

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2017/1281/F	<b>CASE OFFICER</b> Donna Smith
<b>LOCATION:</b>	DEREHAM Grange Farm Etling Green, Dereham	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> Grade II <b>TPO:</b> N
<b>APPLICANT:</b>	Ms Cathy Dixon c/o Agent	
<b>AGENT:</b>	Icon Consulting Hethel Engineering Centre Chapman Way	
<b>PROPOSAL:</b>	Residential development comprising demolition of existing barns and erection of two dwellings with annexe to plot 2 (converted outbuilding), conversion of timber framed barn to dwelling and retention and refurbishment of listed farmhouse and convert outbuildings to form annexe to farmhouse	

#### **REASON FOR COMMITTEE CONSIDERATION**

The application has been called in by a Local Councillor. The site is also located outside the defined settlement boundary for Dereham, which conflicts with policies DC2 and CP14 of the adopted Core Strategy and Development Management Development Plan Document (2009).

#### **KEY ISSUES**

Presumption of favour of sustainable development  
Character and appearance  
Ecology  
Heritage Assets  
Accessibility and highway safety  
Conclusions

#### **DESCRIPTION OF DEVELOPMENT**

The applicant seeks full planning permission for the demolition of existing outbuildings, the erection of 2No. four bedroom single storey dwellings, conversion and refurbishment of an existing barn and refurbishment of the Grade II Listed farm house. The proposal also includes minor refurbishment/alterations to the "Gig House", "The Dairy" and "The Stables." The total floor space for the proposed dwellings is 529sqm on a site area of 0.68ha.

A similar application for this site was recently refused under Ref: 3PL/2016/0770/F which proposed the erection of three dwellings, conversion of barn to dwelling, and retention and refurbishment of Listed Farm House.

**SITE AND LOCATION**

The site is located outside the defined settlement boundary for Dereham close to the countryside settlement of Etling Green which is located to the north east of the proposed site. The site comprises of a Grade II Listed Farmhouse and other associated agricultural buildings, and sits within prodominantly rural surroundings to the western edge of Etling Green, with Dereham Cemetery located to the west. A linear form of residential dwellings sits north of the site, with the B1147 located to the south.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2016/0770/F - Residential development comprising demolition of existing barns and erection of three dwellings, conversion of barn to dwelling and retention and refurbishment of Listed Farm House - Refused - 25-05-17.

**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.04	Infrastructure
CP.06	Green Infrastructure
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.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
DC.20	Conversion of buildings in the countryside
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**DEREHAM T C**

Object on the basis the site is outside the settlement boundary and not in keeping with the surrounding area.

**HISTORIC BUILDINGS CONSULTANT**

No objection.

**HISTORIC ENVIRONMENT SERVICE**

If planning permission is granted, we therefore request that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 141.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

If you are minded to approve the application, we would recommend that you condition. A copy of the EPS licence for great crested newts is presented to the local planning authority before works commence on site; 2 of 2 A copy of the EPS licence for bats is presented to the local planning authority before works commence on the existing buildings; That vegetation clearance works are subject to a timing constraint. Model conditions from BS42020:2013 Biodiversity - Code of practice for planning and development are included below these comments.

**TREE AND COUNTRYSIDE CONSULTANT**

Removal of internal trees will have low landscape impact. Additional planting compensate for the loss. Considered the amendments to the access to have no impact on the root protection area of the trees acceptable.

**RAMBLERS ASSOCIATION: NORFOLK AREA**

Object to the application. We note that the Design and Access Statement speaks (1.1.0) describes Dereham RB32 (Shillings Lane), which runs to the north of the site, as a rural lane , yet the application proposes to place a housing development adjacent to it, justifying this (2.0.0) on the alleged grounds that development to the east of Dereham have, in reality, brought the sub-urban edge of the town to the application site boundary . It also acknowledges that The site lies outside the current settlement boundary of Dereham. There is currently a clear separation between housing development in the town and the self contained settlement that is Etling Green. From the perspective of walkers and other users of RB32, it is important that this distinction remains. We note that one of the plans indicates a 10.0m informal no development zone between the development site and RB32, though it is not clear just what this means, and we consider that a 10m no development zone is no guarantee that the ambience of the route will be unaffected. We therefore oppose the application.

**PUBLIC RIGHTS OF WAY OFFICER**

The public right of way officer was satisfied that the development would not remove any hedges along Shillings Lane. They removed their holding objection on this basis.

**CONTAMINATED LAND OFFICER**

I recommend approval providing the development proceeds in line with the application details and subject to the following conditions to alleviate environmental concern

**MR. JOHN HALE**

I write as chair of Etling Green Residents' Association. I have once again been approached by residents of Etling Green in order to express our joint concerns about the proposed development at Grange Farm. The objections remain very much the same as they have been for the two previous applications which were rejected. The primary concern is that, however modified from previous applications, this is still the creation of significant new dwellings east of the cemetery and outside the current development area. Etling Green is a County Wildlife Site and all three levels of local government have recognised the hamlet with it's registered common as an important rural environment the nature of which should be protected. In breaching the current boundary for development ( the green space of the cemetery forming a natural end stop ) a dangerous precedent may be created for further development around and beyond Etling Green. The residents' recognise that this modified plan is an improvement on the previous proposals with a smaller impact on the environment. It preserves the existing free movement of wildlife to the south of the buildings. The proposed gap between the new build on Plots 1 and 2 and Shillings Lane to the north is welcome, but likely to be degraded and blocked by the development of the barn which lies close to Shillings Lane. Access to the site is now proposed to be via the unadopted track, the west entrance to the north green. Parking spaces proposed are increased from 4 to 16 anticipating a definite increase in traffic onto and off Etling Green itself. The refurbishment of the farmhouse is. of course, perfectly acceptable, but we fail to see a demonstrable need for the addition of two new very large dwellings, still close to Shillings Lane and outside the current development line. The very real concern is that approval leads to a domino effect of further development, both on the Grange Farm site, and beyond, and the inevitable degradation of the rural nature of this valuable environment until it becomes a small oasis in a spreading suburb. This will do nothing to protect the common itself or the plans for the green corridor to encircle Dereham, so important to the quality of life of all residents and visitors as well as to bio-diversity.

**REPRESENTATIONS**

Eight letters of objection were received for the below reasons:

- Sets precedent for further development
- Increase in traffic
- Changes in levels of biodiversity
- Development is not welcome outside the settlement boundary
- Encroachment of development into the wildlife buffer.

**ASSESSMENT NOTES**

1.0 Previously refused application Ref: 3PL/2016/0770/F

1.1 The applicant has produced an amended scheme following refusal by members at committee on 8th May 2017 of application Ref:3PL/2016/0770/F. The applicant has engaged in detailed discussions with officers following this refusal, and it was agreed on the basis of these detailed discussions a new application could be submitted to overcome the previous reasons for refusal.

These reasons were as follows:

*1.2 The proposed development would introduce new residential development outside a settlement boundary, resulting in the intrusion of built development into the countryside to the detriment of the natural environment and green infrastructure. As a result the proposed development is contrary to policies SS1, CP6, CP10 and CP14 of the adopted Breckland Core Strategy and Development Control Policies DPD. Whilst the proposed development would secure the long term preservation and enhancement of listed buildings as required by the Listed Building and Conservation Areas Act (1990), the benefits to nationally important heritage assets would not outweigh the harm caused. The proposals would not form sustainable development and the proposals would be contrary to the policies contained within the National Planning Policy Framework, (NPPF), in particular paragraphs 12, 14, 17 of the NPPF.*

*1.3 The proposed development by way of its form and materials would not be sympathetic with the site and surrounding area and as a result would cause harm to the character and appearance surrounding area. The proposals would therefore be contrary to the policy DC16 of the adopted Breckland Core Strategy and Development Control Policies DPD and the policies contained within the National Planning Policy Framework, (NPPF), in particular paragraphs 17 and 64 of the NPPF.*

2.0 Material changes to the scheme since the previous refusal.

2.1 Since the previous refusal, the applicant has reduced the number of proposed new dwellings from 3No. to 2No. and both of the new dwellings would be single-storey only and have been designed in the form of converted agricultural out-buildings to be more in keeping within the wider character of Etling Green.

2.2 The applicant has considered the context of the site and provided greater separation distances between the built forms which by virtue would improve habitat retention and limit the disturbance to wildlife both within the Meadow to the south and within the site.

2.3 The new dwellings have been relocated away from Shillings Lane, aided by additional boundary landscaping and the strengthening of notation relating to the retention of existing landscaping.

2.4 In terms of vehicular access, the applicant has removed the proposed driveway across the meadow and is proposing to use the existing Grange Farm access. This avoids any further impact on the meadow area.

3.0 Principle of sustainable development

3.1 The application site is located approximately 260m from edge of the defined settlement boundary for Dereham. The proposal as a consequence conflicts with policies SS1, CP14 and DC2 of the adopted Core Strategy and Development Control Policies Development Plan Document (2009).

3.2 Paragraph 49 of the NPPF states housing applications should be considered with the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

3.3 The presumption in favour of sustainable development is set out within paragraphs 7, 8 and 14 of the National Planning Policy Framework (NPPF), which details that there are three dimensions to sustainable development, economic, social and environmental. These dimensions cannot be undertaken in isolation, as they are mutually dependant.

3.4 The proposal conflicts with policy DC2 and CP14 as housing will only be permitted within the defined

settlement boundaries as defined by the policy maps (2012). Policy CP14 identifies that in villages not identified for a specific level of growth in the settlement hierarchy, residential development will only be permitted if there are suitable sites available inside the limits of a defined settlement boundary, involves the re-use of a rural building or is the replacement of an existing dwelling. However, it is prudent to note that policy CP14 does allow for the appropriate re use of existing rural buildings, for which the criteria is set out within policy DC20.

3.6 As a consequence of the above, the application shall be reviewed in accordance with development plan policy and the principle of sustainable development identified within paragraphs 7 and 14 of the NPPF.

3.7 Dereham has been identified as a market town under policy SS1 and projected to experience significant housing growth to enhance its position as the administration centre of Mid Norfolk.

3.8 The proposal would generate economic benefits by providing short term construction employment to local people, and provide more footfall to local shops and services within Dereham town centre. Whilst the proposal is only for two residential units and the conversion of the existing barn on site, the ample contribution of housing in this area would provide a modest contribution to the overall housing land supply within the district. The proposal is also within close proximity to the service centre of Dereham and is within cycling distance of the local schools and Town Centre which is aided by the new cycleway which exists adjacent to the new cemetery access close to the site.

3.9 From an environmental perspective, the site is prodominantly flat and bound by mature trees and vegetation to its perimeter. The site is separated from the B1147 to the south via an existing meadow which is also within the applicants ownership. The applicant has removed the access across the Meadow which was proposed under the previously refused scheme.

3.10 The proposal is considered to provide economic, social and environmental benefits and by virtue is considered to adhere to the three dimensions of sustainable development set out in paragraphs 7 and 14 of the NPPF.

#### 4.0 Impact on character and appearance

##### 4.1 The Farm House

4.2 Grange Farm House is a Grade II Listed Building with a number of agricultural out-buildings, the majority of which are curtilage listed. The applicant has proposed to remove the 1960s extension to the farm house, and replace this with a single-storey extension in a contemporary style of which would be a sufficient size and subservient to the scale and mass of the existing farm house. The refurbishment will also include repair to the building which was caused by the introduction of the 1960s element.

4.3 Policy CP14 does allow for the sustainable re-use of appropriately located and constructed buildings in the countryside for which the criteria is set out in policy DC20. In accordance with the parameters of policy DC20, the impact of the development on the character and appearance of the landscape and the quality of design is acceptable. The barn is considered to be in a sustainable location, there is suitable access and the building is capable of conversion.

4.4 It is considered that the refurbishment and extension to the barn, outbuildings and removal of the 1960's element to the Grade II Listed Farmhouse would enhance the significance of the heritage assets within the curtilage of the site. The design and layout of the two new single storey dwellings on site would appear subservient and contribute to the long term preservation and enhancement of listed buildings as required by

the Listed Building and Conservation Areas Act (1990). The two new residential dwellings by virtue of their reduced design and more in keeping appearance would, in relation to the Listed Building and its curtilage Listed elements, retain and enhance the historical features and quality of the buildings in accordance with the parameters of policy DC20 of the Adopted Local Plan (2009).

4.5 The proposals for the farmhouse and buildings within its curtilage are considered acceptable in principle subject to consideration against other policy requirements.

4.6 The retention and reuse of the barn in association with the removal of the 1960's extension to the Grade II Listed Farm House is considered to preserve and enhance the character and appearance of the farm house and buildings within its curtilage in accordance with the National Planning Policy Framework and paragraph 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

4.7 Barn conversion

4.8 The previous proposal for the barn conversion was considered acceptable by officers. The existing barn benefits from a brick plinth, profiled sheet and timber board cladding. The applicant proposes to retain the existing footprint and height of the building, alongside the retention of the historic "buttress." The materials chosen for the external facades of the barn include structural timber cladding, glazed panels and a zinc standing-seam roof. A new cart style garage is proposed to sit adjacent to the barn, which is not considered out of character when viewed within its rural surroundings.

4.9 The "Gig House"

4.10 The 'Gig House' is a single-storey domestic-scaled out-building close to the western side of the farm house. It is brick-built with a hipped roof and is currently in use as a general store.

4.11 The applicant has proposed to apply timber cladding to the elevations of the "Gig House" and a small extension of 36 sqm. The proposal also includes the recladding of the existing "Dairy" building on site in timber clad.

4.12 The "Dairy"

4.13 The 'Dairy' is a single-storey domestic out-building. The door and window openings require new components and the roof requires a refurbishment which the applicant has proposed to restore it to a functioning use as garages for the proposed residential units.

4.14 The proposal is considered to adhere to the parameters of policies CP6, CP10 and CP14 of the adopted Breckland Core Strategy and Development (2009).

4.15 Proposed Dwellings

4.16 The three dwellings proposed under the previously refused scheme were two storeys in height and of a design which was not considered sympathetic when viewed within the context of the existing site and surrounding area. As a result, these were considered to cause harm to the character and appearance surrounding area. The proposal was also considered to be an intrusion of built development into the countryside to the detriment of the natural environment and green infrastructure.

4.17 The applicant has reduced the scheme to 2No. dwellings which would be single storey in height

alongside the conversion of the existing barn. The dwellings would be of a "bungalow" style in nature, and would be viewed and seen as subservient to the existing Grade II Listed Farmhouse.

4.18 The applicant has proposed to utilise similar materials to that proposed to the existing barn, including structural timber cladding and pantiles to mimic the style of the converted barn. The dwellings have also been set back further from the northern and eastern boundary of the site, away from Shillings Lane.

4.19 It is considered the applicant has taken appropriate steps to overcome the previous reasons for refusal. The dwellings have been redesigned and reduced in scale to a design which would be similar to that of agricultural outbuildings which considered appropriate within this rural location.

4.20 The redesign is considered sympathetic to the site and wider context by virtue of its reduced scale and sensitive and as a result, it is not considered to cause harm to the character and appearance of the surrounding area. The proposal would therefore adhere to the parameters of policy DC16 of the adopted Breckland Core Strategy and Development Control Policies DPD and the policies contained within the National Planning Policy Framework, (NPPF), in particular paragraphs 17 and 64..

4.21 By virtue of the reduced scale of the dwellings, alongside their redesign and the elimination of the proposed access across the meadow to the south of the site, the visual impact of the proposal is considered to be much reduced when viewed from the B147 to the south and Shillings Lane. As a consequence, the proposal is not considered to be an intrusion of built development into the open countryside and would not be viewed as a prominent feature within the landscape.

## 5.0 Impact on ecology

5.1 The ecology officer confirmed that the application was supported by an ecology report (Protected Species Survey; Wild Frontier Ecology; June 2016). The report provided a robust assessment. No objections are raised subject to conditions relation to the protection of great crested newts and bats.

## 7.0 Impact on trees

7.1 The proposed removal of internal trees has been considered by the tree officer who considers this will have low landscape impact. Additional planting will be conditioned to any grant of consent to compensate for the loss. The applicant rearranged the access point to be outside the root protection area of the trees which the tree officer considered acceptable.

## 5.0 Accessibility and highway safety

5.1 The highways officer considered the proposal and had no objections subject to appropriate conditions in respect of access arrangements and parking and turning areas being completed prior to occupation of the development.

## 8.0 Conclusions

8.1 The proposal has presented a materially different scheme to that which was refused under application 3PL/2016/0770/F in both scale, mass and design. The reduction in dwellings from three to two alongside the change in palette of materials with better separation distances between dwellings is considered acceptable and more in keeping with the surrounding rural locality.

8.2 Alongside a robust landscaping scheme and additional planting the proposed site would be well screened from the B1147 to the south. The proposal has also relocated further away from Shillings Lane which is welcomed and acknowledged.

8.3 A planning balancing exercise has taken place. The retention and reuse of the barn in association with the removal of the 1960's extension to the Grade II Listed Farm House is considered to preserve and enhance the character and appearance of the farm house and buildings within its curtilage in accordance with the National Planning Policy Framework and paragraph 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

8.4 The site is considered to be in a sustainable location, just outside the defined settlement boundary of Dereham. The proposal would provide economic and social benefits alongside the renovation of a Grade II Listed Building and associated out buildings, preserving its heritage.

8.5 The proposal is considered acceptable and recommended for approval on this basis.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 3104 External materials to be approved**
- Prior to the commencement of any works above slab level precise details of the colour of the external materials shall be submitted to and approved in writing by the Local Planning Authority. 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**
- 3804 Precise details of foul water disposal**
- Prior to the commencement of any works above slab level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.  
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**

**3385**

**Archaeological condition**

No demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording which has been submitted by the applicant and approved in writing by the local planning authority. In this instance the programme of historic building recording will comprise a photographic survey of the farm buildings.

and also;

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to ensure the potential archaeological interest of the site is investigated and protected from the outset of the development, in accordance with Policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**3408**

**Landscaping - details and implementation**

Prior to the occupation of the development hereby permitted a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local

Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 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**

**3006 Full Permission Time Limit (2 years)**

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

Reason for condition:-

As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.

**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.

**HA10 Existing access - widened or improved**

Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded widened to a minimum width of 4.8 metres for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

**HA24 Provision of parking and servicing - when shown on plan**

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

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

**3250 Ecology NE Licence**

Works to the buildings shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.

Reason for condition:

to ensure any harm against any protected species is mitigated in accordance with policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**3260 Nesting birds condition**

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. Cut vegetation is to be either removed from site or chipped. Piles of brash are not to be stored on site as this provides potential nesting habitat for birds. If piles of brash are left on site during the main breeding bird season these will need to be inspected for active nests prior to removal.

Reason for condition:

to ensure any harm against any nesting birds is mitigated in accordance with policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**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.co.uk](http://www.planningportal.co.uk)

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.

### **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 application.

### **3737 Inf 2**

The landowner will remain responsible for repairing any damage to the public right of way caused during construction and for undertaking routine maintenance when required. Additionally, the public right of way must remain available for use by the public throughout the course of works and once the development is complete. If it is envisaged that public access will be affected by works a temporary closure order should be applied for. For further information regarding matters pertaining to Public Rights of Way please contact the Public Rights of Way Team on 0344 800 8020.

### **3737 Inf Shillings Lane**

Shillings Lane Restricted Byway 32 is a historic lane with defined hedge/tree boundaries. These must be respected, not encroached into and remain in situ at all times both during the construction of the proposal and on completion of development.

