

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2017/1623/F	CASE OFFICER	Natalie Levett
LOCATION:	TITTLESHALL Land at Field Barn Dairy Litcham Road, Tittleshall	APPNTYPE:	Full
APPLICANT:	George Thompson Farm Limited Estate Office Holbeach Hurn	POLICY:	Out Settlement Bndry
AGENT:	Chartered Planning Consultancy Fairholme 38 Overstrand Road	ALLOCATION:	N
PROPOSAL:	Erection of one dwelling for occupation by essential agricultural worker		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application has been referred to committee as the site lies outside any defined settlement boundary and is recommended for approval.

KEY ISSUES

Principle of development
Essential and functional need
Impact upon character and appearance of area
Impact upon amenity
Impact upon highway safety
Other considerations

DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for the erection of an agricultural workers dwelling on at Field Barn Dairy, Litcham Road and in connection with High House Farm adjacent to the application site.

SITE AND LOCATION

The site is located within Field Barn Dairy, Litcham Road, which forms part of High House Farm. The business, George Thompson (Farms) Limited, is a family business that was incorporated in 1948. The business comprises a substantial farming business spread over two sites, one being at Tittleshall (Field Barn Dairy) while the other is located at Holbeach Hurn Lincolnshire. The dairy unit at Tittleshall forms an integral part of the wider business at High House Farm.

EIA REQUIRED

Not required.

RELEVANT SITE HISTORY

- 3PL/2017/0363/F: Erection of agricultural workers dwelling & garage - refused
- 3PL/2016/0925/F: Erection of agricultural workers dwelling and garage - refused

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable.

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to the following conditions;

- Mitigation measures need to be carried out as outlined in section 7 of the PEA report (Wild Frontier Ecology; October 2017).
- Enhancement measures need to be carried out as outlined in section 8 of the PEA report (Wild Frontier Ecology; October 2017).

CONTAMINATED LAND OFFICER

No objections subject to the following conditions;

- Site investigation/Remediation
- Unexpected contamination
- Asbestos
- Extensions informative note.

ENVIRONMENTAL HEALTH OFFICERS

No objection, providing the occupation of the property remains tied to the adjacent farm.

TITLESHALL P.C.

No Comments Received

REPRESENTATIONS

A Site Notice was displayed on 19th January 2018, advertised in the EDP and five neighbouring properties to the site were consulted on this application.

No letters of response have been received.

ASSESSMENT NOTES

1.0 Principle and functional need for an agricultural workers dwelling

1.1 The key issue of consideration is whether there is an essential need for an agricultural workers dwelling in the open countryside. The National Planning Policy Framework, (The Framework), advises, at paragraph 55, that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It indicates that 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. Policy CP14 (Sustainable Rural Communities) of the Core Strategy adopted 2009 is also relevant which states in respect to housing that in villages not identified for a specific level of growth in the settlement hierarchy, residential development will only be permitted where it is a dwelling required in association with existing rural enterprises where it complies with the requirements of national guidance in relation to new dwelling houses in the countryside.

1.2 The application is for the provision of a new detached dwelling in association with an agricultural livestock business run by the applicants on land owned by the applicants. High House Farm is an 800 acre mixed farming business with combinable crops and sugar beet grown, alongside a dairy unit.

1.3 Whether a dwelling is essential depends on the particular needs of the enterprise rather than the personal circumstances of any individuals.

1.4 The applicant has invested heavily in the dairy business and over the past five years has erected additional livestock housing, has installed new cubicles for 100 cows, a new silage clamp and has installed a new milking parlour comprising a 48:24 facility. As demonstrated with the supporting document to this application, George Thompson (Farms) Limited are committed to the dairy industry in Norfolk, having previously decided to increase the size of the herd, employing high quality staff, and continuing to implement a programme of investment.

1.5 High House Farm has a pair of semi-detached cottages. The current herdsman occupies one of the cottages and one of the farm workers lives in the other. Need has been identified to house a herd manager who is currently housed on the farm in unsatisfactory, temporary accommodation. This application would therefore enable the key worker to be permanently located on the farm where he is currently employed as an essential worker.

1.6 An agricultural appraisal report prepared by Strutt and Parker (September 2017) addresses the matters of financial and functional viability in support of the proposal. As mentioned previously, the site currently accommodates the herd manager in a semi-detached property adjacent to the dairy facility. Two herdsmen are currently housed on the site in the same semi-detached property which is a temporary measure and has only arisen due to the expansion of the dairy herd and the requirement to house all employees and specifically a herd manager. It is stated that it is necessary to house them in a house suitable for their role on the holding to the existing dairy facility at Field Barn Dairy. The applicant currently employs three dedicated members of staff to help manage and run the dairy unit, with an additional individual providing relief milking services three days a week to cover full time employees days off. The current accommodation housing the workers is cramped and being used as a temporary solution following the expansion of the dairy unit to ensure its survival for the future. Therefore it is proposed that the herdsmen would occupy the semi-detached properties individually, whilst the herd manager would occupy the proposed dwelling.

1.7 The Planning Statement supporting this application states that the calibre of worker to be accommodated in the new dwelling will not be retained in the current position unless they are adequately and appropriately housed and the current temporary shared arrangements for the workforce overall are not acceptable or sustainable.

1.8 The SMD calculation submitted within this application illustrates that the dairy enterprise at Field Barn Dairy requires 3.26 full time employees to operate in accordance with guidelines. In addition, this demonstrates that the applicant and farming business has a functional need for the herd manager and two herdsmen to be housed on the holding in suitable accommodation. The applicant has stated that living away from the farm is not an option as the level of around the clock supervision and care is required, especially during calving season, to ensure animal welfare is not compromised.

1.9 Further to this, it has been demonstrated that High House Farm is a profitable unit and it is considered that the holding is financially viable.

1.10 Therefore it has been demonstrated that no other dwelling is available to accommodate the key worker and the business itself is viable and meets all necessary criteria. The proposed dwelling would be located within 20 metres of the closest livestock building which would ensure the herd manager is housed adjacent to the dairy unit.

2.0 Design, character and visual impact

2.1 In terms of the size, scale and external appearance of the proposed dwelling, it would be a two storey four bedroom property. The proposed dwelling is traditional in terms of its appearance, with a pitch roof and small projecting gable end to the front elevation. The proposed dwelling will use a palette of traditional materials within its construction. Therefore it is considered that the proposal would not be intrusive or detrimental to the visual quality of the site or surrounding area. As such, the scheme would accord with Policies CP11 and DC16 of the Breckland Core Strategy.

2.2 The proposal seeks to retain the existing established trees to the north of the site and the mature vegetation to the front of the site which adjoins the highway, Litcham Road, and provides natural screening to

the proposal site. Further to this it is proposed to plant screen hedging comprising native hedge species, as shown on the submitted plans, which will ensure the proposal sits appropriately and is well-integrated within the established character of the area. As such, it is considered reasonable and necessary to condition retention of the existing trees to the north of the site, and the development to be in accordance with the proposed landscaping planting as shown on the submitted plan.

3.0 Impact upon residential amenity

3.1 In terms of impact on amenity, the siting of the dwelling would not have any adverse impact on neighbouring properties amenity in terms of loss of light, privacy, overlooking or by being overbearing, having regard to Policy DC01 and would be reasonably well screened by an existing belt of trees so as not to be significantly visible within the landscape having regard to policy CP11.

3.2 The site lies within a grouping of existing agricultural and residential dwellings and is considered to form an extension to that grouping, without creating any problems of neighbourliness or overlooking. The proposal will be viewed within the context of the existing agricultural holding, but will also see the removal of redundant caravans from the site.

4.0 Highway safety

4.1 The proposal seeks to be accessed from the existing metalled access driveway which lies immediately to the north and west. This existing access currently serves access for the farmyard and buildings.

4.2 As illustrated on the submitted drawings, parking and turning of vehicles would be accommodated within the application site. The proposal also includes the provision of a double garage, which measures 5.861 x 6.161 metres internally, and therefore is considered to be in accordance with adopted standards.

4.3 The application has been assessed by the Highway Authority who raise no objection on the grounds of highway safety, subject to a condition restricting the proposed dwelling to be tied to the agricultural farm adjacent to the application site. It is considered that the proposal can provide adequate access for the proposed dwelling.

5.0 Other considerations

5.1 The Contaminated Land Officer has reviewed the information provided in the pre-determination questionnaire. It is not entirely clear what the existing buildings on site were used for, other than it being for agricultural use. Given the past use of the site, it is possible that some contaminants would be present and therefore it is recommended the imposition of conditions relating to the submission of a desk study/site investigation, unexpected contamination, and an informative relating to extensions to alleviate environmental concerns.

5.2 The Ecological and Biodiversity Consultant has reviewed the submitted Preliminary Ecological Appraisal (PEA) (Wild Frontier Ecology; October 2017). There is suitable habitat available on site for nesting birds and foraging/ commuting bats. No trees or hedgerows would be required to be removed to facilitate this development. However, tree protection measures need to be implemented in order to protect the trees/ hedging and birds which may be nesting in the features during the nesting season as outlined in paragraph 5.7 and 7.2 of the PEA report (Wild Frontier Ecology; October 2017). It is recommended all mitigation measures are carried out during the development as outlined in section 7 of the PEA report (Wild Frontier Ecology; October 2017), and therefore is dealt with by way of a planning condition. In addition, it is also considered to be reasonable and necessary that some enhancement for ecology is conditioned, in line with

the NPPF (Para 118) and as outlined in section 8 of the PEA report (Wild Frontier Ecology; October 2017).

5.3 The previous two refused applications were on two different sites to the current application. The previous applications were for the Share Farm Manager to live on site but the proposal was not justified. The current application seeks the dwelling for the Livestock Manager.

6.0 Conclusion

6.1 In terms of the overall planning balance of the application it is considered that the application has adequately demonstrated that there is an essential need for a fulltime worker to be present on the site at all times of day on a permanent basis, which requires a permanent dwelling. As such, the scheme gives regard to Policy CP14 of the Breckland Core Strategy and paragraph 55 of the NPPF and is therefore recommended for conditional approval.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3140 Prior approval of slab level**
- Prior to the commencement of the development precise details of the slab levels of the dwellings/building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such levels as may be agreed shall be used in connection with the development.
- Reason for condition:-
The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- This condition will require to be discharged**
- 3949 Contaminated Land - Site Investigation/Remediation**
- Prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority :
- A. Site Investigation
A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. 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, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- B. Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the

natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, 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.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP9 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009).

This condition will require to be discharged

3106

External materials and samples to be approved

Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

3802

Precise details of surface water disposal

Prior to the commencement of any works above slab level precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged

3410

Hardlandscaping - details and completion

Prior to the occupation of the development hereby permitted details of the hard landscaping

shall be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be completed in all respects before the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC01 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

3946

Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

3007

Full Permission Time Limit (3 years)

The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason for Condition:

As required by section 91 of the Town and Country Planning Act 1990.

3047A

In accordance with submitted plans NEW 2017

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

3935

In accordance with PEA

The development must be carried out in strict accordance with the mitigation measures as outlined in section 7 of the PEA report (Wild Frontier Ecology; October 2017).

Reason for condition:-

To ensure the satisfactory protection of ecology on the site in accordance with Policy CP10 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the NPPF.

3940

In accordance with PEA

The development must be carried out in strict accordance with the enhancement measures as outlined in section 8 of the PEA report (Wild Frontier Ecology; October 2017).

Reason for condition:-

To ensure the satisfactory protection of ecology on the site in accordance with Policy CP10 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the NPPF.

3414 Fencing protection for existing trees

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development in order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

HA24 Provision of parking and servicing - when shown on plan

Prior to the first occupation of the development hereby permitted the proposed access and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy CP13 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the NPPF.

3920 Removal of Static Caravans

Prior to the first occupation of the dwelling hereby permitted, the two existing static caravans shall be permanently removed from the site.

Reason for condition:-

To ensure that there is no further habitable accommodation in addition to the dwelling hereby approved and in the interests of visual amenity in accordance with Policy DC1 and DC2 of the adopted Breckland Core Strategy Development Control Policies Development Plan Document (2009).

3413 Indicated landscaping to be implemented

The landscaping shown on the plan accompanying the application shall be carried out during the first planting season October/March immediately following the commencement of works on site. Any trees or plants which within a period of 5 (five) years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

In the interests of the satisfactory appearance of the development.

3500 Agricultural Workers dwelling

The occupation of the dwelling shall be limited to a person solely or mainly employed or last

employed in the locality in agriculture as defined in Section 336 of the Town & Country Planning Act 1990, or in forestry, or a dependant of such person residing with him or her, or a widow or widower of such a person, and to any resident dependants.

Reason for condition:-

The Local Planning Authority's policy for this rural area is to resist the erection of dwellings which are not essential to the needs of local agriculture.

3302 No P.D. for extensions, roof alterations, porches

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no extensions, roof alterations or porches as defined within Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reasons for condition:-

a) To ensure the orderly development of the site.

b) In the interests of the satisfactory appearance of the development.

This condition is imposed in accordance with Policy DC1 of the Breckland Adopted Core Strategy.

ALL Decision Notices Conditions to be discharged prior to work

Conditions 5, 6 and 7 are required to be discharged prior to any works on site being undertaken.

3921 Contaminated Land Informative 1

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

3737 Contaminated Land

Where remediation of contaminated land is required, the developer is advised to put in place measures to ensure that any future alterations/extensions to the development do not undermine completed remediation works and, if appropriate, that the future alterations/extension include the same scheme of remediation as that included in the original development.

3539 Note Re Asbestos

Asbestos containing material may be present within the site. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land.

The applicant that failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.

3737 European Protected Species

Occasionally European protected species, such as great crested newts or bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of a suitability qualified ecological consultant.

3923 Contaminated Land - Informative (Extensions)

Where remediation of contaminated land is required, the developer is advised to put in place measures to ensure that any future alterations/extensions to the development do not undermine completed remediation works and, if appropriate, that the future alterations/extensions include the same scheme of remediation as that included in the original development.

3996 Note - Discharge of Conditions

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.

4000 Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

2001 Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal in as timely a manner as possible, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

2014 Criterion E - Planning Apps Where Approved

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of

service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.