

Delegated Report

Planning Ref: 23/00954/CONDIT
Applicant: Wood Farm Holdings
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Wood Farm Stanton Lane Ellistown

Proposal: Variation of Condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939)

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

- 2.2. In this case, planning permission for application 21/00531/HYB was granted full planning permission through appeal in November 2021 for the following:

“Hybrid application seeking outline permission for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2) and associated infrastructure including the formation of a new access (all matters reserved except for access) and the demolition of existing farmstead, and full planning permission for the erection of two replacement farm managers’ dwellings and associated agriculture buildings and structures (revised scheme).”

- 2.3 Conditions 1 to 30 of the permission relate solely to the outline element (the employment development), and there are two conditions (numbers 16 and 25) for the outline permission which cover sustainability and BREEAM – these conditions state:

- #16: “Within three months of work starting on site, a BREEAM New Construction 2018 Design Stage certificate and summary score sheet must be submitted to and approved in writing by the Local Planning Authority to show that an ‘Excellent’ (minimum score 70%) rating will be achieved for the buildings hereby permitted.”
- #25: “Within six months of first occupation of any building, a BREEAM New Construction 2018 Post-Construction Review certificate for that building, and summary score sheet, must be submitted to and approved in writing by the Local Planning Authority to show that an ‘Excellent’ (minimum score 70%) rating has been achieved.” The reason given for the inclusion of these conditions is stated within paragraph 105 of the Inspectors report: “...the evidence of the appellant is that securing a BREEAM rating of ‘excellent’ for the buildings should be considered as a benefit. To that end, conditions 16 and 25 are necessary to secure that standard of development in order to ensure that the benefit that I have taken into account in the planning balance is realised.”

- 2.3. The two BREEAM conditions were included by the Inspector in order to secure “a BREEAM rating of ‘excellent’ for the buildings” as a benefit of the scheme – it

should be noted that the conditions were not recommended by the Council in the Committee Report for the application. The Applicant did however set out a commitment in the outline permission to deliver 'Excellent' for the buildings (see Planning Statement paragraph 6.86), and condition #25 will secure this being achieved.

- 2.4. Condition #16 would require a design stage submission, however, at this stage the Applicant would not have specialist designers involved in the scheme who can satisfy the condition. The Applicant also has concerns, based on experience, in relation to securing the relevant certificate from BRE within the appropriate timescales without unnecessarily delaying development on the site. Given that condition #25 will ensure the delivery of a BREEAM 'Excellent' rated development, and also given the Applicant's stated commitment to delivering 'Excellent', it is hoped by the applicant that the Council will have confidence this rating will be achieved and the benefit can be delivered without condition #16. For the above reasons, this application is submitted to remove condition #16.
- 2.5. In addition to a Covering Letter, the application is supported by the following documents:
- Application Form;
 - The Inspectors Report for the outline permission (known as 'Appeal B: APP/K2420/W/21/3279939')
 - The Committee Report for the outline permission

Description of the site and surrounding area

- 3.1. The application site is situated to the south west of West Lane (B585) and to the north of Stanton Lane. Situated to the East of Stanton Under Bardon, situated outside any defined settlement boundary. To the north of the application site is Cliffe Hill Quarry, with areas of woodland and agricultural land to the south. There is a group tree preservation order (Ref W4) which is situated to the north-west boundary of the application site. To the north-west is an established employment development with a solar farm to the south west. The application site is situated outside any settlement boundary and within the National and Charnwood Forest.
- 3.2. The main site is negotiated by a number of overhead power lines which originate from an electricity substation located beyond the east boundary, and supported by steel framed pylons. The existing farmstead is made up of two dwellings, known as Wood Farm and Bramblewood, and a number of agricultural buildings and structures, which are of brick and slate, developed over time following the growth and need of the farm. The application site comprises of a number of irregular agricultural fields separated by hedgerows and trees.
- 3.3. There are a number of public footpaths in proximity to the site. Grange Walk, R114 and R31 are situated along the north east and south of the site and footpath R9 goes across the farm site to the south east corner.
- 3.4. Levels across the application site vary, with a high point of the site positioned in the northern boundary of site, with an approximate level above Ordnance Datum (AOD) of 193 metres. The lowest point recorded is situated adjacent to a pond located in the south east corner which is at a recorded level of 161.5 metres AOD.

Relevant planning history

14/01220/FUL

- Extension of existing livestock building
Permitted 09.03.2015

19/00507/SCOPE

- Proposed employment development of land east of Stanton Lane (Wood Farm), Bardon Opinion Issued – Environmental Impact Assessment not required
29.05.2019

20/00407/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures
Refused 11.11.2020

21/00531/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)
- Allowed at Appeal

Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. No letters of representation have been received.

Consultation

- 6.1. There have been no objections from the following consultants:
- HBBC's Pollution Officer

Policy

- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
 - Policy 17: Rural Needs
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
 - Policy 24: Sustainable Design and Technology
- 7.2 Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Employment Land and Premises Study (2020)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2019)
 - Leicestershire Highways Design Guide

Appraisal

- 8.1. The principle of development has already been established through the earlier grant of the extant planning permission on the site. Issues to do with access have already been approved. This application involves the removal of Condition 16 of planning permission reference 21/00531/HYB & the key issues in respect of this application are therefore:
- Sustainable Construction
 - Conditions

Sustainable Construction

- 8.2 Paragraph 58 of the Inspectors decision notes that policy 24 of the Core Strategy requires that from 2016 onwards, schools, hospitals and offices should meet a BREEAM 'excellent' rating but that there is no reference to B8 or B2 use. Nonetheless the Inspector goes on to state that they 'see no reason, however, as to why the same standards should not apply.' The provision of a BREEAM excellent rating to the buildings was judged to be a benefit of the scheme, which whilst only attracting limited weight, was weighed in the planning balance of the scheme. For this reason the Inspector judged that both conditions 16 and 25 were necessary to secure the standard of development and that this benefit is realised.
- 8.3 Whilst condition 16 would provide greater certainty and information at an earlier stage, given that condition #25 will ensure the delivery of a BREEAM 'Excellent' rated development, and also given the Applicant's stated commitment to delivering 'Excellent', the Council have confidence this rating will need to be achieved and the benefit can be delivered without condition #16. Overall the proposed would achieve the same from a design & sustainability perspective and for the above reasons would not significantly impact the character of the area.
- 8.4 By virtue of these factors, the proposal respects the character of the existing dwelling and surrounding area. The proposal is therefore considered to be in accordance with Policy 24 of the Core Strategy, and the adopted Good Design Guide.

Conditions

- 8.5 Planning permission for the planning appeal was subject to 56 conditions. Since then there have been a few discharge & partial discharge of condition applications:

23/00917/DISCON hasn't been discharged yet & that's for C33- Materials, C34- Landscaping, C43- Biodiversity, C44- Archaeology

23/00516/DISCON- C46 Highways – discharged

23/00388/DISCON for C9- CEMP, C12- Surface Water Drainage Scheme, C13- Biodiversity Management Plan, C14- Tree Protection, C15- Solar Panel & Maintenance- all discharged

23/00338/DISCON

C37- Arboricultural Method Statement- discharged

C38- Levels- discharged

C39- Construction Env Management Statement- discharged

C41- Contamination- Partially discharged

C44 Archaeology- Partially discharged

C45 Odour- discharged

C48 Parking- discharged

C50 Drainage- discharged

23/00080/REM- Discharge of condition 5 – a phasing plan was submitted under the permitted RMA

- 8.6 The remaining conditions have yet to be discharged. These conditions as numbered on the appeal decision are Conditions 2, 3, 4, 6, 7, 8, 10, 11 (partial discharge), 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43, 44, 47, 49, 51, 52, 53, 54, 55, 56.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights,

specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Conclusion

The proposal remains acceptable in principle, would not result in any adverse impact to the character or appearance of the area, neighbouring amenity, highways, flooding/drainage & ecology. The proposal is therefore considered to accord with Policy DM1, DM4, DM10, DM17 and DM18 of the SADMP and Policy 6 of the Core Strategy.

Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

Conditions relation to that part of the development the subject of the outline permission (employment development):

Reserved matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development hereby permitted shall be carried out in accordance with the approved details.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

2. Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of permission APP/K2420/W/21/3279939 (22nd November 2021).

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

4. The reserved matters applications submitted pursuant to conditions 1 and 2 above shall accord with the development parameters plan (No 30865-PL-202W) and shall be in general accordance with the illustrative masterplan (No 30865-PL-208C) and the illustrative landscape strategy plan (No 6756-L-18A).

Reason: To ensure that the development of the site takes place in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with the design principles of the development to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. The development shall be carried out in accordance with the approved phasing plan, ref. 30865-PL-331, which was approved as part of permission ref. 23/00080/REM.

Reason: To ensure that the development of the site takes place in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with the design principles of the development and minimises disturbance and disruption in the locality to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

Plans

6. Unless required otherwise by any of the following conditions, development shall be carried out in accordance with the details shown on the following approved plans, but only insofar as they relate to access:

- Site Location Plan Dwg No 30865-PL-201D
- Primary and Secondary Access Arrangements ADC1984-DR-006 Rev P5

Reason: To ensure a satisfactory form of development and in the interests of general highway safety in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Levels/External Plant etc

7. Any reserved matters application relating to scale, layout and/or appearance shall be accompanied by full details of finished ground and floor levels (above ordnance datum) of the proposed buildings in relation to the existing ground levels. The details to be submitted shall be provided in the form of site plans showing sections across the site at regular intervals. Development shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship between the buildings, and the wider countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

8. Any reserved matters application relating to layout and/or appearance shall include details of any externally sited sprinklers, tanks, pump houses, bin storage areas, smoking shelters, electricity sub stations or other plant, equipment or structures. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM4 and DM10 of the Site Allocations and Development Management Plan Policies DPD.

Construction

9. The development shall be carried out in accordance with the approved Construction and Environmental Management Plan (rev 03), which was approved for condition 9 under permission ref. 23/00388/DISCON

Reason: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in

accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

10. Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Archaeology

11. The development shall be carried out in accordance with the programme of archaeological work partially discharged under 22/01120/DISCON. Unless otherwise approved under application 22/01120/DISCON, each stage of the development is to be completed in accordance with a written scheme of investigation (WSI) which shall previously have been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include an assessment of significance and research objectives, together with:

- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
- a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies.

Flooding and Drainage

12. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Statement (ref. 19-7688, Issue 8) and Outline Construction Surface Water Management Plan, which were approved under permission ref. 23/00388/DISCON

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Biodiversity

13. The development shall be carried out in accordance with the approved Biodiversity Management Plan (ref. 22-1379 V3 April23) and Landscape Management Maintenance report (ref. 2289-RP01C), which were approved for condition 13 under permission ref. 23/00388/DISCON

Reason: To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

Trees

14. The development shall be carried out in accordance with the approved Arboricultural Method Statement (ref. 22-0389 v1), which was approved for condition 14 under permission ref. 23/00388/DISCON.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2023).

Solar Panels

15. The development shall be carried out in accordance with the approved Solar PV Safe Access Statement (ref. 3006, rev B), which was approved for condition 15 under permission ref. 23/00388/DISCON

Reason: To help mitigate the effects of the development and adapt to climate change in accordance with Policy DM 10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 24 of the Core Strategy.

Contamination

16. The development hereby permitted shall be carried out in accordance with the recommendations set out in the GIP Ground Investigation Report dated 6 November 2019 (Ref DAP/28384). Any necessary remediation work so approved for any phase shall be completed in accordance with the approved details prior to first use of that part of the site for the intended purpose. If any contamination is found during the course of development on any phase that was not previously identified in the Report, development on the affected part of the site shall be suspended 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 in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. Following completion of measures identified in the approved remediation scheme pursuant to condition 16, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Highways/Parking/Travel Plan

18. No part of the development hereby permitted shall be occupied unless and until the primary and secondary access arrangements have been completed in accordance with the details shown on Dwg No ADC 1984-DR-006 Rev P5. The details to be submitted shall include arrangements to ensure that the Stanton Lane access is restricted to left turn in only and right turn out only.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with Policy DM17 and DM10 of the Site Allocations and Development Management DPD.

19. Within one month of any part of the development first being brought into use, all existing vehicular accesses on West Lane and Stanton Lane that become redundant as a result of the development hereby permitted shall have been closed permanently and reinstated in accordance with details that have previously been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 of the National Planning Policy Framework (2023).

20. No part of the development hereby permitted shall be brought into use until such a time as the pedestrian footways to the northeast and southwest of the proposed roundabout junction, linking the site to the existing footway provisions shown on Dwg No. ADC1984-DR-006 Rev P5 have been completed in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To mitigate the impact of the development in the interests of highway safety to accord with Policy DM17 and Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

21. No building in any phase shall be brought into use unless and until car and cycle parking for that building has been constructed, surfaced and marked out in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The car parking spaces to be provided shall include an agreed proportion of electric vehicle (EV) charging points. The car and cycle parking spaces provided, and the EV charging points, shall be retained thereafter for their intended purpose.

Reason: To mitigate the impact of the development in the interests of highway safety and in order to promote more sustainable travel choices to accord with Policy DM17 and Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

22. No unit within any phase of the development hereby permitted shall be occupied until a full Travel Plan in respect of that unit, setting out actions and measures with quantifiable outputs and outcome targets, together with a timescale for implementation and monitoring and review provisions, based on the measures set out in the Framework Travel Plan (ADC Infrastructure dated 18 March 2021 Ref: ADC1984-RP-J) has been submitted to and agreed in writing by the local planning authority. Thereafter, the approved Travel Plan for that unit shall be implemented as approved.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 and Paragraphs 114, 116 and 117 of the National Planning Policy Framework (2023).

Noise

23. No building in any phase shall be brought into use unless and until a noise assessment for any external plant for that building has been submitted to and approved in writing by the local planning authority. The noise assessment shall confirm the need for and extent of any noise mitigation measures necessary to ensure that noise levels do not exceed those referred to in the Vanguardia Noise Impact Assessment dated 13 April 2021 (Ref: VC-103426-EN-RP-0001). Any necessary measures shall be installed prior to the building being brought into use and shall be retained thereafter.

Reason: To ensure development does not have adverse impact on the amenities of surrounding properties to accord with Policy DM7 and DM10 of the Site Allocations and Development Management DPD.

Sustainability

24. Within six months of first occupation of any building, a BREEAM New Construction 2018 Post-Construction Review certificate for that building, and summary score sheet, must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To secure a BREEAM rate 'excellent' standard of development to accord with Policy DM10 of the Site Allocations and Development Management DPD and Policy 24 of the Core Strategy.

Lighting

25. No external lighting, including security lighting, shall be used at the site at any time other than in accordance with a lighting scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall include the following:
- i) a layout plan with beam orientation and a schedule of the proposed equipment, including luminaire type, mounting height, aiming angles and luminaire profiles, lux levels;
 - ii) measures to prevent light spilling on to areas outside the site and measures such as shrouding, to minimise disturbance through glare; and,
 - iii) measures to minimise disturbance to bats from lighting.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

Highways

26. Once constructed, the visibility splays provided pursuant to condition 19 above shall thereafter be permanently maintained, with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 of the National Planning Policy Framework (2023).

27. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no gates, barriers, bollards, chains or other such obstructions shall be erected on the access roads into the site within a distance of 60 metres of the highway boundary with West Lane and 20 metres of the highway boundary with Stanton Lane.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

Retained Trees/Hedgerows

28. No trees or hedgerows shown to be protected pursuant to condition 14, shall be removed without the prior written approval of the local planning authority. The application for approval shall include provision for a replacement tree/hedgerow in the same location, including details of size and species, a maintenance schedule and a timetable for implementation. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2023).

Odour Management

29. No part of the development hereby permitted shall be brought into use for any purpose falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order with or without modification) unless:
- i) an assessment of any associated odour impact on nearby dwellings and, if demonstrated to be necessary, a scheme of mitigation, has been submitted to and agreed in writing by the local planning authority; and, if applicable,
 - ii) any scheme of mitigation agreed under i) above has been implemented in full in accordance with the approved details and all measures integrated shall be operational as long as the development is operational.

Reason: To ensure development does not have an adverse impact on the amenities of surrounding properties terms odour to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Conditions relation to that part of the development the subject of the full permission (farm relocation):

Commencement of Development

30. The development hereby permitted shall begin 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 by the Planning and Compulsory Purchase Act 2004.

Plans

31. Unless required otherwise by any of the following conditions, the development shall be carried out in accordance with the details shown on the following approved plans:
- Site Location Plan Dwg No 30865-PL-201D
 - Farm Relocation Site - Site Layout (General Arrangement) Dwg No E19-29-018 RevA
 - Farm Relocation Site Highway Access Dwg No. E19-29-011
 - Bin Store Location Plan
 - Farm Buildings Cattle Shed 1 Dwg No. E19-29-071
 - Farm Buildings Cattle Shed 1 Floorplan Dwg No. E19-29-071.1
 - Farm Buildings Bullpen and Calving Units Building 2 Elevations and Floorplan Dwg No E19-29-073
 - Farm Buildings Cattle Shed Building 3 Elevations and Floorplan Dwg No E19-29-073
 - Farm Buildings Grain Store Building 4 Elevations and Floorplan Dwg No E19-29-074
 - Farm Buildings Farm Workshop Building 5 Elevations and Floorplan Dwg No. E19-29-075 Rev A
 - Proposed Planning Drawing Replacement House Number One Dwg No.19029/01
 - Proposed Planning Drawing Replacement House Number Two Dwg No.19029/11a
 - Farm Building Layout and Sections E19-29-014
 - Domestic Curtilage Plan No 6756-L-20

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Materials

32. The external materials for all buildings and structures shall be in accordance with the details approved under permission ref. 23/00917/DISCON.

Reason: In the interest of visual amenity and in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Landscape Works

33. The development shall be carried out in accordance with the approved:
Proposed Hard Landscaping Plan, Drg No. 11432-FPCR-XX-XX-DR-L-0002 Rev P04
Proposed Soft Landscaping Plan, Drg No. 11432-FPCR-XX-XX-DR-L-0001 Rev P04
Tree Transplant Schedule, Sheet 2 of 2, Drg No. 11432-FPCR-XX-XX-DR-L-0003Rev P04
Drainage Layout 012A (for C50) (Showing why trees re-located)
Utilities Map
Implementation Programme
Which were approved for condition 34 under permission ref. 23/00917/DISCON.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

34. The hard landscape works approved pursuant to condition 33, which include all hardsurfacing and boundary treatments, shall be carried out as approved in accordance with the approved timetable and shall be retained thereafter.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

35. All planting, seeding or turfing comprised in the approved details of landscaping to be submitted pursuant to condition 33, shall be carried out in accordance with the approved details and timetable. Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species in accordance with details that shall previously have been approved in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Trees

36. The development shall be carried out in accordance with the approved Arboricultural Method Statement (ref. M050623 22-1889 v3), which was approved for condition 37 under permission ref. 23/00338/DISCON

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2023).

Levels

37. The development shall be carried out in accordance with the approved Levels (rev. A) and Site Sections which were approved for condition 38 under permission ref. 23/00338/DISCON.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Construction

38. The development shall be carried out in accordance with the approved Construction Traffic / Site Traffic Management Plan (rev 1.1 July 2023) which was approved for condition 39 under permission ref. 23/00338/DISCON.

Reason: In order to minimise disruption during the construction process and in the interests of general highway safety to accord with Policy DM10, DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

39. Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Contamination

40. The development shall be carried out in accordance with the approved Contaminated Land Report which was approved for condition 41 under permission ref. 23/00338/DISCON. If any previously unidentified contamination is found during the course of development, development on the affected part of the site shall be suspended 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 is to be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

41. Following completion of measures identified in the approved remediation scheme pursuant to condition 40, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Biodiversity

42. The development shall be carried out in accordance with the approved Biodiversity Management Plan which was approved for condition 34 under permission ref. 23/00917/DISCON.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

Archaeology

43. The development shall be carried out in accordance with the approved Specification for Archaeological Evaluation which was approved for condition 44 under permission ref. 23/00338/DISCON, and the Archaeological Evaluation Report which was approved for condition 44 under permission 23/00917/DISCON.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies.

Odour Management

44. The development shall be carried out in accordance with the approved Odour Management Plan which was approved for condition 45 under permission ref. 23/00338/DISCON.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Highways/Parking

45. The development shall be carried out in accordance with the approved:

- Road Crossing Details
- Highway General Arrangement
- Road and Sewer Sections

Which were approved for condition 46 under permission ref. 23/00516/DISCON. As set out in the decision notice for permission ref. 23/00516/DISCON, the above detail is subject to the applicant/developer obtaining technical approval from the Local Highway Authority prior to implementing the above scheme.

Reason: In the interests of general highway safety to accord with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

46. No part of the farmstead hereby permitted shall be brought into use unless and until the parking and turning facilities have been completed and made available in accordance with Farm Relocation Site Highway Access drawing number E19-29-011. Those areas shall be retained thereafter for their intended purposes.

Reason: To ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally

and to enable that vehicles to enter and leave in a forward gear in the interests Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

47. The development shall be carried out in accordance with the approved Parking Plan House 1 & 2 which was approved for condition 48 under permission ref. 23/00338/DISCON

Reason: To ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally and to enable that vehicles to enter and leave in a forward gear in the interests Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2019).

Farm buildings and workshop

48. The dwellings hereby permitted shall not be occupied until the farm buildings and workshop shown on the approved plans have been completed and are ready for occupation for their intended purpose.

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.

Drainage and Flooding

49. The development shall be carried out in accordance with the approved:

- Pond Section (Amended Plan)
- Pond Plan (Amended)
- Drainage Layout 012A
- Drainage Areas Plan DAP
- Access Road & Sewer Sections 21.32.020
- SuDS Maintenance
- Private Drainage Details
- Drainage Calculations
- Purus Treatment & Rain Water Detail
- Sewer & Farm Sections

Which were approved for condition 50 under permission ref. 23/00338/DISCON

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Agricultural Occupancy

50. Occupation of the dwellings hereby permitted shall be limited to a person or persons solely or mainly working, or last working in the locality 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 any subsequent re-enactment thereof) or a widow or widower of such a person, or surviving civil partner 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.

Demolition of Existing Farmstead

51. Within six months of first occupation of any part of the development hereby permitted, the existing farmstead, including all associated dwellings and outbuildings, shall be demolished and the land cleared of any associated material.

Reason: To ensure that the development does not result in the development of unjustified buildings in the countryside to accord with Policies DM4, DM5 and DM10 Site Allocations and Development Management Policies DPD.

Lighting

52. Other than within residential garden areas as defined on Domestic Curtilages Plan No 6756-L-20, no external lighting (including security lighting) shall be installed at any time other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Removal of Permitted Development Rights

53. 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 or re-enacting that Order with or without modification) no enlargement, improvement or other alteration to the dwellings hereby permitted, of the description in these classes, shall be carried out on the site.

Reason: To ensure that the development has a satisfactory external appearance and to protect the intrinsic character of the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

54. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure shall be erected on the site.

Reason: To ensure that the development has a satisfactory external appearance and to protect the intrinsic character of the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Retained Trees/Hedgerows

55. No trees or hedgerows shown to be protected pursuant to condition 37, shall be removed without the prior written approval of the local planning authority. The application for approval shall include provision for a replacement tree/hedgerow in the same location, including details of size and species, a maintenance schedule and

a timetable for implementation. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance and to protect the intrinsic character of the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).