



Appeal Decision

Hearing held on 28 June 2017

Site visit made on 28 June 2017

by B Bowker Mplan MRTPI

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

Decision date: 08 September 2017

Appeal Ref: APP/P1045/W/17/3167362 **Land off Main Road, Brailsford, Derbyshire**

- 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 Gladman Developments against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00567/OUT, dated 3 August 2016, was refused by notice dated 16 November 2016.
 - The development proposed is outline planning permission for up to 75 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works. All matters to be reserved with the exception of the main site access.
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Decision

1. The appeal is allowed and outline planning permission is granted for 75 residential dwellings (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Main Road and associated ancillary works. All matters to be reserved with the exception of the main site access, at Land off Main Road, Brailsford, Derbyshire, in accordance with the terms of the application Ref 16/00567/OUT, dated 3 August 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis. The layout plan and illustrative material submitted with the planning application has been taken into account for indicative purposes.
3. A Unilateral Undertaking (UU) has been submitted by the appellant taking into account the views of the Council. As the UU was not signed and dated, I allowed the appellant two working days at the hearing to provide a completed version. The completed version was duly received and has been taken into account in my determination of the appeal.
4. It was explained during the hearing that the appellant's housing land supply representative and the Council had discussed the matter of housing land supply

at a recent Inquiry¹. Consequently the parties choose to submit the cases put forward at the Inquiry to form the basis of their cases at the hearing. Updates were provided at the hearing in relation to aspects of the respective cases and the appeal has been determined on this basis.

5. At the time of the hearing, an application² seeking outline permission for residential development on the eastern section of the site had been deferred from the Council's May 2017 Planning Committee in anticipation of additional highway safety information. Following the hearing, outline permission was granted for residential development on the eastern section of the site. Comments were sought regarding the effect of this matter on the proposal and the appeal has been determined accordingly.
6. A signed Statement of Common Ground (SOCG) between the appellant and the Council was provided as part of the appeal documentation. The SOCG records that following the submission of additional evidence the Council no longer seek to defend its reasons of refusal relating to highway safety and protected species.
7. Based on all I have seen and read, I have no reason to question the Council's acceptance of these matters. Consequently my determination of the appeal focusses on the main issues identified below.

Main Issues

8. The main issues are:
 - Whether or not the Council is able to demonstrate a five-year supply of housing land for the area;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The planning balance: Whether the proposal comprises sustainable development as defined by the National Planning Policy Framework (the Framework) and whether the adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Reasons

Policy Background

9. The appeal site comprises two fields located to the western edge of Brailsford. Outline permission has been granted for the development of 32 dwellings on the eastern field. For planning purposes, the site is not located within the settlement of Brailsford as defined by saved Policy SF4 of the 2005 Derbyshire Dales Local Plan (DDLPL).
10. The emerging Local Plan (LP) has allocated the eastern field for housing and defines the western field as being outside the settlement. The emerging LP is currently under examination with a number of modifications proposed to meet concerns raised by the Examining Inspector. Paragraph 216 of the Framework states that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are

¹ APP/P1045/W/16/3152087

² Council Ref 17/00026/OUT

unresolved objections and the degree of consistency of the policy with the Framework. This is a matter I return to as part of the planning balance exercise.

11. Saved policies of the 2005 DDLP form the current development plan for the area. As the DDLP is based on outdated housing needs information and does not envisage housing development beyond the end of its plan period, the Council state that paragraph 14 of the Framework is engaged. In this respect, the parties agree that Policy SF4 should not be considered up to date and thus should be afforded limited weight.
12. The Council consider that with reference to the emerging LP, they can demonstrate a five year supply of housing land. Consequently, the Council are of the view that the contribution of the proposal to housing supply should be afforded limited weight when applying the planning balance required by paragraph 14 of the Framework. The appellant has a number of concerns regarding the housing land supply put forward in the emerging LP.

Housing Requirement

13. Of relevance, in order to boost significantly the supply of housing, paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Footnote 11 of paragraph 47 states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable to ensure that housing will be delivered on site within five years.
14. The appellant notes that the GL Hearn Housing Need update (HEDNA - February 2017) forms part of the main modification consultation and considers that it would not provide fully for affordable housing need. However, the parties agree that the HEDNA update sets out the housing need for the area which is 284 dwellings per annum from 1 April 2017 – 31 March 2022, giving a total five year need of 1420 dwellings. The parties also agree that a 20% buffer should be applied, the extent of the previous housing shortfall and that the Sedgefield method should be used. Including a 20% buffer and the previous shortfall gives a housing requirement of 454 dwelling per annum, equating to 2270 over the five year period.

Housing Supply

15. The appellant considers that the Council can demonstrate a housing land supply of 4.42 years whilst the Council consider it has 6.70 years of supply which includes a lapse rate of 5%. The parties dispute the level of contribution that windfall development, committed sites and allocated sites will make to housing supply.
16. *Windfall*. The appellant contends that the inclusion of windfall contributions from years 1 and 2 could result in double counting and not account for lead in times. An appeal decision³ is cited by the appellant in which the Inspector accepted that the first two years of windfall supply should be discounted taking into account the necessary lead in period.

³ APP/X1545/W/15/3032632

17. The lead in time outlined by the appellant appears reasonable and with no substantive evidence to the contrary, I concur with the appellant and the approach adopted in the cited appeal decision. Therefore supply from windfall sites in years 1 and 2 are removed and supply is reduced by 30 dwellings.
18. A list of disputed sites has been submitted as part of the appeal. These are dealt with in turn below.
19. *St Elphins Park*. The parties disagree on whether 130 units (110 of which have already been completed) from this C2 use class development should count towards housing supply. The related section 106 agreement requires residents to comply with the basic care package provided and for occupants to be of a minimum age of 55. I also note that the 2015 HEDNA treats care home need separately from C3 use class dwellings and that an affordable house requirement did not apply to the St Elphins Park site.
20. However, paragraph 37 of the Planning Practice Guidance states that local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. Consequently it is reasonable to account for the 130 units in the housing supply.
21. *Land at Middleton Road, Wirksworth (Council 150: appellant 0)*. The appellant identifies that no planning permission or application is in place and considers that it is unsatisfactory to depend on a signed SoCG between the Council and developer. However, the site SoCG indicates initial site viability work has been undertaken as has an appraisal of constraints with relevant agencies.
22. The SoCG notes formal pre-application discussions have taken place and that an application is being prepared for submission. The site SoCG trajectory reflects the absence of permission and anticipates delivery in years 2, 3, 4 and 5. With no site specific evidence to the contrary, I have no reason to doubt the Council's position. Nor has the Examining Inspector outlined any initial concerns with the use of a SoCG for housing sites. However, taking into account the lead in times outlined by the appellant balanced against the site preparation already undertaken, it would be reasonable to assume that site delivery will not commence until year 3. Therefore, based on the evidence before me, the contribution of this site is likely to be 100 dwellings.
23. *Land at Ashbourne Airfield (Council 360: appellant 75)*. The appellant's figure includes consideration of the need to provide a link road as specified by a planning condition. The appellant also states that the site is heavily reliant on employment uses being delivered, that preferred developers have yet to be appointed and that it would take up to 24 months to discharge reserved matters and related conditions. As outline planning permission is not in place for phase 2 and is contingent upon delivery of the link road, the remaining 120 houses put forward by the Council are dismissed by the appellant.
24. The Council confirmed at the hearing that the link road has secured planning permission and funding. In addition, the Council state that a reserved matters scheme is being prepared for submission in the near future and that the landowner is engaged with several developers. In terms of phase 2, the site SoCG anticipates that following the grant of outline permission, 120 dwellings would be delivered in years 3, 4 and 5. Based on the evidence before me, it appears likely the site will deliver in excess of 75 units across both sites.

25. However, the appellant's lead in time of 24 months appears likely based on the timescales involved with the outline permission. Whilst this has already been accounted for in phase 2, it appears optimistic that the reserved matters stage could be completed and 40 houses constructed by year 3. The appellant's lead in time of 34 months to secure outline permission, discharge all reserved matters and commence on site appears reasonable.
26. I do not have the annual delivery rate anticipated from phase 1 which the Council anticipated will deliver 140. Taking into account the appellant's lead in times, it is likely to take 18 months to discharge the reserved matters and commence on site. Adopting a pre-cautionary approach and assuming years 1 and 2 were considered deliverable by the Council, two fifths of the total of 140 is deducted from the five year housing land supply which equates to 56. In total, based on the evidence before me, it appears likely that both sites would deliver roughly 264 dwellings.
27. The submitted headroom calculations indicate that, based on the appellant's position, an addition of 287 dwellings would result in the Council being able to demonstrate a five year housing land supply. Based on my reasoning above and after deducting supply from windfall years 1 and 2, 464 dwellings have been added to the appellant's five year housing land supply position. As any findings reached on the remaining 18 disputed sites would not alter my conclusion in respect of housing land supply, they are not considered any further as part of my determination of the appeal.
28. Therefore I conclude that the Council is able to demonstrate a five-year supply of housing land for the area. This is a matter that I will return to as part of the planning balance exercise.

Character and Appearance

29. The appeal site comprises two fields enclosed by mature hedgerows on its outer boundaries with residential development and an emerging LP housing allocation on its eastern boundary. The eastern section of the site has been allocated for housing development in the emerging LP and granted outline permission for 32 dwellings. Land to the east of the site is on slightly higher ground and the site gently slopes down towards the west and south. The A52 runs across the south frontage of the site and a network of public footpaths are located further to the north, west and south.
30. The appellant considers that DDLP saved policies SF5 and NBE8 are not consistent with the Framework. It is contended that saved Policy SF5 sets a high bar by stating that planning permission will only be granted for development that complies with the listed criteria, of which a) and c) are considered by the Council to be of most relevance. Similarly, it is contended that saved Policy NBE8 sets a high bar by stating that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. The Council⁴ and appellant⁵ cite a number of appeal decisions to support their divergent views on this matter.
31. In comparison to the more balanced approach to landscape protection endorsed by the Framework, in my view saved Policy NBE8 takes a more

⁴ APP/P1045/W/16/3148676 and APP/P1045/W/17/3167657

⁵ APP/P1045/W/15/3132525, APP/P1045/W/14/2227116 and APP/P1045/A/14/2227116

restrictive approach. Consequently saved Policy NBE8 is afforded limited weight. Section 7 of the Framework outlines the importance of good design and seeking to promote and reinforce local distinctiveness. At paragraph 64 the Framework states that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area. In this respect, I consider saved Policy SF5 is consistent with the Framework and thus it attracts full weight. However, as the proposal is in outline form only, criteria c) would be of most relevance.

32. The entire site was considered under the Strategic Housing Land Availability Assessment (SHLAA) as part of the housing allocation stage in relation to the emerging LP. The Council's Landscape Sensitivity Study 2016 (LSS) formed part of this process and considered the entire site to be of high to medium landscape sensitivity. The SHLAA put forward the eastern section of the site for housing in the emerging LP but concluded that development to the west would result in a significant adverse impact on landscape character and the settlement pattern in relation to the village centre. An update to the LSS in April 2016 classified the site as having high landscape sensitivity. However, as discussed during the hearing, this change in landscape sensitivity does not appear to be based on any evidence.
33. The LSS study did not take into account land to the immediate east and north east of the site which has subsequently been developed for residential purposes. In my view, the development adjoining the site has had a material effect on the landscape value of the appeal site. Furthermore, the eastern section of the site has received outline planning permission for residential development. The LSS acknowledges that it is a strategic level assessment and that there will inevitably be variations in the level of landscape impacts where land has been categorised as being of high sensitivity. In such cases the LSS states that such variations could be determined by further more detailed site surveys.
34. The appellant's Landscape and Visual Appraisal (LVA) classifies the site as having a medium landscape value overall which appears a reasonable assessment taking into account the immediate surroundings of the site. At a county and district level, the LVA considers that the proposal would have a minor adverse effect on completion reducing to negligible once the landscape mitigation measures have matured. Whilst landscape details are a reserved matter, indicative mitigation measures proposed include the plantation of a woodland area along the western part of the site and a landscape frontage extending back approximately 30 metres from the A52.
35. During the hearing, the Council confirmed that its concern relates to the effect of the proposal on the setting and settlement pattern of Brailsford. Concerns have also been raised in relation to the cumulative scale of previously permitted development and allocated sites at Brailsford. However, the proposal would continue the existing pattern of the village which is focussed mostly to the north of the A52 and would directly abut more recent development to the west of Luke Lane. Having viewed the site from vantage points identified in the appellant's LVA, I agree with the Council that the proposal would not have a wider landscape effect. In this respect, the proposal would be most visible from LVA viewpoint locations 4 and 9 and from along the immediate section of the A52.

36. Views from viewpoint 9 are made in the context of the Miller Homes residential site whilst views from viewpoint 4 include the backdrop of development to the east of the site. Views of the site from this section of the A52 are limited and made within the context of the more built up character of the road and backdrop of the village. Consequently whilst the site currently comprises open agricultural fields, owing to the topography of the site and its surroundings, the visual effect of the proposal would be localised. Views from local vantage points in which the site is most prominent would be made in the context of existing development adjoining the site.
37. I agree with the Council's Landscape Officer who considers that the proposed mitigation measures would substantially mitigate the effect of the proposal and bring medium and long term benefits to the setting of the village. Whilst I accept the proposal would have a minor adverse effect as the mitigation measures establish, this would be for a relatively short period of 10 years as suggested by the appellant. Furthermore this short term minor adverse effect would be outweighed by the medium to long term benefits the mitigation measures would have on the setting of the village.
38. Therefore I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of DDLP saved Policy SF5 and paragraph 17 bullet point 5 of the Framework. Combined, these policies seek to protect the intrinsic character and beauty of the countryside.

Other Matters

39. Concerns are made in relation to highway and pedestrian safety. During my site visit I walked along the footway that abuts the A52 from the proposed site access to Luke Lane. Owing to the insufficient width of the footway and its proximity to the A52, I can understand local concern regarding pedestrian safety, which includes the safety of wheelchair and pram users. I also observed that the junction of Luke Lane and saw that the A52 is busy and traversed by large vehicles.
40. Highway mitigation measures have been agreed between the appellant and Council. These measures include the extension of the 30mph speed limit with accompanying traffic calming measures to the north west of the site, a footpath connecting the site with the primary school at Luke Lane, the widening of the footway along the A52, and the provision of uncontrolled crossings.
41. As the mitigation works required would be on land in the ownership of the Highway Authority, a Grampian condition would be realistically achievable. Consequently, based on all I have seen, read and heard at the hearing, I have no reason to doubt the effectiveness of the proposed measures in ensuring highway and pedestrian safety.
42. Wildlife concerns have also been raised. Since the determination of the application, previous ecological issues at the site have been resolved between the appellant and the Derbyshire Wildlife Trust.
43. Great Crested Newts (GCN) were identified in relation to the development permitted at the adjacent site which necessitated mitigation measures. An agreed mitigation strategy would be secured at the reserved matters stage and proceed on the basis for the potential of a medium sized GCN population being

present within the terrestrial habitat of the site. Satisfactory design, landscape and layout details informed by a mitigation strategy at the reserved matters stage would ensure no harm in this respect.

44. In addition, further bat survey work has been undertaken and a sympathetic light strategy has been suggested for the site as a result. Consequently, based on the evidence before me, I have no reason to disagree with the Council's acceptance in relation to wildlife matters.
45. The appellant's site survey classifies the land as sub-grade 3a agricultural quality. Consequently dismissing the appeal based on loss of agricultural land would be unjustified.
46. As layout and scale are part of the reserved matters stage, dismissing the appeal on design grounds or for not providing bungalows would be unjustified. Based on the appellant's Foul Drainage Analysis (which involved engagement with the Statutory Undertaker), dismissing the appeal on site drainage grounds would be unjustified. Nor does the evidence before me indicate that the works necessary to connect to the main sewers would threaten the viability of the proposal.

Planning Obligation

47. The UU would secure financial contributions towards affordable housing, Brailsford Village Institute, secondary school (including post 16 education), healthcare, traffic improvement works, travel initiatives and long term management arrangements for the proposed open space. I note that no main modifications are proposed to emerging LP Policy S11 which forms the policy basis for the contributions and I consider it accords with the Framework in relation to its approach to education capacity and infrastructure delivery. Consequently I afford it significant weight. Correspondence from the noted infrastructure providers provide justification for the extent of contributions sought.
48. Based on the evidence submitted, the obligations would comply with the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010. However I am not convinced that the financial contribution towards the Brailsford Village Institute is necessary to make the development acceptable in planning terms. Consequently I have not taken this contribution into account in my determination of the appeal.

Planning Balance

49. Based on the allocations outlined in the emerging LP, I have concluded that the Council are able to demonstrate a five year supply of housing land. However as part of the examination exercise, the emerging LP is currently subject to additional consultation and thus the number of unresolved objections to the allocations and policies cannot be fully known at this stage. Thus I afford some and not full weight to the emerging LP housing land supply.
50. Moreover, the DDLP remains the adopted development plan for the area and the parties agree that saved policy S4 is not up to date as it is based on out-of-date housing requirements. Consequently it is common ground between the parties that paragraph 14 of the Framework is engaged.

51. Based on all I have seen and read, I have no reason to disagree with the consensus reached on this matter. Accordingly, a presumption in favour of sustainable development applies to the proposal and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
52. The Framework identifies three dimensions⁶ to sustainable development that should be sought simultaneously through the planning system. In this light, the appellant highlights a number of benefits in support of the proposal.
53. *Economic.* The proposal would roughly represent a £7.8 million investment, and future residents would increase expenditure in the local area. The proposal would also generate Council tax payments, a New Homes Bonus Payment and direct and indirect construction employment. These economic benefits are afforded some weight in favour of the appeal.
54. *Social.* The proposal would increase housing choice and make a financial contribution towards affordable housing. The Council consider that affordable housing is not required in Brailsford. That said the evidence before me indicates that delivery rates across the County from 2013 - 2016 have not met those set out in the Council's HEDNA report. Consequently the affordable housing contribution attracts some weight in favour of the appeal.
55. The proposed bus stop upgrades and crossing facilities would also be of benefit to existing residents and thus attract some weight in favour of the appeal. Whilst the proposal would have limited non-private vehicular access to employment, it would have good levels of access to services and facilities in Brailsford including public transport. This factor attracts some weight in favour of the appeal.
56. *Environmental.* Significant planting is anticipated to form part of the reserved matters stage which would involve the enhancement of existing wildlife corridors. These benefits attract moderate weight in favour of the proposal. The medium to long term benefits of the proposed landscape mitigation measures have been balanced against the moderate and short term adverse visual effect of the proposal and thus are a neutral factor in the planning balance.
57. Based on my reasoning above, I have not identified any adverse impact that would significantly and demonstrably outweigh the noted benefits. The proposal would simultaneously achieve the three dimensions of sustainable development set out by the Framework. Consequently the proposal comprises sustainable development as defined in the Framework; a factor which would outweigh the conflict of the proposal with LP saved Policy SF4. On this basis and for the reasons given above, the appeal should succeed.

Conditions

58. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.

⁶ Economic, social and environmental

59. Conditions 1 – 3 requiring the submission of reserved matters are necessary in view of the outline nature of the application. Condition 4 is necessary in the interests of certainty. As the signed UU secures affordable housing provision a condition to this effect is unnecessary. As wild birds are protected by the Wildlife & Countryside Act, the condition regarding breeding birds is not necessary.
60. Condition Nos 10 – 18 are necessary for highway safety and sustainable transport purposes. Condition No 5 is necessary in order to protect the living conditions of neighbouring occupants. Condition Nos 6, 7 and 8 are included based on the comments of Derbyshire Wildlife Trust. Condition No 9 is necessary to ensure that the site is adequately drained.

Conclusion

61. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Attached – schedule of conditions

Schedule of conditions

- 1) Details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development 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 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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 following approved plans: 7062-L-02 REV C Location Plan, P16007-001 Access Plan, but only in respect of those matters not reserved for later approval.
- 5) Demolition or construction works shall take place only between 08.00 – 18.00 hours on Mondays to Fridays and 09.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No development shall take place until a detailed mitigation and monitoring strategy in relation to Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 7) Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties shall be submitted to and approved in writing by the Local Planning Authority. The plan should include the following:
- a) Description and evaluation of features to be managed / enhanced or created.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options and methods for achieving aims and objectives.
 - e) Timescales.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures.

The plan should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery and where the results from monitoring show that conservation aims and objectives of the plan are not being met how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall thereafter be carried out in accordance with the approved details.

- 8) No development shall commence on site until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation; and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- 10) No development shall take place, including any works of demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- i) Parking of vehicles for site operatives and visitors,
 - ii) Storage of plant and materials and site accommodation,
 - iii) Routes for construction traffic,
 - iv) Method of prevention of mud/debris being carried onto the public highway,
 - v) Proposed temporary traffic management/restrictions,
 - vi) Arrangements for loading/unloading and turning vehicles within the site; and,
 - vii) Site access arrangements and roadside fencing/hoarding.
- 11) As part of any subsequent reserved matters application, detailed designs of the layout, dimensions and construction of the pedestrian improvements between the site access to Main Road and The Green (including safe tactile paving crossing facilities across the A52) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be laid out and constructed in accordance with the approved details prior to occupation of any dwelling hereby permitted, or other such timescale as agreed with the Local Planning Authority.
- 12) As part of any subsequent reserved matters application, detailed designs of the layout, dimensions and construction of the pedestrian footpath between the application site and the new school on Luke Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be laid out and constructed in accordance with the approved details prior to the occupation of any dwelling hereby permitted, or other such timescale as agreed with the Local Planning Authority.
- 13) No development shall take place until a detailed scheme for the proposed traffic calming amendments on Main Road, as identified on drawing number P16007-002 (contained in Appendix II, Transport Technical Note 01, dated 3rd November 2016), incorporating layout, lighting and construction materials/details, have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before or in conjunction with the formation of the permanent access to the site.
- 14) No development shall take place until the permanent access to Main Road has been laid out in accordance with drawing number P16007-001B (contained in Appendix II, Transport Technical Note 01, dated 3 November 2016). No other development shall be carried out until the first 15 metres of the access road has been constructed to at least binder course level, and a timetable for the full completion of these works has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in accordance with the approved timetable.
- 15) No development, other than works required for the construction of the site access under the above condition (No 14), shall take place until the site access has been provided with visibility sightlines in each direction in accordance with those identified on drawing number P16007-001B (contained in Appendix II, Transport Technical Note 01, dated 3

November 2016). Thereafter, clear visibility shall be maintained within these splay areas above a height of 600mm from ground level.

- 16) As part of any subsequent reserved matters application, detailed designs for the internal site layout shall be submitted to and approved in writing by the Local Planning Authority, to include details of all necessary on-site highway infrastructure including; access roads, turning areas, footways, street lighting and highway drainage, together with a timetable for the implementation of these works. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided in accordance with the approved details, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway. The approved works shall be completed in accordance with the approved timetable.
- 17) No development shall take place until details of the means to prevent the discharge of water from the development onto the highway have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first use of the access and retained as such thereafter.
- 18) No dwelling hereby permitted shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for a Travel Plan coordinator who shall be in place until year 5 after completion of the final phase of development. The measures set out in the approved plan and any approved modifications shall be implemented in full thereafter. The approved plan shall be audited, updated and submitted for the approval of the Local Planning Authority at intervals no longer than 12 months, starting from the date of first approval.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

| | |
|-------------------|----------------------|
| John Chorlton | Gladman Developments |
| Tracey McCann | Gladman Developments |
| Johnathan Penrose | Gladman Developments |
| Nina Pindham | Counsel |
| Tim Jackson | Director, FPCR |
| David Stoddart | Prime TP |
| Richard Mowat | Johnson Mowat |

FOR THE LOCAL PLANNING AUTHORITY

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| Chris Whitmore | Principal Planning Officer |
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INTERESTED PERSONS

| | |
|----------------|--------------------|
| Pat Laughlin | Brailsford Council |
| Michael Cannon | Local Resident |

DOCUMENTS SUBMITTED AT THE HEARING

1. Letter of objection from Michael Cannon.
2. Derbyshire Count Council email dated 8 June 2017 in relation to primary school education contribution.
3. Council Report dated 20 June 2017 in relation to LP Proposed Modifications.
4. Copy of relevant saved LP 2005 policies.
5. Copy of relevant emerging LP policies.
6. Signed Highway SOCG.
7. Derbyshire Wildlife Trust email dated 11 April 2017.
8. Appeal decision ref APP/P1045/W/17/3167657.
9. Appeal decision ref APP/P1045/W/16/3148676.
10. St Elphins School Site Section 106 agreement.
11. Viability Review Statement, Halldale and Cawdor Quarry site.
12. Appellant Explanatory Note regarding Ashbourne Airfield site.
13. Housing Land Supply Closing Submissions (the Appellant).

14. Housing Land Supply Closing Submissions (the Council).
15. Five Year Housing Land Supply Review: Disputed Sites Pro-formas Update from appellant.
16. Council Rebuttal Proof of Evidence submitted at Land at Babbs Lane, Doveridge Inquiry.
17. Appellant final position on housing land supply.
18. Council final position on housing land supply.
19. Housing land supply headroom position for party.
20. Agreed net affordable housing completions 2006-2017.

Richborough Estates