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# Appeal Decisions

Hearing held on 21-22 November 2012

Site visit made on 22 November 2012

**by Elizabeth Hill BSc(Hons), BPhil, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 December 2012**

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## **Appeal A Ref: APP/P1045/A/12/2175075**

### **Land at Porter Lane, Rise End, Middleton, Derbys, DE4 4LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Aggregate Industries against the decision of Derbyshire Dales District Council.
  - The application Ref 11/00698/OUT, dated 31 August 2011, was refused by notice dated 12 December 2011.
  - The development proposed is the demolition of the existing industrial buildings and the construction of 50 residential dwellings and 10,000 sqft of employment floorspace with all matters reserved except siting, layout and access.
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## **Appeal B Ref: APP/P1045/A/12/2182907**

### **Land at Porter Lane, Rise End, Middleton, Derbys, DE4 4LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Aggregate Industries against Derbyshire Dales District Council.
  - The application Ref 12/000261/OUT, is dated 24 April 2012.
  - The development proposed in the application is the demolition of the existing industrial buildings and the construction of 5,343 sqm (57,501sqft) of residential development with all matters reserved except layout and scale.
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## **Decisions**

1. **Appeal A Ref: APP/P1045/A/12/2175075:** The appeal is dismissed.
2. **Appeal B Ref: APP/P1045/A/12/2182907:** The appeal is allowed and planning permission is granted for the demolition of the existing industrial buildings and the construction of 5,343 sqm (57,501sqft) of residential development (47 dwellings) with all matters reserved except layout and means of access on land at Porter Lane, Rise End, Middleton, Derbys, DE4 4LS in accordance with the terms of the application, Ref 12/000261/OUT, dated 24 April 2012, subject to the conditions in the Schedule below.

## **Preliminary matters**

3. The first application is in outline form with only access and layout to be determined at this stage. The second application was submitted in outline form with only layout and scale to be determined at this stage. However, this was subsequently amended, following discussions with the Council, by an e-mail from the agent, dated 17 May 2012, to *the demolition of the existing industrial*

*buildings and the construction of 5,343 sqm (57,501sqft) of residential development (47 dwellings) with all matters reserved except layout and means of access. Although the boxes for layout and scale were ticked as reserved matters in the second application, I consider that the appellants have clarified the matter through the e-mail. I have determined this appeal on the basis of the revised reserved matters. All other drawings in respect of scale, appearance and landscaping for both appeals have been regarded as illustrative.*

4. The Council have said that had they been in a position to determine the second application, they would have refused it for the following reason:

"The proposed development will result in the loss of an existing employment site. Without an overriding need to develop the site for housing and as the proposal fails to adequately meet the need for affordable housing and to fund community infrastructure the loss of this employment site is unjustified and its redevelopment in the manner proposed would conflict with Policies EDT4, H11 and CS8 of the adopted Derbyshire Dales Local Plan" (2005) (LP).

5. At the Hearing an application for costs was made by the appellants against the Council on both appeals. These applications are the subject of separate Decisions.

### **Main Issues**

6. The main issues are:

- 1) The effect of the proposal on the character and appearance of the area, which lies within Middleton-by-Wirksworth Conservation Area (Appeal A only);
- 2) Whether the proposed development would be in accordance with policies H11 and CS8 of the LP, in terms of affordable housing and other infrastructure provision (both appeals); and,
- 3) The effect of the loss of employment land, having regard to any overriding need for the site for housing development (Appeal B only).

### **Reasons**

#### *Character and appearance*

7. The proposed development in Appeal A would be a mixed use scheme of employment units and housing. The site is within an area known as Rise End, which is a hamlet of dwellings and other premises centred around a cross-roads at one end of Middleton. The village is covered by a Conservation Area, which has an appraisal, breaking the village down into various areas including Rise End. Any redevelopment of the site would need to ensure that it respected the character of Rise End and the wider Conservation Area. Paragraph 131 of the National Planning Policy Framework (the Framework) requires decision-makers to take account of the desirability of new development making a positive contribution to local character and distinctiveness.
8. The village has developed over time to have a mixture of ages and designs of dwellings and other buildings, some of which only one plot deep to the main roads and other areas where there is development in depth. In the area around Rise End development is broken up by open areas, for example, the

field beyond the site to the north. Although the proposal would maintain the steeply banked open space close to the main street, there would be little open space within or elsewhere around the development on the site. The lack of open space within the site to break down areas of development would fail to address the existing form of the settlement.

9. The current development on the site of a large building, large areas of hardstanding and other structures is unattractive and unused and noted in the appraisal as a negative factor in the Conservation Area. Nevertheless, the site is generally well screened by planting and bunding and can only be seen from limited areas of the main street and Porter Lane. The layout of the residential part of the proposal would provide an active frontage to Porter Lane which would be an advantage of the scheme. However, one of the proposed employment units would present a gable to the road, with the other block being well set back. As such, these buildings would not provide an active well-defined frontage to Porter Lane and would fail to contribute to the streetscene of the village.
10. The boundaries facing approximately north and east would have development including roads and buildings close to them. In some cases, this would require the loss or removal of trees/mature vegetation, although some would survive where their root area was beyond the existing bunds which would be removed. The gable to one of the industrial buildings would be exposed to the open countryside beyond with no space for planting and garage buildings and driveways would provide a hard edge to the northern and eastern boundaries, which adjoin open farmland, with only limited space for planting.
11. The open space which is provided on the western boundary is a steeply-sloping area of land, which offers little opportunity for recreation. Nevertheless it gives a softer edge to this side of the site and to some extent balances the former open area opposite the site in front of the Rising Sun public house, much of which has been lost. It would be likely that some of the trees in this area would be removed which currently screen the unused site in views from the main street, although some of these are non-native species.
12. The Conservation Area has grown up over a period of time, resulting in a mix of ages, sizes and designs of dwelling, with some ad hoc clustering of development. The layout in Appeal A is regular and rectilinear, dictated in part by having to make space for the employment area and the physical constraints of the site, which leads to it being almost set out in four quadrants. This is at odds with the evolved patterns of development in the rest of the Conservation Area, which has resulted in more informal relationships between the buildings, their orientations and the spaces between them.
13. Therefore I conclude that the proposed development would fail to sustain the significance of the Conservation Area, which is a heritage asset, giving rise to significant harm, as set out in paragraphs 131 and 133 of the Framework. There would be benefits as a result of the development, including new employment units and housing supply which paragraph 47 of the Framework seeks to boost significantly. However, this would not outweigh the harm to the character and appearance of the area, which lies in Middleton-by-Wirksworth Conservation Area. It would also be contrary to policies SF1 and NBE21 of the LP which similarly seek to preserve and enhance settlements covered by Conservation Areas and the built and natural environment of the area, policy SF5 of the LP in failing to preserve local distinctiveness and sense of place and

policy H1 of the LP in failing to respect the character, appearance and setting of the settlement. In addition, it would be contrary to policies H9, NBE6 and NBE8 which relate to the integration of development with the character and appearance of the surrounding area and landscape of the surrounding countryside, in terms of the treatment of boundaries and loss of trees.

#### *Affordable housing/infrastructure*

14. Policy H11 of the LP states that the Council will seek to negotiate affordable housing provision in developments, with 33% of housing to be affordable in settlements such as Middleton. Similarly, policy CS8 states that the Council will seek to negotiate contributions towards the provision of community infrastructure when a need is generated by a proposal. In this case, a contribution towards education is required by the County Council. Affordable housing need has already been satisfied locally by a recent development in the village and therefore a contribution to off-site provision is required by the Council. This matter is a main issue for both appeals.
15. The appellants have disputed the viability of each of the schemes with the necessary contributions in place. Over time and with negotiation, there has been some measure of agreement on some of the aspects of the respective viability studies. The work undertaken by the Council's consultants Lambert Smith Hampton (LSH) and the appellants' consultants, Jones Lang Lasalle (JLL) differ in the assumptions made in their studies. By the time of the hearing there were 4 main areas of disagreement left, as set out in the Statement of Common Ground.
16. The first concerns the developer's profit. The original rate was 17.5% of gross development value, as recommended in LSH's review of the Development Appraisal Toolkit used by the Council. Nevertheless, a review of the toolkit by LSH acknowledged that in current market conditions banks require higher profit levels, given the increased risk. This has been confirmed by other house builders. Therefore the appellants' proposed level of developer profit of 20% would not be excessive in the current climate.
17. The second matter concerns the rate of sale of the proposed dwellings. As a result of negotiation, LSH has reduced their rate of dwellings sold per month from 2.7 to 2 and JLL, for the appellants, increased their sale rate from 1 to 1.5 units per month. However, JLL say that this is at the higher end of expected sales. A site called The Morledge, which is the nearest comparable site but is in Matlock and therefore might be expected to have higher sales rates, is only expecting 1 sale per month. Whilst LSH have said that there has been little development around Middleton and there might be greater demand for the housing, the market is depressed more generally in the area and there seems little compelling evidence to confirm this view, which is at odds with current sales levels at the most comparable site at The Morledge.
18. A survey of local residential sales values was undertaken by local estate agents Scargill Mann. The average price per sq ft range from £184.55 (Scargill Mann) to LSH at £192.53, with JLL at £189.13. The latter two are relatively close. However, the appellants say that there is a need to take on board the relatively untested market for new development in Middleton. The local agent's figures add a note of caution to the studies and, in my view, give weight to the mid-range suggested by JLL.

19. Finally, the appellants dispute the benchmark for viability and planning gain, including the need for contingencies for abnormal costs, for example, with ground conditions. An existing use value of £750,000 for the site was agreed between the main parties in June 2010, based on the value at that time for the purposes of marketing. It was agreed at the hearing that the value of the site is limited by poor road communications, better competitor sites and poor ground conditions. The site has been associated with lead mining and there are several shafts and other workings on it. Therefore contingency costs associated with its remediation are likely to be high.
20. An uplift of 20-30% to reflect residential use would bring the threshold for development viability to between about £900,000 and £975,000 in terms of JLL's figures, with residual land values of £717,000 (JLL) or £989,000 (LSH) for the development in Appeal A, subject to the areas of disagreement set out above. For the development in Appeal B these figures would increase to £850,000 (JLL) and £1,030,000 (LSH). LSH subsequently reviewed the site value, without any hope value as set out in the RICS document: Guidance Note on financial viability in planning, from the £750,000 previously agreed with the appellants to £465,000. The County Council, who commented later on in the process, took the view that the site has an even lower value, based on a different comparison site. However, this latter value is inconsistent with both LSH and JLL's figures.
21. A number of case studies to support the existing use values were put forward at the hearing by both main parties to support their views. Ekogen and LSH suggest a benchmark of £500,000 per acre for residential development, subject to local developer consultation in the Council's toolkit. This would give a higher threshold for the site of over £2m, over double the some of the other figures, to assess viability. In addition, there is the need for an amount to be added to the development costs as well as a contingency to allow for matters such as unforeseen adverse ground conditions. Whilst the Council's advisors say that such matters should have been included in site value, such costs would not arise for an open storage use, which would be one of the possible uses under the existing permission, and this could be argued to affect the existing use value. In any event, many of the issues around the valuation of the site, the assumptions that underpin it and the threshold for viability are necessarily subjective. I consider that the appellants approach to the valuation of the site is reasonable and they have shown that they are willing to accept a lower value than achieved for sites with other similar residential developments in putting forward their offer on contributions.
22. In terms of the first application, the appellants' calculations show that, due to the cross-subsidising of the employment units, there would be insufficient funds to provide any contribution to affordable housing or infrastructure. No offer was made by the appellants by the time of the decision. The Council's view, as expressed in the meeting of 10 May 2011, was that the employment units at that time were seen as more important than a contribution towards affordable housing. However, there would still be the requirement to provide for the educational needs generated by the housing element of the proposal. The planning obligation submitted by the appellants would meet this requirement.
23. In terms of the second application, the appellants' calculations take into account LSH's assumptions on residual land value and show that there would

be a surplus of about £55,000 as a contribution to affordable housing and education. The appellants made two offers of contributions towards affordable housing and infrastructure during the course of this application on a without prejudice basis, both higher than this amount, based on revisions to the viability assessment, in order to expedite matters. Neither of these offers was accepted by the Council. The contribution in the submitted planning obligation would meet the education contribution or partly meet the affordable housing contribution without compromising viability. In addition, there would be some public open space offered, although that area is steeply banked and would be difficult to develop.

### The planning obligation

24. The appellants have submitted a unilateral undertaking in respect of both applications as part of the appeals with a contribution which would cover the amount required for educational provision. The obligation is worded so that it could be used towards either education provision at Middleton Community Primary School or to partly meet off-site affordable housing needs. Local residents have expressed concerns that the recently-extended school is already full, given the recent growth of the village with an affordable housing scheme.
25. Although the offer made in the appellants' unilateral undertaking would not fully meet the Council's requirements, the Council have accepted in their hearing statement that it is unlikely that the requirements of policies H11 and CS8 could be met in full by the redevelopment of the site. In any event, these policies do not require the amount to be met in full but say that the Council will seek to negotiate on contributions to affordable housing and other infrastructure. In the current economic climate there has to be a balance with the need to boost housing in paragraph 47 of the Framework. Given the Council's lack of a 5-year+5% housing land supply, this imperative has greater weight.
26. The educational provision would be directly and fairly related to the development since it would result in extra provision at the local village primary school. The off-site affordable housing provision is required under policy H11 of the LP. In accepting that the full requirements of the policy cannot be met in full, the Council are best placed to determine the local needs of their area. Therefore the undertaking, as written, allows for this matter to be locally determined. Therefore the obligation would comply with all the tests in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010 and should be taken into account in the determination of the appeals.
27. Therefore I conclude that the proposed development in both appeals would meet policies H11 and CS8 of the LP, in terms of affordable housing and other infrastructure provision, since these policies allow for negotiation on contributions. The appellants' offer would allow for a proportion of needs arising as a result of the development to be met.

### *Employment land/housing need*

28. The second proposal would result in the loss of employment use on the site, replacing it with housing. Policy EDT4 of the LP protects existing employment land and premises for non-employment uses except where the employment use is no longer required and the current use is incompatible with surrounding

properties and land uses. The site is not allocated in the LP or safeguarded by it. The appellants produced a report on the loss of the industrial land, which considered the redevelopment of the site for wholly employment uses, of various types and scales, which came to the conclusion that there is a good supply of employment land and premises locally, many in better locations, and a limited demand for them. A local resident pointed out at the hearing that there are other vacant employment sites/buildings in the village, if further employment land was required locally. The site has been the subject of two marketing campaigns at an agreed price, which did not result in any offers for it. The report concludes that the loss of the site would not adversely affect the supply of employment land in the District and that its development for employment or mixed uses would not be viable.

29. The Council's view is that at least some of the site could be used for employment purposes. However, the marketing exercises carried out and the loss of industrial land report show that there is no longer any need for the site for employment use. Therefore its reuse for housing would not be in conflict with policy EDT4 of the LP. The Council also made reference to there being no overriding need for the housing. However, since the putative decision on the planning application, there has been a change in circumstances and the Council no longer has a 5 year+5% housing land supply, as required by paragraph 47 of the Framework. Therefore there is now an overriding need to boost housing in the Council's area, which gives the re-use of the site for housing greater weight than previously.
30. Therefore I conclude that the proposal would not have a harmful effect on the supply of employment land and would be in accordance with policy EDT4 of the LP, in that its use as an employment site is no longer required.

### **Other matters**

31. Local objectors have expressed concerns about highway safety if additional traffic were to be generated by the proposals, especially at Rise End cross-roads. However, there have been no objections to the scheme on the grounds of highway safety from the highway authority and with the proposed conditions in place, it would be unlikely that there would be any additional risk as a result of the developments. Public transport is limited in the evenings and this limits sustainable transport to the village but it would not limit daytime journeys to school, shops and employment. There are opportunities in the village for employment and there is a primary school and other facilities and therefore the village is a relatively sustainable location for development. At the hearing, the capacity of local drainage systems was queried by objectors. Surface water would be dealt with by means of a suitably-worded condition and foul drainage would be dealt by the statutory undertaker under other legislation and so this is not seen as a constraint on the development of the site.

### **Planning balance and conclusions**

32. In Appeal A, the submitted obligation would allow for a proportion of needs arising as a result of the development to be met and would comply with policies H11 and CS8 of the LP. Although there is now a need for housing to be brought forward as the Council no longer has a 5 year +5% supply, this need would be outweighed by the harm to the character and appearance of the area, which lies in Middleton-by-Wirksworth Conservation Area.

33. In Appeal B, the submitted obligation would allow for a proportion of needs arising as a result of the development to be met and would comply with policies H11 and CS8 of the LP. In addition, the proposal would not have a harmful effect on the supply of employment land and would be in accordance with policy EDT4 of the LP, in that its use as an employment site is no longer required. Furthermore, there is now a need for housing to be brought forward as the Council no longer has a 5 year +5% supply to comply with paragraph 47 of the Framework.
34. Therefore for the reasons given above and having regard to all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

### **Conditions**

35. I have considered the suggested conditions for Appeal B in the light of the advice in Circular 11/95: The Use of Conditions in Planning Permissions. The reserved matters would need to be submitted and the development commenced within the designated timescale and in accordance with the approved plans for the avoidance of doubt and in the interest of proper planning. Conditions would be required to ensure the investigation of the contamination of the site, including any unforeseen contamination, to prevent pollution of the environment. A condition would be necessary to ensure that surface water drainage was provided by sustainable means to reduce the risk of flooding. The proposal includes open space and a scheme would be necessary for its layout and management. However, given the discussion on viability and the potential problems of providing play equipment on the main steeply-sloping open space area, the condition should not include the provision of play equipment.
36. Amendments would be required to the approved scheme since some built development is close to the eastern edge. A revision of the scheme would be needed to ensure that there was at least 10m separation distance from built development to the eastern boundary to safeguard trees and reduce the impact on the countryside beyond. A condition would be needed so that a gateway feature to the village, marking its entrance, could be included. However, it would not be appropriate to extend the 30mph area by condition since that would need to be implemented under other legislation. The location of the access is shown on the approved plans but more detailed schemes would be needed for the access road and the private driveway from Porter Lane, along with the provision of a 2m footway, with no other vehicular access taken off this street, in the interests of highway and pedestrian safety. A condition requiring a construction method statement would be needed to protect the environment, highway safety and retained trees.
37. The new estate road would need to be constructed to base level, drained and lit in order to be of a standard for the residential use of the site. Since the site is flat a condition on the gradient of the access road would not be needed. The layout would be approved by this permission and no further details would be needed and the plans already define the highway boundary. A swept path for commercial vehicles has already been provided as part of the application and highway surface water drainage would be covered by the drainage condition. The development has been designed as largely open plan and therefore the suggested condition about gates to the highway would not be necessary.



38. A condition would be needed requiring the provision of vehicle and cycle parking and its retention to ensure highway safety and the promotion of sustainable transport. Similarly a Travel Plan would need to be provided and its measures monitored, by condition. Bin/recycling stores would be need to be provided, which could be part of the landscaping reserved matters, to promote sustainable waste management and protect the character and appearance of the area. Some of the conditions have been combined or altered in the interests of precision.

*E A Hill*

INSPECTOR

Richborough Estates

## **APPEARANCES**

### **FOR THE APPELLANT:**

Ms E Cass	Jones Lang Lasalle (JSL)
Mr N Simkin	JSL
Mr A Wilkins	Lone Star Land
Mr M Payne	Malcolm Payne Group Ltd
Mr T Bolton	BBLB Architects
Mr T Hudson	Aggregate Industries

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr J Bradbury	Development control manager, Derbyshire Dales District Council (DDDC)
Mr A Mirley	Lambert Smith Hampton (LSH)
Dr M Askey	Conservation Officer, DDDC

### **INTERESTED PERSONS:**

Mr S Clark	Middleton Parish Council
Cllr P Slack	Ward Member, Middleton
Ms A Partington	Local resident
Mr D Harman	Local resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Letters of notification
- 2 Notes for hearing, Mr T Bolton
- 3 Notes for hearing, Mr M Payne
- 4 Notes for hearing and viability chronology, Ms E Cass
- 5 Planning Timeline document
- 6 Financial viability in planning, RICS
- 7 Schedule of Available Industrial Land, JSL
- 8 Comparable industrial land deals, JSL
- 9 List of industrial sites, LSH
- 10 Building for the future, Barratt Developments
- 11 Council's response to appellants' costs application, DDDC
- 12 Middleton-by-Wirksworth Conservation Area Appraisal
- 13 Statement, plan of vacant industrial premises and photographs, Ms Partington
- 14 Housing land supply, Local Plan Advisory Committee, 20/11/12, DDDC
- 15 Unilateral undertaking, final version
- 16 5-year housing land supply table, DDDC

## **PLANS SUBMITTED AT THE HEARING**

- A-E Large application plans – (Scheme 1) SK003revB, (Scheme 2) SK004revA, SK005, SK005A, SK006

## **Schedule of Conditions (Appeal B)**

- 1) Details of the appearance, landscaping (to include the provision for the storage of refuse and recycling materials), and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans 10078-SK005RevA and SK006.
- 5) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.
- 6) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.
- 7) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) No development shall commence until a scheme for the layout of the open space on the site and its management has been submitted to and

approved in writing by the local planning authority. Development shall be in accordance with the approved details.

- 9) Notwithstanding the approved plans, the reserved matters submission shall incorporate revisions to the layout along the eastern boundary to ensure a minimum separation of buildings and roadways of 10m from the eastern boundary in order to safeguard existing trees and retain a planted buffer.
- 10) The reserved matters submission shall include a scheme for a "gateway feature" similar to that provided on New Road in association with the "Hallcroft" development. The scheme shall be submitted to, approved in writing by the local planning authority and implemented prior to any other works commencing.
- 11) No development shall commence until a scheme for the provision of a 2m footway along the frontage of Porter Lane has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been constructed.
- 12) No development shall commence until a scheme for details of the access road into the site from Porter Lane, having a minimum width of 5.5m and a 6m radius on each side, visibility sightlines and footways, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior any other development including demolition works commencing on the site.
- 13) No development shall commence until a scheme for a shared private drive to onto Porter Lane, with a minimum width of 4.8m, constructed as a splayed vehicular crossover and provided with visibility sightlines has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 14) Apart from the access road and shared private drive, no other vehicular access shall be taken from Porter Lane.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) provision and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v) wheel washing facilities
  - vi) measures to control the emission of dust and dirt during construction
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) a scheme for protection measures for retained trees.
- 16) No dwelling off the main estate road shall be occupied until the road has been constructed to base level, drained and lit in accordance with a scheme

to be submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved scheme.

- 17) No development shall commence until a scheme for vehicle and secure covered cycle parking has been submitted to and approved in writing by the local planning authority requirements. The scheme shall be implemented as approved and maintained as such for the lifetime of the development.
- 18) No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes and shall be implemented in accordance with the timetable set out therein. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the local planning authority for approval for a period of five years from first occupation of the development.

Richborough Estates