

**Reference:** 15/00416/FUL

**Applicant:** Mr & Mrs G Denny

**Location:** The Old House Farm Sutton Lane Cadeby

**Proposal:** Cessation of the architectural salvage and reclamation yard and removal of the existing poultry buildings for the erection of 8 dwellings and associated works

**RECOMMENDATION:-** Grant subject to conditions.

#### **Introduction:-**

This planning application was deferred from Planning Committee on 20 October 2015 to allow further discussions with the applicant about the historical use of the site as a reclamation yard.

#### **Application Proposal**

The application proposes the demolition of the existing poultry units on the front portion of the site, and the erection of eight dwellings on both this front portion and land to the rear which is currently used as a salvage and reclamation yard. Planning permission has previously been granted for the conversion of the existing single storey poultry buildings on the front portion of the site into five dwellings.

The new dwellings would be positioned around an open courtyard that would contain a feature landscaped area in its centre. The buildings would range between single to two and a half storeys in height, with associated single storey garages and landscaping. The car parking would be provided within the courtyard to the front of each unit. The existing access to the site from Sutton Lane would be retained. This would split within the site to allow vehicles to access a private driveway linking to land at the north and east of the site. Each unit would have private gardens.

#### **Site and Surrounding Area**

The application site comprises a square parcel of land with an area of 1.13 hectares (2.8 acres). The site has an existing double access off Sutton Lane towards the western end of the highway facing boundary. The farmhouse associated with the holding is sited to the north of the site and is served by the same access. Mature native hedgerow forms the northern, western and southern boundaries of the site. Internally the site is subdivided into two distinct parcels of land. A mature belt of conifers divides the site. The eastern (rear) boundary of the site is demarcated by a close boarded timber fence and vegetation.

The original site comprised of agricultural land, with four poultry units. The existing buildings are single storey in nature, with low eaves and ridge heights with shallow pitched roofs.

The western section of the site comprises that on which the four poultry units are sited. It is understood that the poultry enterprise and therefore the use of these buildings for their intended (agricultural) purpose ceased in roughly 2004. As illustrated by aerial photography taken in 2006 it is apparent that the use of these buildings for the storage of building materials had commenced at this time. From this evidence it is also clear that the existing farmstead had been extended unlawfully into the undeveloped countryside to the north and that new boundary treatment (close boarded fence and hedgerow) had been erected. A

reclamation/salvage business has been operated from the eastern section of the site. No buildings have been erected in association with this use; this section of the site solely involves the storage of building materials.

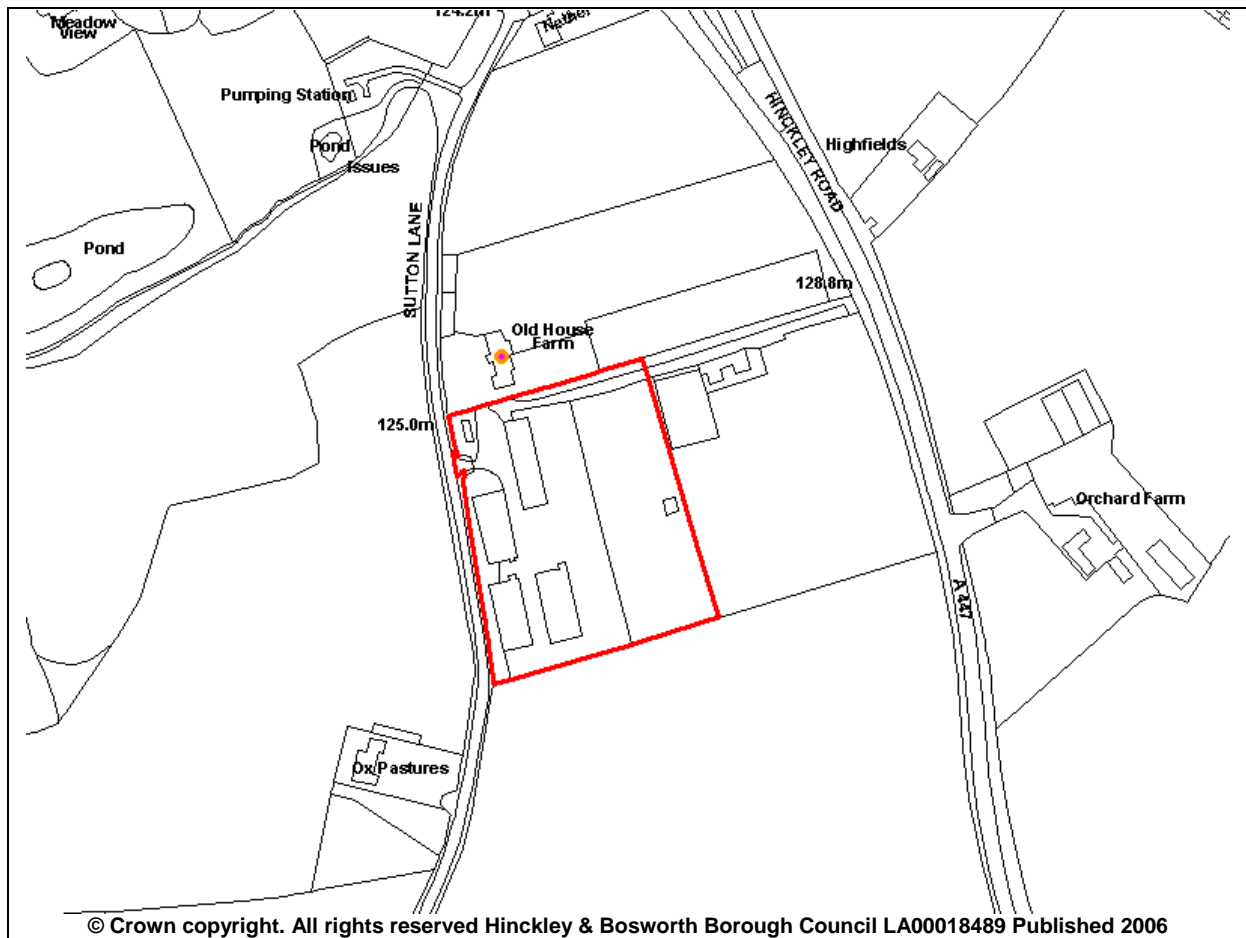
Since the October Planning Committee, further information has been submitted to seek to demonstrate that a reclamation business has operated from the site for over 10 years. This is important as this type of use is both noisy and unsightly and the council's ability to take enforcement action to cease that use is material to determination of this application. While a planning application is not the correct forum for providing a lawful determination about a particular use, the information submitted by the application has helped to form a view about the way the site has been operating and how it could impact upon amenity. This is considered further later in this report.

#### Relevant Planning History

87/01279/4	Erection of agricultural bungalow for use in connection with poultry farm	Refused	23.02.1988
88/00839/4	Erection of a new bungalow	Approved	23.08.1998
81/00808/4	Extension to No 3 Broiler House	Approved	22.09.1981
94/00238/FUL	Erection of a poultry house	Approved	19.04.1994
94/00354/FUL	Poultry house	Approved	24.06.1994
97/00818/TEMP	Retention of portable building for office use	Approved	11.12.1997
01/00769/FUL	Removal of agricultural occupancy condition	Refused	10.11.2001
14/00286/FUL	Conversion of existing buildings to form 5 residential dwellings with associated works	Approved	12.01.2015

#### Technical Documents

Ecology Survey  
Planning Statement  
Design and Access Statement.



### Consultations:-

Cadeby Parish Council has objected to the planning application, raising the following issues:-

- The proposal does not comply with the Development Plan
- Planning permission has been granted for a previous scheme for the conversion of the existing agricultural buildings on site, which is appropriate to the rural location and setting.
- The development would be unsustainable.
- The site is situated outside of the settlement boundary.
- Proposal would lead to a 12% increase in the total number of dwellings to the village.
- Cadeby lacks the services to accommodate the increase in housing.
- No land in or adjacent to Cadeby is identified for new housing within the Hinckley and Bosworth Borough Council Site Allocations Document.
- New builds would not be in keeping with the rural character of the village.
- The development would occupy a significantly greater area of the site than the area occupied by the existing agricultural buildings.
- The proposed dwellings would be two storeys, and therefore would appear prominent along Sutton Lane. The scheme would have a detrimental visual impact on the rural setting and gateway to the Conservation Area.
- Would be contrary to the Cadeby Conservation Area Management Plan, which describes Sutton Lane as providing a "pleasant entry into the village that gives rise to views of farm outbuildings".
- The Conservation Area Appraisal Map identifies views from Wood Lane towards the application site that should be protected.

- Concerns with highway safety for both pedestrians and drivers, as Sutton Lane is a substandard road with no street lighting or footpath.
- Development would lead to an increase in housing along Sutton Lane of almost `300%, which would result in a significant increase of vehicle and pedestrian movement along the lane.
- Concerns with drainage of surface water into the existing sewer system.

A petition has been received with 43 signatures, objecting to the application. The following objections have been raised:-

- Lack of safety and suitable access to the site via Sutton Lane which has 6 blind bends situated to the North and South of the proposed access, is very narrow having no central demarcation, is a busy "rat-run" between Bosworth, the Fenn Lanes and the A5, is used by large commercial and farm vehicles, has no speed limit, vehicle weight restriction, footpaths, or street lighting. Vehicles are unable to pass each other without difficulty. Safety mirrors have been erected by residents in order to combat the winding nature of the road. The road is currently unsafe to be utilised by pedestrians and cyclists, thus using the road as access to bus routes or Cadeby Village would be dangerous. The proposal would result in the increase in vehicle numbers utilising the road, which is already unsafe.
- Drainage of the site. The village drainage system is already inadequate. When overwhelmed, the pumping station discharges foul waste into the watercourse resulting in noxious smells and environmental damage. Wood Lane floods frequently when drains are overwhelmed. The development would ultimately add to the existing problems with drainage.
- Contravention of the Conservation status of Cadeby as defined by the "Cadeby Appraisal" and the resulting "Long Term Strategy for the Village". "Protected views" from "listed and historical buildings" would be lost. "Gateways" in Sutton Lane would be detrimentally changed. "The transition to the countryside" in Sutton Lane would be detrimentally changed. There would be significant change in the protected "character" of the village by the large footprint, height, design, access visibility splay and location of this development. The proposed development is outside of the settlement boundary, and of such a size as would change the "centre of gravity" of the village away from the "heart of the Conservation Area and the intersection between Main Street and Wood Lane".

Additionally, objections have been received from 9 neighbouring properties, raising the following issues:-

- Would result an unacceptable increase in traffic to substandard Sutton Lane.
- Would have a detrimental impact on the conservation area
- The proposed designs of the dwellings would not be in keeping with the existing single storey buildings on site, and thus would detract from the character of the village.
- Proposal would set a precedent for future development outside of the settlement boundary.
- Concerns with sewage and drainage on the site, and adding to the existing problems with drainage within the village.
- Cadeby lacks the services to accommodate the increase in housing.
- Development would result in the loss of the "small village community".

- Original planning permission for the conversion of the existing agricultural buildings on site was not intended to be carried out, and was used as a gateway to the submission of the current application.
- Development would be an eyesore.
- Members of the public were not given the opportunity to present their views on the proposal.
- Surrounding housing developments within Market Bosworth, Newbold Verdon and Desford are better equipped to accommodate an increase in housing.
- Sutton Lane has no street lighting or pavements to accommodate additional pedestrian footfall.
- Would result in a 12% increase to the population of the village.
- Size of the proposal would be overwhelming and oppressive.
- Development would result in the erection of 3 storey buildings, which is out of character with the existing area.
- The site is agricultural land.

Leicestershire County Council (Highways) has raised the following objections to the application:-

- The opportunities for sustainable transport modes have not been taken up/ there are no opportunities for sustainable transport modes
- Safe and suitable access to the site cannot be achieved for all people
- Improvements have not been offered within the transport network that cost effectively limit the significant impacts of development
- Failure to demonstrate that proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport.

Environmental Services (Drainage) have requested the submission of a Flood Risk Assessment for the application, in accordance with the NPPF.

No objections subject to conditions have been received from:-

Leicestershire County Council (Ecology)

Severn Trent Water

Street Scene Services (Waste)

Environmental Health (Pollution)

**Policy:-**

National Planning Policy Framework (NPPF)

Emerging Site Allocations and Development Management Policies DPD (SADMP):-  
Policy DM4 Safeguarding the Countryside and Settlement Separation

Hinckley and Bosworth Local Plan 2001:-

Policy BE1 Design and Siting of Development

Policy NE5 Development in the Countryside

Policy RES5 Residential Proposals on Unallocated Sites

Policy T5 Highway Design and Vehicle Parking Standards.

## Supplementary Planning Guidance (SPG) New Residential Development

### **Appraisal:-**

The site is situated within the countryside as defined on the adopted Local Plan Proposals Map.

The NPPF states that the Local Plan is the starting point in the determination of planning applications unless material considerations indicate otherwise. In this case the Local Plan constitutes the emerging Site Allocations and Development Management Policies (SADMP), the Hinckley and Bosworth Local Plan (2001) and the Core Strategy (2009). The NPPF is also a material consideration in the determination of this application.

As the site is situated outside the settlement boundary of Cadeby, there are no applicable land-use policies within the Core Strategy of relevance to whether the proposal is acceptable in principle.

In relation to local policies, as the SADMP is at an advanced stage of adoption, the policies within it can be attributed weight in the determination of the scheme. In addition saved policies of the Local Plan are also applicable. Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the SADMP will replace policy NE5, Development in the countryside and Policy RES5, Residential proposals on unallocated sites are the most relevant when considering whether this a residential scheme is acceptable in principle..

The release of the NPPF and its presumption in favour of sustainable development requires Local Plan policies to be considered in terms of their consistency with this presumption and for weight to be attributed accordingly.

Policy NE5 seeks to protect the countryside for its own sake; whilst this initial intent is considered too restrictive and thus contrary to the intentions of NPPF, criterion a - c and i - iv are considered broadly compliant with the NPPF and as such can be attributed weight in the determination of this application.

Policy RES5 relates to residential proposals on unallocated sites and suggests that residential development will not be granted unless it is within a settlement boundary. The intent of this policy is to direct development to the most sustainable locations, which is in accordance with the NPPF and as such some weight can be attributed to it in the determination of the application.

In relation to housing development within the countryside, Paragraph 55 of the NPPF is most relevant. This suggests that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues that local planning authorities should avoid new isolated homes within the countryside unless there are special circumstances. These include the provision of rural workers accommodation; where the development would result in the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings; or due to the exceptional quality or innovative nature of the design of the dwelling. In relation to the final point, further clarity is provided. It is suggested that such developments should be truly outstanding or innovative, should reflect the highest standards in architecture, significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area.

There is a clear conflict between the development in relation to policies of the Local Plan and SADMP, in that the development does not fall within one of the categories of acceptable

types of development as cited within these policies, nor is the development considered to be in a sustainable location, by virtue of its countryside position, as required by Policy RES5.

Notwithstanding the Local Plan conflict, as the scheme proposes new residential development within the countryside, evaluation in accordance with the final point of paragraph 55 of the NPPF must be undertaken along with consideration of any other material planning considerations.

The site is used as a reclamation and salvage yard, with a vacant poultry buildings used for storage in association with the business. The general appearance of the site is untidy and the existing timber poultry sheds are in a poor state of repair. The scheme proposes to clear the entire site, demolishing all buildings associated with the historic agricultural use and to re-develop the site through the erection of eight new dwellings.

The dwellings would be arranged in a courtyard formation, following a simple rectangular footprint. Internally there would be a central landscaped feature. Parking would be to the frontage of the development arranged around the landscaped feature and private amenity space would extend to the sites external boundaries. The development would vary in scale between one and a half - two and a half storeys. The variation in ridge and eaves height and the incorporation of architectural detail including header and cill detail, brick plinths, decorative brickwork and chimney stacks along with the use of quality materials would result in a well designed scheme.

Paragraph 55 of the NPPF sets out how local planning authorities should deal with proposals for housing in rural areas. It advises that new isolated homes in the countryside should be avoided unless certain criteria are met. This includes the re-use of redundant or derelict buildings. This weighed in favour of approving the previous scheme on the front portion of this site.

Another criterion of paragraph 55 to allow development in rural areas is where the development proposes a development of exceptional quality or innovative design. In this case, the re-development of the site and the incorporation of additional landscaping and remediation would help to enhance the site's immediate setting. The intention to provide 'green technologies' in the construction of the development would also be positive. However it is not considered that this is a scheme that is outstanding or innovative about the scheme and therefore in this respect it could not be argued that the requirements of paragraph 55 are satisfied.

The surrounding area is rural and undeveloped in character, aside from isolated buildings associated with agriculture. Mature native hedgerow provides a strong highway boundary to this narrow country lane and where buildings do exist, these are predominantly single story. By virtue of its scale, form, volume and design, notwithstanding that the scheme has been attractively designed, it would not be sensitive to the defining characteristics of the local area. Based on the above, the development can not be considered as adhering to the requirements within paragraph 55 of the NPPF.

The applicant considers that there are special circumstances relating to the scheme that would override the in principal policy objection to the development. This includes the view that the site is 'brownfield' (previously developed) land. The applicant has referred to the government's 'Building More Homes on Brownfield Land' statement (January 2015) which promotes development on brownfield sites. As the site has been operating for commercial purposes for a substantial period of time, it is likely that it has become 'previously developed'. This weighs in favour of granting permission

Planning Balance

Based on the above, it is clear that the development, because of its remote location in the countryside would be contrary to Local Plan Policies DM4, NE5 and RES5, and paragraph 55 of the NPPF. It is therefore necessary to consider whether other material considerations outweigh this policy objection.

As part of the report to the October Planning Committee, officers gave weight to the belief that the site was, in all likelihood, operating unlawfully. This meant that while there were concerns about the noisy and unsightly nature of the site and the impact on residents, the belief that this could be controlled through enforcement powers weighed in favour of refusing the application. In other words, the condition of the site carried little weight in over-riding the policy presumption to refuse planning permission.

At the time that the previous report was taken to Planning Committee in October 2015, evidence had not been provided to demonstrate how long the reclamation business had been operating. While the length of time that the business has been operating remains inconclusive, given that no application for a Certificate of Lawful Development has been submitted, the applicant has provided information about how long the business has been operating in the form of advertisements, business documents, statements from customers and other photographs. This would strongly suggest that the business has been operating on a substantial part of the site for at least ten years, which indicates that the use is likely to be immune from enforcement action.

The grant of planning permission for this development presents an opportunity to cease the use of the site as a reclamation yard, removing all materials and equipment and remediating the site. It would also present an opportunity to remove HGV vehicles travelling to and from the site along rural roads. It would improve the site visually and would help to provide a better quality living environment for nearby residents. It would also reduce highway safety concerns associated with the movement of heavy goods vehicles. This weighs heavily in favour of approving this application.

In granting planning permission earlier this year to convert the existing poultry sheds to five dwellings (ref. 14/00286/FUL), the council gave weight to the belief that the reclamation yard to the rear would cease. Since the October Committee meeting, it has been established that there are no controls in place to prevent the reclamation yard from continuing alongside the converted residential units. This would create an unacceptable conflict of non-conforming uses. New residents could be subject to significant problems of noise, dust and other pollution. They would potentially have commercial vehicles driving past the front of their properties, with no controls over times of use, the numbers of vehicles or the type of equipment being used. They would also have views of the unsightly storage and processing of construction material. Approving this application presents an opportunity to prevent that situation from occurring. The applicant has agreed to sign a S106 planning obligation to effectively revoke planning permission 14/00286/FUL. This is to be welcomed.

The current application would increase the number of dwellings by three compared with the five approved as part of the poultry conversion scheme earlier this year. While the policy position to resist new development in this type of unsustainable location remains as relevant as when the application was reported to Committee in October 2015, in light of the further information provided by the applicant, the benefits of granting permission outweigh local and national policies. On balance therefore, the principle of the development is considered to be acceptable.



## Design and Character

Policy BE1 (criterion a) of the Local Plan and DM10 of the emerging SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features. Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development.

The scheme is considered well designed, with good architectural detailing, symmetry and proportionality. By virtue of the existing screening on site, and the fact that views from the entrance to the site (off Sutton Lane) would be of the proposed single storey unit, it is not considered that the development would adversely alter the existing character of the area.

Further, given that the current permitted scheme (planning permission 14/00286/FUL) approved 5 residential units on the land, the addition of 3 units would not significantly alter the level of built development, and therefore the development would not compromise the openness and character of the countryside. Additionally, given the current use of the site as a reclamation yard, the proposed landscaping of the site would provide an opportunity to significantly improve the appearance of the site and how it integrates into this countryside location.

The proposal is therefore considered to be in accordance with policy BE1 (a) of the Local Plan and DM4 of the emerging SADMP.

In order to ensure that the scale of the development remains modest and in keeping with the character of the countryside, a condition is recommended to remove permitted development rights for extensions to the proposed dwellings. This would allow the council to prevent any inappropriate extensions or new buildings when the dwellings become occupied.

### Residential Amenity

Policy BE1 (criterion i) of the Local Plan and DM4 of the emerging SADMP seeks to ensure that development not adversely affect the amenity of occupiers of neighbouring properties.

The closest dwelling to the site would be the farmhouse associated with the enterprise located to the north. As a result of the mature hedgerow running along the northern boundary of the site, along with the separation distances and orientation of the new dwellings and the existing farmhouse, there would be no materially harmful impacts in terms of overlooking, overshadowing or overbearing. Furthermore, as the scheme would result in the cessation of an agricultural/commercial enterprise, the proposal raises no concerns in terms of noise and disturbance over. Instead, the development provides the opportunity to significantly improve residential amenity for existing and future residents and this weighs heavily in favour of approving the application.

## Affordable Housing

Policy 15 of the Core Strategy states that in rural areas, developments providing more than 4 dwellings or with a site area in excess of 0.13ha should provide 40% affordable housing with a tenure split of 75% social rented and 25% intermediate housing. This would require 4 dwellings for affordable housing.

However, given the somewhat isolated position of the development, as well as the limited provision of facilities and public transport local to the site, it is considered unlikely that there is any demand for affordable housing on site. Therefore, it is considered more appropriate to require a commuted sum in lieu of on site provision, in order to provide affordable housing in a more sustainable location. This is proposed to be secured under a Section 106 Agreement.

### Play and Open Space

As the site is in excess of 400 metres from a designated recreation ground, no contribution towards play and open space facilities would be required in this instance.

### Highway Safety

Saved Policies T5 and BE1 (criterion g) and NE5 (criterion iv) of the Local Plan seek to ensure a high standard of highway design and vehicle parking standards, as well as adequate highway visibility for road users.

Leicestershire County Council (Highways) initially recommended that the current application be refused, on the basis that the proposal would result in the unacceptable increase in pedestrian and vehicular usage of Sutton Lane. Under the previous application (ref. 14/00286/FUL), approval was only recommended by LCC (Highways) on the basis of the evidence provided within the Vehicle Movement Schedule, which demonstrated that, on balance, the usage of the road to serve the reclamation yard would generate a similar level of traffic for the erection of five dwellings on the site. The ceasing of the reclamation use in that location weighed in favour of approving the application in traffic generation terms.

Since the October Committee meeting, it has become clear that there are no controls over the use of the reclamation business. If the previous scheme were implemented, the traffic generated from the five residential units as well as the reclamation yard would generate additional traffic to the detriment of highway and pedestrian safety. The conflict between commercial vehicles and pedestrians would be a particular concern in highway safety terms.

As this proposal presents the opportunity to cease the reclamation yard, the proposed scheme would be a welcome alternative to the current permission granted for the site. The applicant has agreed to a footpath to be constructed to link the site across land in the same ownership towards the village of Cadeby. This would provide a safer route for pedestrians who otherwise would have to walk along the side of the unlit rural road (Sutton Lane). The provision of the footpath, as well as any associated lighting would be secured by planning condition. The footpath would be expected to be offered for adoption by Leicestershire County Council.

### Contamination

Due to the potentially contaminative past uses of the site, Environmental Health (Pollution) has recommended that prior to the commencement of any development, a scheme of investigation of potential land contamination on the site would need to be submitted to and approved by the Local Planning Authority, including details of how any contamination is to be addressed. This is proposed to be secured by condition.

### Drainage

Due to the size of the site, in accordance with advice contained within the NPPF, a Flood Risk Assessment is required. This is in the process of being prepared by the applicant. To allow the decision to be issued as quickly as possible, if Members are minded to agree with officers and grant planning permission, delegated powers would be sought to ensure that flooding issues are satisfactorily addressed before the permission is issued.

Notwithstanding the above, Severn Trent Water has recommended that prior to the commencement of any development, drainage plans for the disposal of surface water and foul sewage would need to be agreed. A condition securing this forms part of the recommendation.

## Other issues

In response to the comments received concerning the potential increase in the population of Cadeby and the detraction from a "small village community", the provision of eight additional dwellings is unlikely to materially alter the size or character of the village to the extent where a refusal on these grounds could be sustained.

Concern has been raised that the development would detract from Cadeby Conservation Area. Given the location of the site, the character of the conservation area would not be harmed.

In regard to the suggestion that the proposal would set a precedent for future development, all applications are considered on their own merits. A decision on this application has no bearing upon the decision that may be made in respect of any other site elsewhere.

In terms of comments received regarding the intentions of the applicant and the previous application for planning permission, these are not planning matters and therefore cannot be taken into consideration.

In regard to comments received about the lack of consultation with members of the public, the application process has ensured the consultation with members of the public, which is demonstrated by the level of response from the local community. These views have been fully taken into consideration as part of the assessment of the scheme.

In regard to comments received concerning the suitability of neighbouring settlements for the proposed development as opposed to Cadeby, this is not a planning consideration and therefore cannot be taken into account.

### Conclusion

The proposal for the erection of eight new dwellings is contrary to Local Plan policies DM4, NE5 and RES5, and paragraph 55 of the NPPF. However, the benefits of ceasing the use of the site as a reclamation yard provides significant amenity and highway safety benefits that weigh heavily in favour of approving this planning application. The scheme would greatly improve the appearance of the site and would provide a high quality form of development for future residents. On balance, subject to addressing potential flooding issues, planning conditions, and subject to the signing of a S106 agreement, the application is considered to be acceptable.

### **RECOMMENDATION:- Grant subject to conditions.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

- 1) The signing of a S106 agreement to secure:
  - a. a contribution for the provision of affordable housing (off-site) in lieu of provision within the development
  - b. an obligation to prevent implementation of planning permission (14/00286/FUL); and
- 2) Delegation to the Chief Planning and Development Officer to agree satisfactory provision for flood risk, including any associated revisions to planning conditions; and
- 3) Planning conditions (substantially in the form listed below).

In dealing with the application, through ongoing negotiation the local planning authority has

worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

**Conditions:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows: Drgs HMD/PD/0323/01, 0323/02, 0323/03, 0323/04, 0323/05, 0323/06, 0323/07, 0323/08, Site Location Plan (OS Promap), and the submitted Design and Access Statement, received by the Local Planning Authority on 10 April 2015.
- 3 Before first occupation of any dwelling, all equipment and materials in conjunction with the salvage and reclamation yard, as well as all operations on site in association with the business, shall cease.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external surfaces of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 Before any development commences, full fenestration details (including cross-sectional drawings) illustrating the materials, design and precise position of the window and doors (and frames) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.
- 6 Before first use of the site, details of any proposed external illumination within the development shall be submitted to and approved in writing. The scheme shall be implemented in accordance with those approved details.
- 7 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:
  - a) Means of enclosure (for the site and for individual plots)
  - b) Car parking layouts
  - c) Other vehicle and pedestrian access and circulation areas (including the central courtyard)
  - d) Hard surfacing materials
  - e) Minor artefacts and structures (e.g. the central courtyard feature, furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
  - f) Proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
  - g) Planting plans
  - h) Written specifications
  - i) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - j) Implementation programme
- 8 All changes in ground levels, hard landscaping, planting seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding seasons (October - March inclusive) following the commencement of the

development. 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.

- 9 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before development is first brought into use.
- 10 The development shall be in complete accordance with the conclusions and recommendations within the Ecology Survey Ref: WCL/ES/130920 dated 25 September 2013.
- 11 No development shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection points and space at the adopted highway boundary.
- 12 The dwellings hereby approved shall not be extended, altered, or subject to development within the individual residential curtilages, under 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 without the grant of planning permission for such extensions by the Local Planning Authority.
- 13 Before first use of the development hereby permitted, a visibility splay of 2.4 metres by 47 metres shall be provided at the junction of the access with Sutton Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be maintained in perpetuity.
- 14 Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound permeable material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 15 No development approved by this permission shall be commenced until a scheme for the investigation for 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.
- 16 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 for 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.
- 17 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleaning facilities, vehicle parking and turning facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

- 18 Should the demolition of buildings on site take place after the bat survey season in 2016, an updated ecology survey will be required, to national guidelines and by a bat surveyor with an appropriate up-to-date license from Natural England. This survey and any details of mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of buildings on site.
- 19 Notwithstanding the details submitted, prior to the commencement of development, a detailed scheme for a pedestrian footpath linking the site to the village of Cadeby, along Sutton Lane, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall provide details of the route, gradient, width, materials / design specification, drainage, lighting and maintenance of the footpath. The footpath shall be constructed and made available for public use prior to the first occupation of any of the dwellings on the site.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of the protection of the amenity of residents, and in the interests of visual amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 4 To ensure that the development has a satisfactory appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 5 To ensure that the development has a satisfactory appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 6 In the interests of amenity to reduce any impact of night time illumination on the character of the area, in accordance with Policy NE5 of the Hinckley and Bosworth Local Plan and Policy DM7 (criterion c) of the Site Allocations and Development Management Plan.
- 7 In the interests of visual amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 8 In the interests of visual amenity to accord with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 10 To ensure that satisfactory measures are in place to safeguard protected species in accordance with paragraph 109 of the NPPF.

- 11 In the interests of visual amenity in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 12 To ensure that the development does not have a detrimental impact on the character of the development in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the Site Allocations and Development Management Plan.
- 13 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 in accordance with Local Plan Policy T5.
- 14 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 15 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy NE2 of the Hinckley and Bosworth Local Plan.
- 16 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy NE2 of the Hinckley and Bosworth Local Plan.
- 17 In the interests of highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 18 To ensure that satisfactory measures are in place to safeguard protected species in accordance with paragraph 109 of the NPPF.
- 19 In the interests of highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:-** Sarinah Farooq Ext 5603