

Planning Committee 9 January 2018
Report of the Planning Manager, Development Management

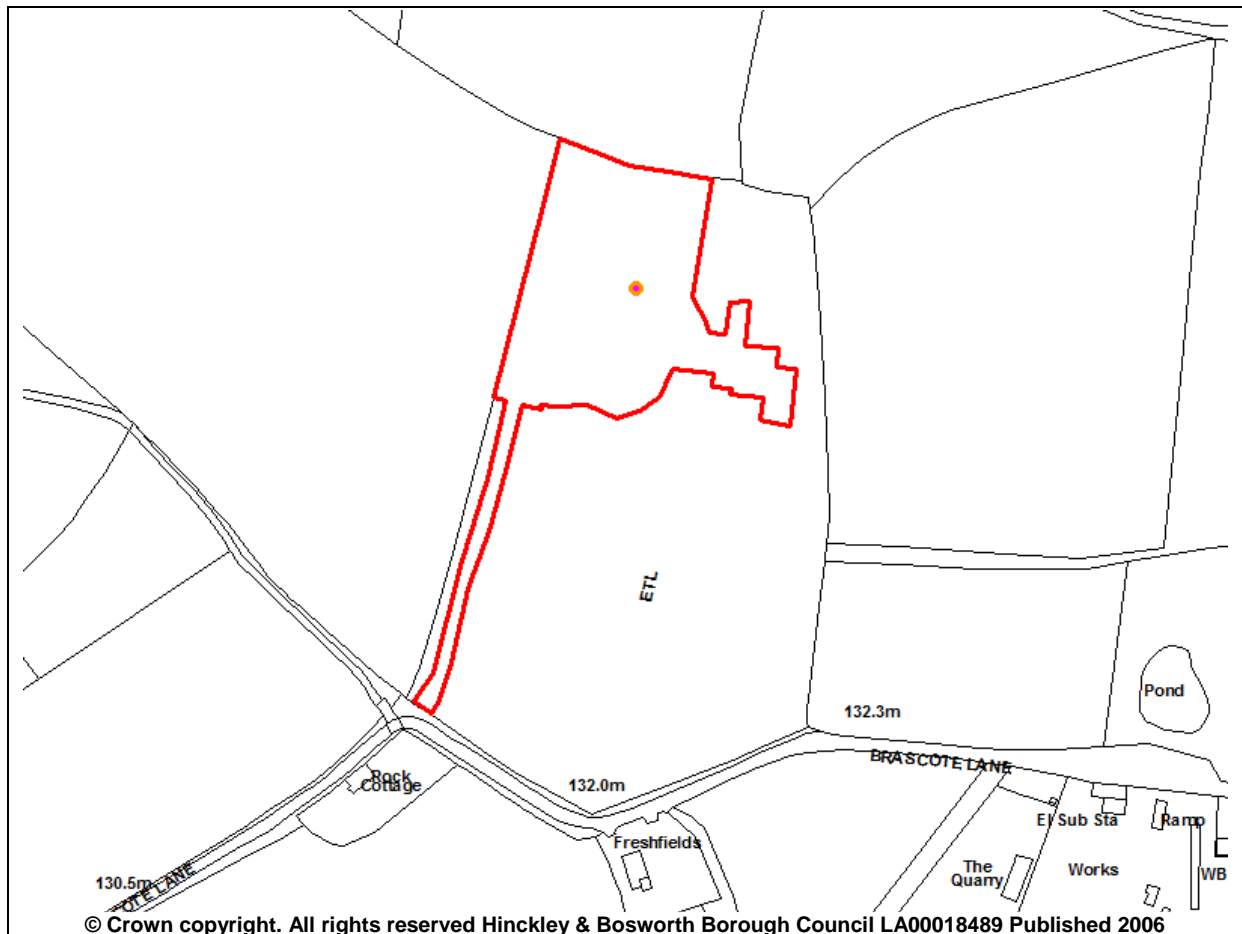


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00302/FUL
Applicant: Cadeby Homes
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Land Off Brascote Lane Cadeby

Proposal: Erection of a farmyard and agricultural worker's dwelling



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of six agricultural buildings, one silo structure and a new dwelling to create a new farmstead. The proposed dwelling would be to accommodate Mr and Mrs Jackson, and their two sons, all of whom are farm workers.
- 2.2. The agricultural buildings and structures proposed are as follows:-

- Building 1: Cattle shed,
 - Building 2: Silo storage structure,
 - Building 3: Hay barn,
 - Building 4: General storage building for food and equipment,
 - Building 5: Sheep and calf shed,
 - Building 6: Bull pens, and
 - Building 7: Chicken shed
- 2.3. The proposal comprises the provision of over 1200 sq m of floor space in a range of seven buildings, sited on an operational yard.
- 2.4. The dwelling proposed would comprise of a ground floor bedroom and en-suite, with an open kitchen/dining/living area, study, office, laundry and utility room. The first floor would comprise of two living annexes, each with a bedroom, living area, dressing area and en-suite.
- 2.5. An Agricultural Appraisal has been undertaken as part of this application.
- 2.6. A Design and Access Statement has also been submitted as part of this application.
- 2.7. A Badger Survey of the site has also been submitted with the application.
- 2.8. The proposed development is part of a larger scheme which includes the redevelopment of the existing farmstead at Bull in the Oak Farm, approximately 890 m to the north-west of the application site. The redevelopment of the existing farmstead is currently pending consideration under application 17/00149/FUL. As these applications are directly related to one another, they are being considered together.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located in the countryside to the north-east of Cadeby. The settlement boundary of Cadeby is separated to the north-east by agricultural fields. The site is surrounded by agricultural land, with the exception of Cadeby Quarry to the south-east and two residential dwellings to the south.
- 3.2. The application site comprises an undeveloped agricultural field. The site is relatively flat and is bound by hedgerow and mature trees.
- 3.3. There is an existing access serving the site from Brascote Lane.
- 3.4. There is a public right of way that runs from the entrance to the site towards north-east boundary.

4. Relevant Planning History

None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. One representation has been received from a member of the public. The comments received are in support of the proposal as the development would mean that the farm vehicles associated with the farm would no longer utilise the A447. However, the comments also request that the development does not result in any obstruction to the public rights of way within the near vicinity of the site.

6. Consultation

6.1. No objections have been received from:-

Cadeby Parish Council
Leicestershire County Council (Ecology)
Environmental Services (Drainage)
Leicestershire County Council (Drainage)
Environment Agency
Leicestershire County Council (Minerals)
Leicestershire County Council (Public Rights of Way)

6.2. No objection subject to conditions have been received from:-

Street Scene Services (Waste)
Leicestershire County Council (Archaeology)
Environmental Health (Pollution)

6.3. Leicestershire County Council (Highways) has referred the case officer to their standing advice for the application.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM5: Enabling Rural Worker Accommodation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Justification for rural workers' accommodation
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Archaeology
- Other matters

Assessment against strategic planning policies

- 8.2. In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. Paragraph 14 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP sets out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved.
- 8.4. Cadeby is identified as a rural hamlet within Policy 13 of the Core Strategy. The site is located outside of the settlement boundary of Cadeby, and therefore Policy DM4 of the SADMP applies. Policy DM4 seeks to safeguard the countryside from unsustainable development, and states that development beyond the defined settlement boundaries will be restricted to proposals which fulfil the criteria of this policy. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation
- 8.5. This application seeks planning permission for the erection of an agricultural workers dwelling, six agricultural buildings and a silo structure.
- 8.6. Evidence has been submitted by the applicant to demonstrate the need to relocate from the existing farm at the Bull in the Oak, including the main driving factor of extensive flooding issues at the current farm site. As a consequence of land drainage problems, the farm buildings have been rendered unfit for purpose. Evidence is also provided to demonstrate that the remediation of the drainage problems and redevelopment of the site with modern buildings would be prohibitive in cost terms and could not be achieved while maintaining a site which remained operational during the necessary works. The site is stated as having other issues relating to its severance by the adjacent highway A447 from the majority of the land holding, nuisance complaints from adjacent residential property, and spatial constraints impinging on the existing and future operational prospects of the farm business.
- 8.7. The farm business has gone through a period of standstill during which the Jackson's sons have grown, achieved agricultural qualifications, and eventually come into active participation in the business. The circumstances have now been reached in which there is a wish to modernise and expand the farm business. It is considered unviable and impracticable to contemplate modernising the existing farmstead, hence a proposal to relocate to a new site. The proposed farmyard has been designed for the specific requirements of Mr and Mrs Jackson, based on their existing plant machinery and livestock.

- 8.8. Another specified need for the relocation of the farm is due to the medical conditions of Mr and Mrs Jackson's sons. As stated above, the sons have now acquired agricultural qualifications and currently assist in the management and operation of the farm. All family members are now involved in the operation of the farm, and as such, the business is now in a position to expand. However, due to the constraints of the current farm site, namely the necessity for the farmers to cross and travel the A447, the main road adjacent to the site, the medical conditions of the sons have a significant impact upon the operation of the farm. Therefore, the relocation of the farm to the proposed site off Brascote Lane would improve the operations of the farm, and would allow for the expansion of the business.
- 8.9. Additionally, the evidence of the sons' medical conditions seek to justify the proposed scale and design of the agricultural dwelling within this application. This is assessed further within the report.
- 8.10. Following the submission of substantial evidence of the medical conditions of the Jackson's sons, including details of their background and confirmation of their disabilities from relevant official bodies, it is considered that their medical circumstances can be afforded significant weight and is considered to be a material consideration in the determination of this application.
- 8.11. The agricultural buildings, subject to an assessment of their visual impact, would accord with Policy DM4 of the SADMP.
- 8.12. There is no local policy specific to agricultural development, other than rural worker's accommodation. Rural workers dwellings are acceptable in accordance with Policy DM4 subject to complying with Policy DM5 of the SADMP and Paragraph 28 of the NPPF seeks to support the sustainable growth and expansion of all types of business within rural areas and the development of agricultural businesses.

Justification for rural worker accommodation

- 8.13. Policy DM5 of the SADMP states that to protect its intrinsic value, beauty and open character, the countryside will first and foremost be safeguarded from inappropriate development which includes the erection of new isolated homes. The provision of rural worker accommodation is however, considered an exception where the following circumstances can be demonstrated:
- a) It is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time, permanent employment which directly relates to the rural enterprise; and
 - b) The rural enterprise is economically sustainable and has a clear prospect of remaining so; and
 - c) There are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area; and
 - d) The proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise
- 8.14. This application has been accompanied by an agricultural appraisal to demonstrate that a dwelling meets the criteria of Policy DM5. The appraisal has been independently assessed by a third party consultant appointed by the Council. Assessment against each criteria of Policy DM5 is as follows:-
- a) Essential need
- 8.15. The test of an essential need for a worker to be readily available at most times is the central consideration to this element of the current proposal.

8.16. The relocation of the farmstead involves the introduction of housed livestock to the new site. This has attendant animal welfare responsibilities. The Agricultural Appraisal states that “*the clients and their two sons work full time on the farm*”. The labour requirements of the current stated stocking and cropping profile of the farm business have been assessed following normal labour planning methodology using published Standard Man Day data. A conservative assessment indicates a requirement for 1.4 workers, of which the requirement for one worker is directly attributable to animal husbandry. This is largely due to the commitment necessary to calf rearing. It is, however, accepted that there will be occasions in the management of the other livestock, and particularly at some calving and lambing events, when the presence of 2 workers will be necessary from a health and safety and/or animal welfare perspective.

b) Economic sustainability

8.17. It is established that capital raised from the release of the existing farmstead at Bull in the Oak would be deployed in the funding of its replacement at Brascote Lane. The information provided on the sustainability of the underlying farm business is limited.

8.18. However, the sale of the existing farmstead represents a capital gain, one which would utilise agricultural assets in the ownership of Mr and Mrs Jackson. As such the gain would be able to benefit from relief from Capital Gains Tax afforded to farmers where the gain is rolled over into replacement agricultural assets. There is, therefore, a financial incentive to use capital derived from development gain in the furtherance of their agricultural businesses.

8.19. The Agricultural Appraisal states that the farm business has been profitable and supported the family financially. As stated above, there was a period of standstill whilst the Jackson’s sons completed their further education. However, the sons are now actively participating in the business, and the availability of funding from the sale of the existing farm site would allow for the expansion of the farm business accordingly.

c) Availability of alternative accommodation

8.20. In the instance of planning application 17/00149/FUL being granted, the existing dwellings and buildings serving the farmstead would be demolished. There is no indication provided by the application of other farm buildings that could be converted into a dwelling. The factors to which regard was had in determining the appropriate location for the re-siting of the farmstead has been submitted with this application. It is accepted that these are legitimate factors in undertaking such an exercise, and has no evidence on which to suggest that the selected site is deficient in relation to the application of the criteria.

8.21. Housing within the settlement boundary of Cadeby would not be sufficiently close to adequately monitor housed livestock outside normal working hours and to identify health or environmental problems requiring immediate attention. Therefore, it is considered that there is no available alternative to providing accommodation for a rural worker to meet the needs of the business.

d) Size and scale of dwelling

8.22. The actual dwelling proposed is a substantial 3-bed, 2-storey dwelling extending to 216 sq m of floor space, including an integral office, and double garage space. This is a large sized dwelling in national terms, which see principal workers’ dwellings rarely rising to a floor area above 200 sq m. The large size appears to reflect the provision of separate private accommodation for each of the Jackson’s two sons and to replicate privacy available from the current two bungalows at the Bull in the

Oak farmstead. The justification for the size and facilities of the proposed dwelling relates to the sons' disabilities, which requires an element of ongoing supervision, while work of the farm and separate accommodation provides a degree of independence. Substantial evidence has been submitted in support of these circumstances.

- 8.23. Given the above, the size of the dwelling proposed is considered to be appropriate.

Conclusion

- 8.24. It is considered that both elements of the proposal, the replacement dwelling and farm buildings, would be in accordance with Policies DM4 and DM5 of the SADMP, and Paragraph 28 of the NPPF. The proposed dwelling shall be subject to an agricultural occupancy condition.

Design and impact upon the character of the area

- 8.25. Policy DM4 of the SADMP seeks to ensure that development does not have a significant adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.26. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.27. The application site comprises an agricultural field. The site is well screened by mature hedgerow and trees along the boundaries with adjacent fields and Brascote Lane. Notwithstanding the fact that the proposal would introduce built form within the countryside, the agricultural buildings proposed would be of a flexible, general purpose character typical of those seen on many farms. The buildings are considered to be functional and appropriate in design, and are arranged in a courtyard formation. As such, the proposed farm buildings would not be out of keeping with the rural character of the area.
- 8.28. The proposed design of the agricultural dwelling would be reflective of that proposed for the residential development proposed on the existing Bull in the Oak farm site under planning application 17/00149/FUL. The dwelling proposed is large; however, the necessity of the size to accommodate four adults has already been justified above. The proposed design of the dwelling is contemporary, designed to reflect a traditional agricultural livestock barn, with wide gables and a single ridge roof line. It is considered that the dwelling would assimilate with the other agricultural buildings proposed on site.
- 8.29. Extensive screening is provided from the main highway, and therefore any views of the site from the road would be mitigated. Views from the public right of way would be available of the whole farmstead. A condition to secure soft landscaping to provide screening along the south boundary of the site could be attached to any permission granted. This would help to mitigate the view of the farmstead from the public right of way.
- 8.30. The materials to be utilised on the external elevations would be facing brickwork and timber boarding. Further details of the materials could be secured via a condition.
- 8.31. Overall, it is considered that the proposal would be in keeping with the rural character of the area, and would accord with Policies DM4 and DM10 of the SADMP accordingly.

Impact upon neighbouring residential amenity

- 8.32. Policy DM7 seeks to prevent adverse impacts from pollution by ensuring development proposals demonstrate that appropriate remediation of contaminated

land is undertaken, and that development would not cause noise or vibrations of a level that would impact on amenity.

- 8.33. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties, or the amenity of occupiers of the proposed development.
- 8.34. Environmental Health (Pollution) have raised concerns in regard to the gravel extraction works to be undertaken by Cadeby Quarry, to be carried out to the east of the access road within the site, to the south boundary with the main farm site proposed. However, discussions have been undertaken by the applicant and Cadeby Quarry. The proposed works being undertaken by the quarry are short term works to extract 160,000 tonnes of gravel from the land within the applicant's ownership, before re-instating the land back suitable for agriculture. In the case of planning permission being granted for this application, due to the time anticipated for construction of the farmstead, it is not considered that the noise and vibrations of the gravel extraction works would not impact on the amenity of the future occupiers of the dwelling proposed.
- 8.35. Environmental Health (Pollution) has also recommended a condition for a scheme of investigation for land contamination to be carried out prior to any soft landscaping works on the site. This could be attached to any permission granted.
- 8.36. In regard to neighbours, given the extensive separation distances between the proposed farmstead and the residential dwellings to the south of the site, it is not considered that the proposal would have any adverse impacts on these neighbours.
- 8.37. The proposal therefore would accord with Policies DM7 and DM10 of the SADMP.

Impact upon highway safety

- 8.38. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.39. Leicestershire County Council (Highways) has referred the case officer to their standing advice for the application, making particular reference to consider the surfacing of the access to the site. The access to the site is as existing. There is no indication within the application that new hard standing is to be erected at the existing access or along the existing driveway into the site. A condition to secure details of any hard landscaping for approval could be attached to any permission granted.
- 8.40. Additionally, the proposed courtyard and garaging is considered to provide adequate parking provision for the dwelling.
- 8.41. The proposal would therefore accord with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.42. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.43. No objections have been received for the application from the Environment Agency, LCC (Drainage) or Environmental Services (Drainage), however notes have been recommended to bring to the applicant's attention. These have been included below.

Ecology

- 8.44. Policy DM6 of the SADMP seeks to conserve and enhance features of nature conservation and geographical value.

- 8.45. Leicestershire County Council (Ecology) has submitted no objections to the application. No protected species were identified within the submitted Badger Survey.

Archaeology

- 8.46. Policy DM13 of the SADMP requires that where a proposal has the potential to impact a site of archaeological interest, developers to set out in their application an appropriate desk based assessment and, where applicable, results of a field evaluation detailing the significance of any affected asset.
- 8.47. Leicestershire County Council (Archaeology) has raised no objections to the scheme. However, given that the site lies within an area of good archaeological potential, close to an area of Iron Age settlement and occupation, they have recommended pre-commencement conditions for a Written Scheme of Investigation to be carried out. These conditions could be attached to any permission granted.

Other matters

- 8.48. Leicestershire County Council (Public Rights of Way) has raised no objection to the scheme, as the proposal would not result in any obstruction to Public Footpath S16 which runs across the site. However, the comments received have included notes to the applicant, which have been included below.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. The equality implications arising from this application relate to the protected characteristics of the Jackson's two sons, who are agricultural workers, and would reside within the dwelling proposed with Mr and Mrs Jackson. As stated above, significant weight has been afforded to these matters, and full consideration has been given to the personal circumstances of Mr and Mrs Jackson, and their two sons.

10. Conclusion

- 10.1. The application site is located in the countryside where residential development is restricted by Policy DM4 of the SADMP. The proposed buildings are required for the purposes of agriculture and the dwelling is required to accommodate the agricultural workers. An assessment of the requirement for the dwelling has been undertaken and is acceptable in accordance with Policy DM5 of the SADMP.
- 10.2. The proposed development would not have a significant adverse impact on the character and appearance of the countryside and would not adversely impact on the amenity of neighbouring properties or future occupiers, and would not adversely impact on highway safety. The proposed development is therefore in accordance with Policies DM1, DM4, DM5, DM6, DM7, DM10, DM13, DM17 and DM18 of the SADMP, and is considered acceptable subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details Drawing No's 7461-03-001 Rev C (Block Plan/Site Location Plan), received by the Local Planning Authority on 13 October 2017, 7461-03-07 (Bull Pen, Chicken Coop and Silo), received by the Local Planning Authority on 22 April 2017, 7461-03-04 (Cattle Shed, Plans/Elevations), 7461-03-06 (General Food Store, Plans/Elevations), 7461-03-05 (Hay Barn, Plans/Elevations), 7461-03-03 (Cattle/Sheep, Plans/Elevations), 7461-03-002 (Farmhouse-PR), Design and Access Statement, Agricultural Appraisal and Planning Statement, received by the Local Planning Authority on 29 March 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4, DM5 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be utilised on all external elevations for the dwelling hereby approved, shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details and shall thereafter remain in place at all times and unless agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4, DM5 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. Prior to the commencement of development, representative samples of the types and colours of materials to be utilised on all external elevations for the agricultural buildings hereby approved, shall be deposited with and approved

in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details and shall thereafter remain in place at all times and unless agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. The dwelling hereby permitted shall not be occupied until the agricultural Building 1 (cattle shed), has been completed and is ready for occupation by livestock in accordance with Drawing No. 7461-03-001 Rev C (Block Plan/Site Location Plan), received by the Local Planning Authority on 13 October 2017, and Drawing No. 7461-03-04 (Cattle Shed, Plans/Elevations) received by the Local Planning Authority on 29 March 2017. Prior to occupation of the dwelling, evidence of completion and readiness for occupation by livestock of the cattle shed shall be submitted to the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

6. The occupation of the dwelling hereby permitted shall be limited to a person or persons solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or a widow or widower of such a person, and to any resident dependants.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling hereby permitted shall be erected or carried out without the grant of planning permission for such extensions by the Local Planning Authority.

Reason: To ensure that the development preserves the intrinsic value and landscape of the countryside, in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

8. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: In the interests of protecting the visual amenity of the area, in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local

Planning Authority and these works shall be carried out as approved. These details shall include:-

- Means of enclosure
- Hard surfacing materials (including those to be utilised on access and driveways)
- Boundary treatments
- Planting plans
- Written specifications
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme

Reason: In the interests of protecting the visual amenity of the area, in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

10. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details under condition 8 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: : In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. If soft landscaping is to be created, no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: In the interest of the protection of any future occupiers, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

12. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: In the interest of the protection of any future occupiers, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

13. No development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:-

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- 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

Reason: To ensure satisfactory archaeological investigation and recording, in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

14. No demolition/development shall take place other than in accordance with the Written Schemes of Investigation approved under condition 12.

Reason: To ensure satisfactory archaeological investigation and recording, in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

15. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Schemes of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording, in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies DPD.

16. No development shall commence on site until such time as the existing and proposed ground levels for the site, and proposed finished floor levels have been submitted in writing to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity and to preserve the character and appearance of the countryside, to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Please refer to the recommendations within the submitted Badger Survey for the application (Stephan Bodnar), dated 30 June 2017.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell

systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

4. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
5. Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works. Signage may be appropriate if construction vehicles have to cross the Public Footpath.
6. The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
7. If the developer requires any Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary diversion / closure is required.
8. Any damage caused to the surface of the Public Footpath, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
9. No new gates, stiles, fences or other structures affecting the Public Footpath, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
10. If there are any 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 Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.