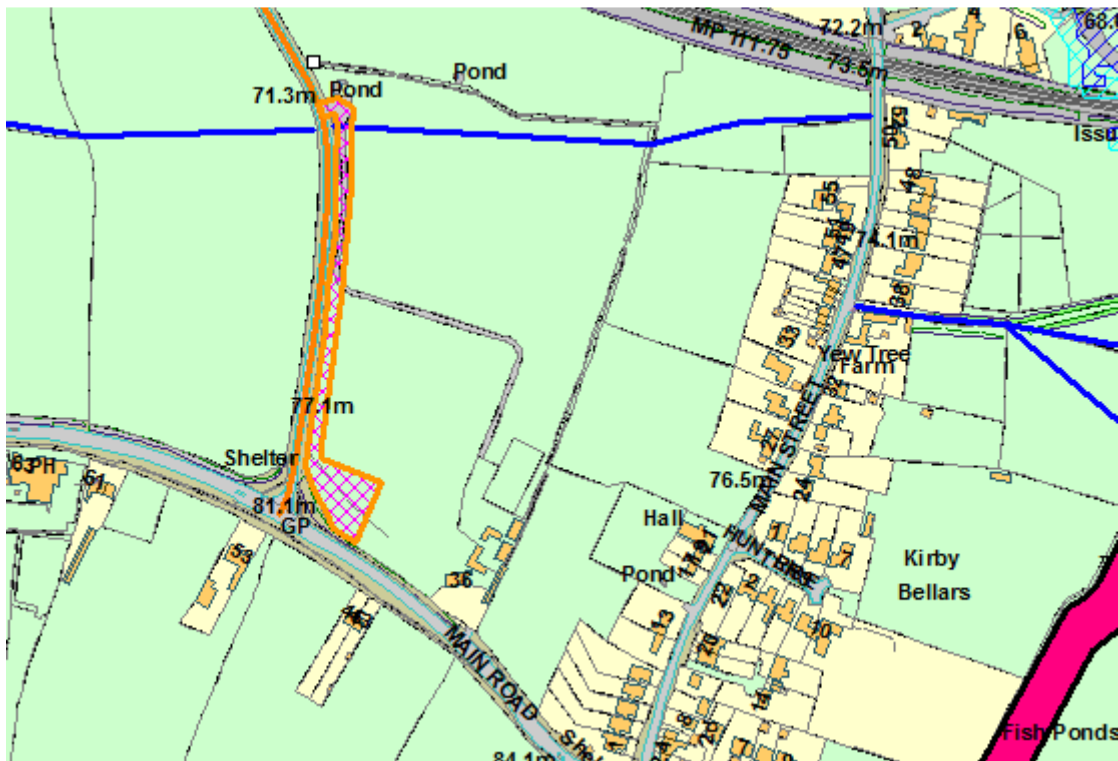


**Reference:** 17/001312/FUL  
**Date Submitted:** 13 October 2017  
**Applicant:** Mr R Ogleby  
**Location:** Land At Cottage Farm, 36 Main Road, Kirby Bellars  
**Proposal:** Demolition of agricultural buildings and the erection of 3 dwellings



**Introduction:-**

The application seeks permission to erect three dwellings on the site, located outside the village of Kirby Bellars but near to existing residential properties and a large public house on Main Road. The proposed dwellings would replace two existing agricultural buildings, which are currently the subject of an appeal to the Courts against an abatement notice with MBC's Environmental Health Department addressing odour nuisance arising from the rearing of pigs. It is also proposed that should permission be granted, there will be an accompanying S106 agreement which would restrict the accommodation of livestock at the site.

**It is considered that the main issue relating to the application is:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Functional need**

- **Other material considerations**

**The application is presented to the Committee as the recommendation proposes a departure from established planning policy.**

**Relevant History:-**

03/00202/GDOAGR - Proposed erection of a tractor/implement shed 12m x 6m – Permitted

03/00610/FUL - Proposed replacement dwelling – Permitted

05/00421/GDOAGR - Timber frame and clad barn – Permitted

05/00422/FUL - Stables and new service drive – Refused

05/00746/FUL - Erection of stables and new service drive and access off Station Lane Kirby Bellars – Permitted

06/00406/VAC - Variation of conditions 7 and 8 of Planning permission 03/00610/FUL to permit retention of old house for use as haybarn. – Refused (Appeal dismissed)

07/00325/GDOAGR - Agricultural building for storage – Refused

08/00774/FUL - Erection of stables – Permitted

09/00074/FUL - Erection of manege lights – Permitted

10/00358/COU - Change of use from equestrian to agricultural and erection of a hay and straw barn steel framed building. – Permitted

**14/00523/FUL - Erection of 2 Livestock sheds – Permitted**

**15/00119/NONMAT - Non-Material Amendment relating to Planning Approval 14/00523/FUL to move the footprint of the 2 livestock buildings to run in linear line to existing building – Permitted**

**17/00736/CL - Installation of chimney fans and stacks into existing agricultural buildings - Permitted**

There is currently an odour abatement notice at the site in relation to the pig farming operation, which has been ongoing since September 2016. The proposed development would replace the two sheds which were granted in 2014 and the history of which are highlighted in bold above.

**Development Plan Policies:-**

**Melton Local Plan (saved policies):**

**Policies OS2, BE1**

**Policy OS2** states that planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-

- Development essential to the operational requirements of agriculture and forestry;
- Limited small scale development for employment, recreation and tourism which is

not significantly detrimental to the appearance and rural character of the open countryside;

- Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- Change of use of rural buildings;
- Affordable housing in accordance with policy H8

**Policy BE1** states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
  - Specific policies in the Framework indicate development should be restricted.

**The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. .**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Deliver sufficient community and cultural facilities and services to meet local needs;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

**On Specific issues relevant to this application it advises:**

**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport

### **Delivering a Wide choice of High Quality Homes**

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand
- **Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.**

### **Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

### **Conserving and enhancing the Natural environment**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

**The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).**

### **Consultations:-**

<b>Consultation Reply</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<p><b>Leicestershire County Council Highways</b></p> <p>Access to the proposed development is off Station Lane, Kirby Bellars which is a Classified C road with a 60 mph speed limit. The Applicant has undertaken a speed survey which shows that the 85th percentile speeds are 41 mph northbound and 37 mph southbound.</p> <p>The Applicant has indicated visibility splays of 2.4 metres x 120 metres on both sides of the site access on the submitted plan These are in line with the guidance in the 6Cs Design Guide</p> <p>The Applicant has indicated there will be 6 parking spaces for the 3 x 3 bed dwellings which is line with the guidance contained in the 6Cs</p>	<p>Noted comments received from LCC Highways. Should permission be granted these could be included in the decision.</p>

<p>Design Guide. There are no details on the internal dimensions of the garages being provided however there is adequate space within the curtilage of each dwelling to provide the 2 parking spaces per dwelling. The proposed development is also far enough away from the highway to prevent vehicles parking off-site.</p> <p>On balance the demolition of the existing agricultural buildings and replacement with residential dwelling will remove the potential for larger vehicles to use the existing site access. However whilst the existing hedgerow may be important in planning terms the CHA would advise the Applicant that the existing vegetation within the Applicants control is cut back and maintained to provide car drivers with improved visibility splays. The Applicant will also need to ensure that surface water from the site does not drain into the public highway.</p> <p>Conditions</p> <p>1. Notwithstanding the submitted plans no part of the development hereby permitted shall be occupied until such time as the proposed access has been improved to include:</p> <p>a) Visibility splays of 2.4 metres x 120 metres on both sides of the site access</p> <p>b) Drainage within the site such that surface water shall not drain into the Public Highway. The vehicular access once provided shall be so maintained at all times.</p> <p>Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p>	
<p><b>Leicestershire County Council Ecology</b></p> <p>The majority of the application site is sited on existing hardstanding. We therefore have no comments on this. However, the proposed access road crosses existing grassland and we would request that the developer is required to minimise the working area as much as possible, to ensure the long-term protection of the grassland.</p>	<p>Noted.</p>
<p><b>Melton Borough Council Environmental Health</b></p> <p>The existing use of the sheds provides a 'bed and breakfast type' operation for batches of</p>	<p>Noted.</p> <p>A relevant condition can be included to require that a contamination assessment be carried out prior to the commencement of works and any</p>

<p>approximately 1000 pigs. There is an existing odour nuisance abatement notice (subject to a current appeal) and odours have been witnessed on many occasions since March 2016, following commencement of the current operation in late 2015.</p> <p>The proposed dwellings will be located in close proximity to this established farm. Cottage Farm and all associated outbuilding (excluding the two building to be demolished) would be located immediately to the west of the development. To the east there is a livery and grazing land to the north (both in the ownership of Cottage Farm), whilst arable land lies to the south and west (ownership unknown) separated by the A607 and Station Lane respectively.</p> <p>Due to the sites current and former land use, Environmental Health would consider the site at risk of contamination. Such contaminants would include: manure/slurry leachates, sheep dip, herbicides, detergents and made ground. However this application will extinguish the existing use (which has led to the service of an abatement notice) and as a result Environmental Health would support this application subject to the potential contamination issues being assessed and remediated as necessary.</p> <p>Advise that the use of the remaining buildings be restricted to limit the possibility of nuisance in future.</p>	<p>required remedial works carried out.</p> <p>It is also noted that it is suggested that the use of the remaining agricultural buildings be restricted so as to protect the amenity of the future residential occupiers. This would be covered by the S106.</p>
<p><b>Kirby Bellars Parish Council</b></p> <p>While the Parish Council would not normally support development in open countryside in a village that carries the unsustainable label, the PC is mindful of the feeling and distress that has been caused to residents in the village by the operation of the Pig Farm and is therefore keen to see a resolution to the odour problems.</p> <p>The Parish Council is concerned that there has been a failure to control the development on this site and that as a result home owners have been blighted with noxious odour and environmental issues for the past two years. It now appears that the village is being held to ransom and has little choice in the matter.</p> <p>If the Planning committee are minded to approve this application, then it is requested that the following conditions are imposed on the development of the site and applicant.</p>	<p>Noted.</p> <p>The sheds were granted permission as agricultural buildings and their use for pig rearing falls within that use, as indeed it could for any other agricultural building. It is not considered that there has been failure of control on this site as the use is legitimate.</p> <p>It is proposed that the development will completely replace the two buildings which are currently used for the pig farming operation. Should the applicant wish to re-erect the</p>

1. That the Pig farm is to desist on approval of this application to prevent continuing environmental nuisance to the neighbourhood.

2. That the Sheds are removed in and are not re-erected elsewhere on the owners property to cause another /continuing Environmental nuisance.

3. That the current sheds are not re purposed to hold chickens or cattle that can give rise to continuing environmental issues of Noise or Odour.

4. That the vehicle access route to service the development is the existing established route shown on the planning application to the lower part of Station lane and the other temporary access route is reduced to personnel access only as identified in the application and land access statement.

5. That development on the site is limited to the 3 dwellings being tied to the operation of the farmstead.

6. That the cul de sac section to the north face of the proposed development is removed to prevent progressive development of the site without the proper planning approvals being sought.

Other Points to note: Inaccuracies/mistakes between access statements and planning application form. The planning application shows that rainwater is to be handled by both soak aways and connection to the mains, - does this mean that a sewage pumping station is to be installed and thus the issues that Kirby have suffered with failed pumping stations into the mains will raise its head again with Severn Trent. or is it just a planning form inaccuracy?

The planning application states that the Sewage is to be handled by Mains Sewers and septic tank – does this mean that a sewage pumping station is to be installed and thus the issues that Kirby have suffered with failed pumping stations into the mains will raise its head again with Severn Trent. or is it just a planning form inaccuracy? Please ensure clarified and controlled.

Question: -

Is a new or altered pedestrian access proposed to or from the public highway? This states yes but

buildings elsewhere on the site for the accommodation of livestock, a planning application would be required allowing control to be applied. It is also proposed that the S106 restricts the operations of the shed to be retained in order to protect the amenity of the future occupants of the proposed dwellings.

LCC Highways are satisfied with the proposed access to the development.

The proposed development is for 3 dwellings. However it would not be possible for MBC to prevent the applicant from submitting further applications in the future, which would be assessed on their own merits.

The agent has clarified that Foul sewage will be disposed of by septic tank and surface water by soakaway.

The application proposes to use the exiting site access onto Station Lane.

the access statement says that no new vehicle access routes are going to be created.	
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**Representations:**

The application was advertised by way of a site notice at the application and 34 properties were consulted by letter. As a result of the consultation, 5 letters of support and 2 letters of objection have been received.

**Support**

<b>Representation</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<ul style="list-style-type: none"> <li>• Want a S106 that pigs/cows/chickens and other odourous animals are not kept on the site and linked to this application.</li> <li>• Would resolve the major environmental issue of the pig odour which has blighted the village over the past 2 years.</li> <li>• Want a condition that the sheds are demolished immediately.</li> <li>• Want measures in placed to prevent development like this within 1 mile of Kirby Bellars.</li> <li>• 3 dwellings is the best use of the land.</li> <li>• No planning permission should be considered in connection with the sheds or use which may result in odour or noise nuisance due to the proximity of residential properties.</li> <li>• Want firm commitment that the 3 dwellings will replace the sheds.</li> </ul>	<p>Noted all comments in support. It is proposed that there will be a S106 agreement entered by the applicant that will remove the sheds entirely and prevent the keeping of animals in the sheds on site.</p> <p>It would not be possible to prevent an application being submitted for the erection of agricultural buildings. However each application would be assessed on its own merits and the impact on residential occupiers would be taken into consideration.</p>

**Objections**

<b>Representation</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<ul style="list-style-type: none"> <li>• Long term ambition by the applicant to build on the land for profit (always planned to build sheds and create a nuisance).</li> <li>• Sheds had been granted with no respect for residential amenity.</li> <li>• Toxic odour issue from sheds should be addressed.</li> <li>• Shed issue should be resolved and exhausted before new development is considered.</li> </ul>	<p>There is no evidence that this application is the outcome of a longer term strategy</p> <p>It is considered that if the development for the three dwellings is granted planning permission, this would resolve the odour issue.</p> <p>As demonstrated by the property history above, attempts have been made to resolve the odour issue (such as the Abatement Notice served and the approval of the Certificate of Lawfulness for the extraction chimneys).</p>
<ul style="list-style-type: none"> <li>• Unsustainability has prevented development in the village before – no</li> </ul>	<p>The site is located in a location with limited sustainability ‘credentials and as cited opposite,</p>



<p>shop, school, regular bus service and no public house – this issue has not changed</p> <ul style="list-style-type: none"> <li>• .Development is in the countryside.</li> <li>• Proposal is not for modest housing – dwellings are not of a design that are affordable (should be 2 bed).</li> <li>• No consideration to being environmental friendly.</li> <li>• Potential for further future development.</li> <li>• Question the need for more development – nearby Jelsons site which provides starter homes and the proposed housing is not necessary in Kirby Bellars.</li> </ul>	<p>other developments in and around Kirby Bellars have been refused for this reason. This is considered to be a factor that weighs against the granting of permission and needs to be balanced against any benefits accruing form the proposal. This balancing exercise is addressed in the ‘Conclusion’ section of this report below.</p> <p>The proposed development would provide three x three bedroomed detached properties. Three bedroom dwellings have been identified as a type of dwelling as required for housing need in the Borough when collating evidence for the emerging local plan.</p> <p>The application cannot take into account speculation about future applications, which would be considered on their own merits at the time.</p> <p>The need for new housing is well established and was reconfirmed by the Borough Council’s Housing Needs Study which was published in August 2016 and the latest evidence HEDNA (January 2017) and ‘Towards a Housing Requirement’ (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+.</p>
<ul style="list-style-type: none"> <li>• Access is questionable – Station Lane is a feeder road to the A607.</li> <li>• Traffic survey was carried out during off peak times – is a busy road during peak hours where there have been several accidents.</li> <li>• Conflict on plan relating to access.</li> <li>• No pedestrian access on Station Lane.</li> <li>• Proposed access road is excessive – potential for more dwellings.</li> <li>• Why does the development warrant a cul-de-sac – potential for future development?</li> </ul>	<p>LCC Highways have raised no objection to the proposed development subject to the inclusion of conditions. They are satisfied with the information (and traffic survey) as submitted for the application. The quantity of development from the proposal would be small owing to its scale (3 houses) and it would displace traffic, including HGV’s, which are currently accessing the site to serve the sheds which will be replaced.</p> <p>A cul-de-sac road would provide turning space for delivery, refuse and emergency vehicles. It would not be practical for the road to be developed through to Main Street or Main Road.</p>
<ul style="list-style-type: none"> <li>• Will the removal of the sheds be re-instated within the curtilage – should not be built elsewhere in Kirby Bellars and should not be re-used.</li> <li>• Has a wildlife survey been carried out – nearby pond.</li> <li>• Future development should be restricted on site for next 20 years.</li> <li>• Should be an agricultural animal restriction on the site.</li> <li>• Clarity required on drainage and sewage</li> </ul>	<p>As mentioned previously, the submission of an application cannot be prevented, however any future applications would be assessed on their own merits.</p> <p>LCC Ecology have been consulted on the application and raise no objection.</p> <p>The development would remove the sheds from the site altogether and eliminate their use for housing animals</p> <p>See comments above (relating to Parish Council</p>

<p>– septic tank or public sewer – currently have issues in the area.</p>	<p>observations). A septic tank solution is proposed.</p>
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**Other Material Considerations Not Raised In Consultations:**

<p><b>Consideration</b></p>	<p><b>Assessment of Head of Planning and Regulatory Services</b></p>
<p><b>Housing type, size and mix</b></p> <p>Para 50 of the NPPF requires that planning decisions plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community</p> <p>- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.</p> <p>The Housing Needs Study (Aug 2016) is considered to provide the most up to date information regarding local needs. This has been commissioned to help with the development of the (new) Melton Local Plan and focuses on housing provision over the 2011-2036 period. Through the Borough overall, it indicates that there is a greater need for two and three bed properties.</p>	<p>The proposed development would provide three x three bedroomed properties. This would be in accordance with the housing needs as identified for the Borough and Ward.</p>
<p><b>Design</b></p> <p>The proposed dwellings would each be two storey in height and detached. It is proposed that each dwelling would have a height to eaves of 5.06m and a ridge height of 8.255m. It is proposed that the development would be constructed out of brick and slate roof tiles.</p> <p>It is proposed that access to the dwellings will be achieved from an existing access point and track off Station Lane.</p> <p>Due to the location of the proposed development, it is not considered that the proposed dwellings would have a detrimental impact on the amenity of existing residential neighbouring occupiers.</p>	<p>Details of the proposed material details have not been specified and will be conditioned to be approved prior to the commencement of works.</p>
<p><b>The (new) Melton Local Plan – Submitted version</b></p> <p>The Local Plan has recently been submitted to the Planning Inspectorate for examination and consideration.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging</p>	<p><b>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</b></p> <p>The proposal comprises a single self build dwelling in a sustainable location and as such is considered to comply with the applicable policies.</p>

<p>plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The submitted version of the Local Plan identifies Kirby Bellars as a ‘Rural Settlement’, in respect of which, under Policy SS3, Rural Settlements will accommodate a proportion of the Borough’s housing need, to support their role in the Borough through planning positively for new homes as ‘windfall’ sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet needs and enhance the sustainability of the settlement in accordance with Policy SS3.</p> <p>Open Countryside: Outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.</p>	<p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> <li>• Examination for its ‘soundness’ under the NPPF</li> <li>• Examination results to be published and any ‘modifications’ to be the subject of consultation</li> <li>• Further examination to take place into Modifications</li> <li>• Final Inspectors Report and recommendations</li> <li>• Adoption by MBC</li> </ul> <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is not strictly in accordance with the emerging local plan in terms of its location of housing proposed (see applicable policy opposite).</p> <p>The proposal is located in a Rural Settlement which does not perform well in terms of services provided and location to nearby services.</p>
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**Conclusion:**

It is considered that the application presents a balance of considerations and the Committee is invited to reconcile these in reaching its conclusion.

The development site is outside the village envelope for Kirby Bellars and is considered to be limited in terms of sustainability.

However, the site can be adequately accessed and would not have an adverse impact on the countryside owing to the buildings they would replace, the low lying nature of the site and the extent of effective screening afforded by hedges. Whilst the site is not within the village, it should be noted

that there are other nearby residential properties and as such the proposed dwellings would not be “isolated” countryside dwellings. As such the harm arising from the development is low and mitigated further by these factors.

Balanced against this, it is considered that there is substantial benefit arising from the fact that the development would remove the existing environmental issues. There are also benefits in terms of the delivery of housing of a type for which there is an identified need in the Borough, and the removal of HGV traffic currently serving the agricultural buildings.

Given the ongoing odour issue with the existing use and the abatement notice, it is considered that there are exceptional circumstances to grant planning permission which would be contrary to the Development Plan and prevailing policies.

In conclusion it is considered that, on the balance of the issues, there are **very significant benefits** accruing from the proposal in terms of the odour issue and when assessed under the guidance in the NPPF in terms of housing supply and housing needs in particular. The balancing issues are considered to be of **limited harm**.

**Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.**

**Recommendation: PERMIT, subject to:-**

**(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**

- (i) Immediate cessation of the use of the buildings for the rearing of pigs following the grant of permission (unless quashed by means of judicial review)
- (ii) Prevention of the use of other buildings for the housing of livestock unless agreed in advance by MBC

**(b) The following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. The proposed development shall be carried out strictly in accordance with plan drawing numbers: EX03, GA01 and GA02, received by the Local Planning Authority on 13<sup>th</sup> October 2017.
4. 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 the development is first brought into use.
5. Notwithstanding the submitted plans no part of the development hereby permitted shall be occupied until such time as the proposed access has been improved to include:

a) Visibility splays of 2.4 metres x 120 metres on both sides of the site access

b) Drainage within the site such that surface water shall not drain into the Public Highway.

The vehicular access once provided shall be so maintained at all times. These visibility splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number EX03. Thereafter the onsite parking provision shall be so maintained in perpetuity.

7. Prior to the commencement of development, a survey shall be carried out to identify any potential contaminants. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with '*Model Procedures for the Management of Land Contamination, CLR 11*'. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Officer: Mrs J Lunn

Date: 30<sup>th</sup> November 2017