acceptable given the distance between the new dwellings and the existing properties.

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. Views may be established from no. 28 Hall Gate towards the rear amenity area of plot 8 but such views would be obscured by the presence of vegetation to the boundary with Shakespeare Drive and no views would be established into the dwelling itself. Views from the farmhouse (no. 36 Hall Gate) may also be established onto the private amenity space associated with the converted threshing barn (plot 2). Whilst such views may be established they are not considered to be of sufficient detriment to the future amenities of any occupants' as to warrant a refusal of the application given that any potential buyer would be aware of this relationship prior to their purchase. It is proposed that plots 6 and 7 would have first floor

balconies projecting from their southern (rear) elevations and it considered reasonable to impose a condition on any consent granted for a screen to be provided to the eastern and western boundaries of these balconies in order to prevent a direct overlooking impact from occurring. This would also assist in protecting future amenities.

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 with the Diseworth Conservation Area Character Appraisal and Management Plan of April 2001 indicating that no. 36 Hall Gate (Village Farm) and its traditional outbuildings are 'unlisted buildings of merit'. It is proposed that all modern agricultural structures would be removed from the site with the two traditional buildings being retained and adapted to become dwellings. Six 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 as originally submitted the Council's Conservation Officer highlighted concerns associated with the following:-

- Roadside extension to converted dairy parlour involves partial demolition of a characteristic stone boundary wall and that the junction with the gable would be awkward;
- Inclusion of a garage within the converted dairy parlour resulting in the loss of historic fabric;
- Introduction of too many roof lights into the converted dairy parlour;
- Omission of new openings in the eastern elevation of the converted dairy parlour;
- Retention of timber frame in the threshing barn;
- Diversity in the roofing materials utilised on the dwellings given that this is a characteristic of the surrounding area;

Through discussions with the agent these concerns have been addressed and as such it is considered that subject to the imposition of conditions the proposed development, overall, will result in less than substantial harm to the significance of heritage assets including the setting of no. 25 Hall Gate (Grade II Listed). Such harm would be outweighed by the public benefits of the development associated with the removal of the modern agricultural structures, the retention and enhancement of two traditional agricultural buildings recognised as unlisted buildings of merit and the provision of additional housing stock of mixed accommodation levels for the settlement within the defined Limits to Development.

In respect of the layout of the development this is largely influenced by where built forms are currently located with plots 1 and 2 being the converted buildings and the remaining dwellings being situated 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 Shakespear Close, adjacent to the site, exists as a linear modern residential curl-de-sac located behind existing built forms on Hall Gate. The orientation of the principal elevation to plot 2 (converted threshing barn) also allows for a 'courtyard' aspect to be created which would respect the historic significance of agricultural operations conducted from the site.

Although the proposed new 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 it is considered that the contemporary design approach would be welcomed in providing dwellings which would have distinctive character, whilst still maintaining some significance to agriculture, and which would separate themselves from the neighbouring built forms.

It is identified on the drawings that the dwellings would be constructed utilising stone, brick and timber cladding with a variety of roofing materials being utilised (clay plain and clay pantile tiles as well as slate) and it is considered that the use of such materials would be appropriate in this environment which historically was agricultural. A condition would be imposed to agree the specific materials utilised along with conditions associated with eaves and verge detailing, precise details of joinery to the converted dairy parlour and a specific restoration plan for the timber frame and brick infill to the threshing barn.

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, Sections 66 and 72 of the 1990 Act and Policies E4 and H7 of the adopted Local Plan.

### **Highway Safety**

The County Highways Authority 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 at both the access points. Within the submitted highways report it is indicated that 32 two-way movements are associated at the entrance off Hall Gate (by cars and light vans) with 100 two-way movements (peak-season) and 40 two-way movements (low season) being associated with the entrance off Shakespeare Drive (by large vehicles (e.g. tractors with trailers, articulated lorries etc)). The loss of the farming practice at the site will ultimately remove these vehicle movements from the accesses with it being anticipated that the equivalent two-way domestic vehicle movements associated with the access off Hall Gate would total 10 (one dwelling) with 70 two-way movements being associated with the access off Shakespeare Drive (seven dwellings). It is also noted that at present such movements at the Shakespeare Drive access are undertaken via an access which lacks the relative width to allow a vehicle to pull clear of the highway whilst another vehicle exits.

The proposed development of the site will ensure that the relative vehicular accesses off Hall Gate and Shakespeare Drive are upgraded to meet the requirements of the 6Cs Design Guide, in terms of access width and visibility achieved at the accesses, with the loss of agricultural traffic from the site representing a highway gain. Space also exists within the confines of the site to ensure that vehicles can manoeuvre and exit the site 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 guidance contained within the 6Cs design guide with the only exception being the garage associated with the converted dairy parlour (plot 1) which has an increased width but not the required length. Whilst this integral garage space could not be classed as a parking space sufficient parking would be made available within the internal courtyard to ensure that the development would not lead to any on-street parking problems. As a result of this the development would accord with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Public footpath L42 lies to the south of the access off Shakespeare Close but this would not be directly affected by the vehicle movements associated with the site given the point at which it commences, therefore the safety of users of this footpath would not be compromised. The development therefore accords with the principles of Paragraph 75 of the NPPF.

### **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. These conditions would largely relate to the provision of bat boxes to the older farm buildings, the provision of swallow nest-boxes, careful consideration being given to the lighting on the site to avoid impacts on Diseworth Brook, for a buffer zone of vegetation to be retained within 3 metres of the brook, for any site clearance to take place outside the bird nesting season and should the development not commence within three years of the September 2015 ecology surveys then an updated bat survey 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**

The submitted drawings show that seven trees are present on the site and it would be necessary to remove a dead tree, a small multi-stemmed tree and holly which is growing up the former dairy parlour. It is considered that the vegetation to be removed makes no contribution towards the visual amenities of the wider area and therefore its loss would be accepted. In respect of the vegetation to be retained this is largely confined to the boundaries and as such would not be a constraint on the development due to the new dwellings largely being sited where agricultural buildings currently stand.

It is intended that landscaping would be provided as part of the development proposals, along with the retention of existing vegetation. 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 Policies E2 and 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 original objection of the Lead Local Flood Authority (LLFA) has also been addressed by the submission of further information which demonstrates that surface water run-off from the site could be appropriately managed within a sustainable urban drainage scheme (SuDS) which would result in betterment and reduce flows to Diseworth Brook. In the circumstances that a condition is imposed on any consent granted to secure such a scheme the proposal would be considered compliant with 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 no representation has been received from Severn Trent Water advising that such an approach would not be appropriate 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.

It is proposed that an off-site affordable housing contribution would be provided on the basis that this has been demonstrated to be viable by the District Valuer and as such the scheme would accord with Paragraphs 173, 203 and 204 of the NPPF as well as Policy H8 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 and as a consequence 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. As such 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 eight dwellings and will allow the restoration and enhancement of buildings recognised as non-designated heritage assets. 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. The modern approach to the design of the dwellings is welcomed with the layout of the development also respecting the characteristics of the environment in which it would be situated. Overall the proposal is considered compliant with Paragraphs 57, 59, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies E4 and H7 of the adopted Local Plan.

The removal of the farming operations from the site would lead to an overall reduction in the amount of vehicular movements associated with the two access points, in particular the access of Shakespeare Drive, and as part of the works improvements would be made to the widths and visibility splays associated with the access points. Sufficient levels of off-street parking are also proposed for each of the dwellings. Given that the County Highways Authority has raised no objections it is considered that the development would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan. An existing public footpath (L42) would also not be impacted on by the development which would ensure compliance with Paragraph 75 of the NPPF.

Subject to appropriate conditions 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 drainage also being appropriately controlled via a planning condition and on this basis the development accords with Paragraph 103 of the NPPF and Policy E30 of the adopted Local Plan.

It is therefore recommended that the application be permitted subject to the completion of a Section 106 Agreement to secure an off-site affordable housing contribution.

**RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 Agreement;**

- 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\_01\_P Revision A (Site B - Existing Floor Plans), received by the Local Authority on the 12th October 2015;
- 20625\_02\_P Revision A (Site B - Existing Elevation Layout Plan), received by the Local Authority on the 12th October 2015;
- 20625\_03\_E Revision A (Site A - Existing Elevations), received by the Local Authority on the 8th December 2015;
- 20625\_04\_E Revision 0 (Site B - Existing Elevations), received by the Local Authority on the 12th October 2015;
- 150 (08) 005 (Site Location Plan), received by the Local Authority on the 12th October 2015;
- 150 (02) 002 (Existing Site Plan), received by the Local Authority on the 12th October 2015;
- 150 (08) 002 Revision G (Proposed Site Layout), received by the Local Authority on the 25th November 2015;
- 150 (08) 011 Revision E (Plot 1 - Proposed Plans and Elevations), received by the Local Authority on the 8th December 2015;
- 150 (08) 012 Revision D (Plot 2 - Proposed Plans and Elevations), received by the Local Authority on the 25th November 2015;
- 150 (08) 013 Revision B (Plot 3 - Proposed Plans and Elevations), received by the Local Authority on the 8th December 2015;
- 150 (08) 014 Revision B (Plot 4 - Proposed Plans and Elevations), received by the Local Authority on the 8th December 2015;
- 150 (08) 015 Revision D (Plot 5 - Proposed Plans and Elevations), received by the Local Authority on the 25th November 2015;
- 150 (08) 016 Revision B (Plot 6 - Proposed Plans and Elevations), received by the Local

- Authority on the 8th December 2015;
- 150 (08) Revision B (Plot 7 - Proposed Plans and Elevations), received by the Local Authority on the 8th December 2015;
- 150 (08) 018 Revision D (Plot 8 - Proposed Plans and Elevations), received by the Local Authority on the 25th November 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 nor shall conversion works commence on Plots 1 and 2 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 hopper window and 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 2 until a schedule of works associated with the repairs to the timber frame and details of any brick infilling have first 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 plot 2 and shall thereafter be so retained.

*Reason - in the interests of the preservation of non-designated heritage assets and the significance of the heritage asset.*

- 6 Notwithstanding the details shown on the approved plans, nor Condition 2 above, plots 6

and 7 shall not be built above damp proof course level until details of a screen to prevent overlooking to the east and west to a height of 1.8 metres for the projecting rear balconies on these plots 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 plots and shall thereafter be so retained.

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

- 7 The windows serving the bathroom at first floor level in the northern elevation of plot 4 and en-suite and dressing room in the northern elevation of plot 2 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 (with the soft landscaping scheme retaining and promoting natural vegetation within a 3 metre buffer zone with the banks of Diseworth Brook) 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 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, in the interests of visual amenity given the site's relationship with heritage assets and to protect the amenity of trees and maintain wildlife habitat.*

- 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 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.*

- 11 No development shall commence on site until a method statement detailing how a no-dig drive design (which will include an indication of existing and finished ground levels) will

avoid soil compaction and root damage to the Black Maple and Hawthorn tree adjacent to plot 8, as shown on drawing number 150 (08) 002 Revision G received by the Local Authority on the 25th November 2015, has been submitted to and agreed in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved scheme.

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

- 12 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.*

- 13 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided:-

- Visibility splays in accordance with the details shown on drawing no. ADC1225/002 Rev D, received by the Local Authority on the 12th October 2015 as shown in the Highways Report by ADC Infrastructure Limited, shall be provided at the junction of the accesses with Hall Gate and Shakespeare Drive. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres, or overhang lower than 2.0 metres, within the visibility splays;
- 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;
- Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 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. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

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 is 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) 002 Revision G, received by the Local Authority on the 25th November 2015, and the internal car parking shown on drawing numbers 150 (08) 012 Revision D (Plot 2), 150 (08) 015 Revision D (Plot 5) and 150 (08) 018 Revision D (Plot 8), received by the Local Authority on the 25th November 2015, and drawing numbers 150 (08) 011 Revision D (Plot 1), 150 (08) 013 Revision B (Plot 3), 150 (08) 014 Revision B (Plot 4), 150 (08) 016 Revision B (Plot 6) and 150 (08) Revision B (Plot 7), received by the Local Authority on the 8th 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.).*

- 14 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.*

- 15 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 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.*

- 16 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.*

- 17 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 16 (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.*

- 18 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) September 2015/14342/FRA/BSP Consulting and the following mitigation measures detailed within the FRA:

1. No development or land raising within Flood Zone 2 and 3;
2. Areas within the flood plain such as gardens will remain at the same level to enable flood water to flow;
3. Any decking within the Flood Zones should be made floodable to ensure there is no increase in flood risk elsewhere;



4. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as outlined in section 3.6.4 of the FRA;
5. Run-off from the site will be 30% better than the current to ensure no increase in river flows.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Environment Agency.

*Reason - to reduce the risk of flooding to the proposed development and future occupants; to ensure safe access and egress from and to the site.*

- 19 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA).

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of suitable treatment trains to help improve water quality; the limitation of surface water run-off to appropriate rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing by the Local Planning Authority in consultation with the LLFA.

Full details for the drainage proposal should be supplied, including but not limited to features such as, long sections and full modal scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for design standards of the public sewers.

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

- 20 The discharge rate for the proposed site shall be designed in accordance with the information submitted by email to the Lead Local Flood Authority (LLFA) by BSP Consulting dated 9th December 2015 detailing a discharge rate of 15.4 l/s. This provides increased betterment over the existing site discharge rate and that originally proposed for the development site.

*Reason - to prevent flooding by ensuring that there is no increased discharge from the proposed development.*

- 21 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.*

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

If no remediation was required by Condition 21 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.*

23 No new 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 bat boxes to be installed in the dwellings;
- 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 retained boundary features and 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.*

24 No development shall commence on site until a method statement for the construction of the development has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The method statement shall have particular regard to the pollution control measures which will reduce the risk of pollution events within Diseworth Brook, i.e. increased sediment load in surface water run-off. Once agreed the development shall thereafter be carried out in strict accordance with the method statement.

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

25 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.*

- 26 Prior to the occupation of any dwelling a landscape/ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas and areas of retained habitat (which shall include any planting within a 3 metre buffer zone of the banks of Diseworth Brook but exclude all other planting within the privately owned domestic gardens), together with a timetable for implementation, shall first be submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. Thereafter, the management plan shall be implemented in accordance with the approved details and timetable, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

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

- 27 If no development has commenced on site, with regards to the partial demolition of farm building, conversion and extension of remaining farm buildings to form two dwellings along with the erection of six additional dwellings and alterations to vehicular 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.*

- 28 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.*

- 29 Notwithstanding the requirements of Condition 2 above, nor the information shown on drawing number 150 (08) 002 Revision G, received by the Local Authority on the 25th November 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.*

**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 This decision is subject to a Section 106 Obligation regarding the following matters: -
- Contribution towards off-site affordable housing;
- 4 The proposed road(s) do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg) or email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the Local Planning Authority before any dwelling is occupied.
- 5 Drawing no. 150(08)002 Revision G (Proposed Site Layout), received by the Local Authority on the 25th November 2015, provides details of physical kerbs (solid lines on both sides, demarcating the accesses) at the junctions of the accesses with Hall Gate and Shakespeare Drive. However, in accordance with the above conditions, the accesses shall be provided in a dropped crossing arrangement.
- 6 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 7 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).
- 8 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 9 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.
- 10 It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are

installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machine and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

- 11 In respect of Condition 29 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;
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of the SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.
- 17 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.