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## Appeal Decision

Hearing held on 9 December 2014

Site visit made on 9 December 2014

**by SD Harley BSc(Hons) MPhil MRTPI ARICS**

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

**Decision date: 22 January 2015**

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**Appeal Ref: APP/P1045/A/14/2226401**

**Land at Tansley House Gardens, Tansley, Nr Matlock, Derbyshire DE4 5HQ**

- 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 Y Bar Ltd, against the decision of Derbyshire Dales District Council.
  - The application Ref 14/00097/OUT, dated 19 December 2013, was refused by notice dated 14 May 2014.
  - The development proposed is residential with access from Tansley House Gardens.
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### Decision

1. The appeal is allowed and outline planning permission is granted for residential with access from Tansley House Gardens on land at Tansley House Gardens, Tansley, Near Matlock, Derbyshire DE4 5HQ in accordance with the terms of the application Ref 14/00097/OUT, dated 19 December 2013, subject to the conditions in the Conditions Schedule below.

### Procedural Matter

2. The application is in outline only with all matters reserved for future consideration. Plans showing a possible way of developing the site have been submitted but these are for illustrative purposes only. I have considered the appeal on this basis.
3. In a signed Statement of Common Ground the Council and the appellant agree that the policies in the adopted Derbyshire Dales Local Plan, 2005, (LP) have limited weight in the context of the National Planning Policy Framework (the Framework) and the lack of a deliverable 5 year housing land supply. The Statement of Common Ground also notes the withdrawal of the Pre Submission Draft Derbyshire Dales Local Plan, 2013, (Draft LP). The effect of this is discussed below.

### Main Issues

4. The main issues are:
  - whether the proposal would be sustainable development having regard to the provisions of paragraph 7 of the Framework and the location of the site, taking particular account of the setting of Tansley Village;
  - whether other harm would be caused by the development; and, if so,

- whether that harm would significantly and demonstrably outweigh the benefits of providing additional housing.

## **Reasons**

### ***Planning policy background***

5. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. However, the weight to be attached to policies in the development plan should be according to their degree of consistency with the the Framework, which sets out the Government's planning policies and is a material consideration.
6. The Framework states that local planning authorities should identify a supply of deliverable sites to provide 5 years worth of housing land to meet their Objectively Assessed Housing Needs, with an additional buffer of 5% (or 20% if there has been persistent undersupply). The Council does not have a deliverable 5 year Housing Land Supply to meet Objectively Assessed Housing Needs. The actual extent of the shortfall is not yet determined but is likely to be significant as indicated by the Local Plan Inspector in his report of the Examination into the Draft LP in July 2014.
7. The decision notice refers to Saved Policies SF4 and H4 of the LP. Having regard to Paragraph 49 of the Framework, these policies, which broadly prohibit housing outside a Settlement Framework boundary in the countryside, must be considered as not up-to-date and so afforded very little weight in terms of housing supply and location. This is because in order to address such a shortfall of housing land it may well be necessary to allow development outside settlements in the surrounding countryside. Extending development to the appeal site would not, therefore, of itself breach a fundamental principle of the Framework, unless there are significant and demonstrable adverse impacts.
8. The decision notice also refers to Development Management Planning Policies 2 and 6 of the Draft LP. Whilst the Framework says that weight may also be given to relevant policies in emerging plans, since the decision was issued the Draft LP has been withdrawn, and it is unlikely to significantly progress to adoption in the near future. The appeal therefore falls to be decided in accordance with the Framework, and this position is agreed by the parties in the Statement of Common Ground.
9. Policy NBE8 of the LP is also referred to on the decision notice and says that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. This is more restrictive than the Framework, which seeks a more balanced approach concerning landscape character and development in the countryside, and accepts that harm or loss can be allowed where there is clear and convincing justification. Accordingly, it attracts less weight than the principles in the Framework.

### ***Sustainability***

10. The Framework has a presumption in favour of sustainable development. This is defined in respect of three roles. These are an economic role, including contributing to building a strong, responsive and competitive economy by ensuring a sufficient supply of the right land is available for development to support growth and co-ordinating development including the provision of

infrastructure; a social role including a supply of housing for present and future generations with high quality development and accessible local services; and an environmental role which includes contributing to protecting and enhancing our natural, built and historic environment.

11. The appeal site lies outside but adjacent to the Settlement Framework of Tansley. It is next to an existing area of housing and within easy walking distances of a primary school (although there is no pre-school), play area, village halls, churches, public houses, bus stops (albeit with a rather limited bus service) and an employment area on the Old Coach Road. Matlock town centre, with its amenities, is less than 2 miles away. The Council has consistently seen Tansley as a sustainable settlement suitable for some housing growth, and indeed new housing has been built in Tansley in recent years. The Council acknowledges that to accommodate the required new housing in the District it will be necessary to consider development on green field sites which were previously outside Settlement Framework boundaries.
12. The amount of housing that could be accommodated on the site has not been established and there are a number of constraints to be taken into account. The Planning Statement accompanying the application suggests that a mix of 1,2,3 and 4 bedroomed units would meet the requirements of the Local Housing Needs Survey. However, given the prevailing densities and the need to make efficient and effective use of land the appellant considers a density of 23 dwellings per hectare would be more appropriate and the indicative layout plan shows 27 units. As the Council has cannot demonstrate a 5 year supply of deliverable housing sites, the provision of such additional dwellings represents a significant benefit.
13. The proposed development would bring economic benefits to the construction industry. Extra residents in the village would help support the school and other local facilities although would be unlikely to be of a sufficient scale to support the return of a local shop.

### **Affordable housing**

14. The proposed development would contribute to the community by providing needed residential accommodation and proposes to provide a proportion of affordable housing which would be an additional benefit. The Council welcomes the provision of affordable housing on-site and, as several affordable housing schemes have been secured in Tansley in recent years, would like to see 4 bungalows provided even if this meant a smaller number of affordable units overall. Two bedroomed houses would be preferred over three bedroomed houses. The Council has proposed that affordable housing could be secured by condition and that an obligation under s106 of the Town and Country Planning Act, 1990, is not necessary.
15. The appellant has suggested that any planning condition should not be prescriptive about the amount of affordable housing at this stage but should make provision for a feasibility study similar to one in appeal Ref APP/C2708/A/07/2061094 dated 16 March 2010. I appreciate that the Council, in the context of an immediate District wide need for affordable housing, would prefer more certainty and considers that there should be no viability issues in delivering the proportion of affordable housing requested without delay.

16. Paragraph 205 of the Framework says that local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. Whilst this specifically relates to planning obligations, I consider it equally pertinent to a condition which is being used in preference to an obligation, as advised in paragraph 203 of the Framework.
17. The Guidance recognises that viability will vary by house type. It goes on to say that viability is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments and that these contributions should not be sought without regard to individual scheme viability.
18. The Council has expressed a preference for bungalows even if that would mean a smaller number of affordable units. Bungalows are not part of the submitted indicative proposals, and there would accordingly be a need to agree the mix of dwelling types. For these reasons I consider that a mechanism for assessing viability would be more appropriate than a prescriptive amount of affordable housing.
19. I turn now to the effect of the proposed development on the natural, built and historic environment. The site has not been developed before, but nothing in the Framework establishes an objection in principle to development on such land. The appeal site comprises one field and part of another field that I am told were wild flower meadows but which have been rough ploughed and are now overgrown.
20. To the north/north-east the site is bounded by Footpath No 4 beyond which are gardens to houses on Church Street and Tansley House Gardens. To the south-east is Tansley House Gardens, a cul de sac of more modern dwellings, and from which access would be taken. To the south/south-west are fields also in the ownership of the appellant that slope down to the wooded banks of a stream. To the northwest is open land with properties on The Old Coach Road beyond. A substantial tree/hedge row runs in a north-east/south-west direction from Footpath No 4 down to the stream.
21. The appeal site and adjoining land, although not designated as Green Belt or Green Space, is nonetheless pleasing as an unbuilt on area, albeit it may be less pleasing in appearance following ploughing a year or two ago. The proposed development would result in some harm to the landscape, as it would be replacing a substantial part of the existing undeveloped fields with dwellings and associated works.
22. However, the site is bounded by housing on two sides and the fields, although a group together, are severed from the wider open countryside by Tan Brook, the A615, development on the other side of the A615 and the industrial area on the Old Coach Road. Accordingly the development would not constitute a significant encroachment into the rural countryside.
23. A finger of land included in the Lumsdale Conservation Area (CA), which encompasses the majority of the Old Coach Road industrial area and a much larger irregular area to the west, extends in a south-easterly direction towards Footpath No 9. Although the land owned by the appellant adjoins this extremity of the CA, it was not included in the CA when it was designated or at any subsequent review. The Council says this is because the CA seeks to

- protect the industrial heritage of the surrounding area including the brooks which served local industries. As the proposed development would retain a significant land buffer between the houses and the CA boundary, there would be a neutral effect on the setting of the CA.
24. The main road between Tansley and Matlock is the A615. This runs alongside the brook towards the bottom of the valley which has steep banks on either side. The appeal site is located on the bank rising up to Tansley Knoll below existing houses which step up the bank. The site can be seen in glimpsed views from the A615 and is seen as a field above trees in the valley bottom and below the backdrop of houses on Tansley House Gardens, Church Street and the land above.
25. The site can also be seen from the footpath on Tansley Cliff on the opposite side of the A615, but again the view is glimpsed through trees and narrow gaps, and the site is perceived as sitting above trees and below existing houses. It would be less visible during those times when trees are in full leaf. Provided some open space and existing trees and hedges were generally retained and supplemented, to my mind the scheme would not result in a significant material change to the impression of houses climbing a hillside. I note that at the Hearing the appellant expressed a willingness to reduce the density of development on the western part of the site to reflect the lower density of adjacent development, and to provide a better buffer zone, which would further mitigate the appearance of the proposed development in the longer views.
26. For the reasons set out above I therefore consider that, although some fields would be lost, the harm to the landscape and the setting of Tansley village would be limited.
27. An Ecological Site Appraisal was submitted with the application. This concluded that the ecological character comprises of grassland with hedgerows and scrub. No evidence of protected species were found although I am told that badgers have been seen in at least one nearby garden. It seems likely that wildlife uses the site and the stream and that is not unexpected in this location outside a Settlement Framework. However, I have no basis to suppose the habitat or foraging environment of protected species would be unacceptably affected by the proposed development.
28. I note that the proposed development incorporates the retention of hedgerows and wildlife corridor improvements. Natural England and the Derbyshire Wildlife Trust have no objections subject to suitable conditions and the Council raises no concerns. Accordingly I conclude that the effect on the ecological character of the area would not be unacceptable.
29. For the reasons set out above I conclude that with appropriate safeguarding conditions the proposed development would not have an unacceptable effect on the natural, built and historic environment and would amount to sustainable development in accordance with the principles of the Framework.

### *Sustainable Development*

30. In the Officer report it was accepted the site was not so intrinsically unsustainable as to merit refusal on that ground. Accordingly, and for the reasons set out above, I would agree, and conclude the site would satisfy the

economic, social and environmental roles for sustainable development, and would provide additional market and affordable housing and would accord in this respect with the Framework.

### **Other harm**

#### *Living conditions*

31. The occupiers of houses in the village, particularly those on Tansley House Gardens and Tawney Close, now enjoy pleasant views across the appeal site and the associated sense of rural openness that it provides. This would change because of the scheme, as the open fields would be partially replaced with houses. However, whilst these residents have benefited from the undeveloped nature of the appeal site over the years, that alone cannot be a reason to prevent development on the land being brought forward. It also does not necessarily mean the impact on their living conditions would be unacceptable, as to consider otherwise would stand in the way of building on many undeveloped sites.
32. Moreover, existing houses are separated from the site either by Footpath No 4, which remains on its existing route, or by Footpath No 9 or by the Tansley House Gardens carriageway. The layout and house types are indicative and the Council considers the separation distances from adjoining houses would be acceptable and that there would be no harm to residential amenity. Matters of privacy and outlook could be addressed under a Reserved Matters application. There is nothing unreasonable about looking onto other dwellings even though there would be lighting associated with it. For these reasons I consider the relationship between the existing and proposed houses would be acceptable, and that the living conditions of occupiers of nearby properties would not be so significantly affected as to justify refusal.

#### *Highway matters*

33. Access to the site would be via the Tansley House Gardens cul-de-sac. Although not adopted and without street lights, it has surfaced footways on both sides as far as the proposed access point into the site.
34. Concerns have been raised about visibility at the junction of Tansley House Gardens and Church Street. Although the road layout provides appropriate visibility this can be impeded by vehicles parked near the corners, and a number of properties on Church Street have no off-street parking. Concern has also been raised about the narrowness of Church Street and the capacity and safety of the junction of Church Street with the A615. However, Derbyshire County Council, as Highway Authority, has no objections to the proposed access arrangements subject to appropriate conditions, and would be able to regulate parking along Church Street or close to junctions. I see no reason to disagree with the views of the Highway Authority in this respect.
35. Concerns have been expressed about the lack of assessment of the cumulative effects of traffic associated with this and the possible development on the Whitelea Nursery site (which was proposed as an allocation in the Draft LP and is the site preferred by some but not all local residents). However, I am told that the Highway Authority does not carry out assessments for schemes of less than 80 dwellings, and the combined development arising from this and the Whitelea Nursery site is likely to be significantly less than this. Moreover,

paragraph 32 of the Framework says that development should only be prevented on transport grounds where the impact of the development would be severe. Accordingly I conclude that the harm arising in this respect would not be significant.

36. It seems likely to me that the additional traffic arising from the proposed development would result in some inconvenience due to waiting to pass on Church Street and at junctions. However I have no reason to suppose this would be severe, and neither the Council nor the Highway Authority has raised concerns in that respect.

### *Prematurity*

37. Tansley Parish Council has drawn attention to the Planning Practice Guidance (the Guidance) which says that planning permission could be refused on the grounds that the development would be premature in relation to the emerging local plan. However, paragraph 14 of the Framework says that, where the development plan is absent or out-of-date, planning permission should be granted, other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.
38. The Guidance explains that arguments about prematurity are unlikely to justify the refusal of permission unless the development proposed, individually or cumulatively with other proposals, would be so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan. The Guidance goes on to say that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. In this case the Draft LP has been withdrawn. The Council has raised no concerns in respect of prematurity and taking into account the Guidance I see no reason to disagree.
39. There was also little before me to show that building here would prejudice the re-use of previously developed land elsewhere such as Whitelea Nursery. Tansley Parish Council is concerned that the costs of highway, drainage and healthcare, individually or cumulatively with other proposals, have not been taken into account. However, no concerns have been raised by the relevant bodies in relation to this scheme, and this is only a 'potential' concern, the scale of which has not been specified and which may or may not arise. In my opinion there was insufficient evidence submitted to mean this would be a justifiable reason to dismiss this proposal. For these reasons I consider the proposals could not be resisted on the grounds of prematurity.

### ***Balancing any harm against the benefits of providing additional housing***

40. There is a shortfall in housing land supply, and so, having regard to paragraph 49 of the Framework, the policies in the development plan relating to that matter must be considered out-of-date. This shortfall is something to which significant weight should be attached. The relevant policies from the Local Plan are not consistent with the Framework, the Local Plan is out-of-date, and, for the reasons set out above I have concluded that the site is suitably sustainable. I therefore consider the provision of housing as proposed must be seen as a significant benefit.

41. Therefore, having regard to paragraph 14 in the Framework, the benefit of this housing has to be balanced against the harm identified. Moreover, to justify resisting the proposal under paragraph 14 the harm must "significantly and demonstrably" outweigh the benefits.
42. As explained above the harm I have identified to the countryside is limited due to the site's relationship to existing built development, the stream and the road, topography, and the open space and landscaping that would be retained. I have concluded that other harm to living conditions, highways, infrastructure and from prematurity is not significant. Therefore I consider that harm arising from the development would not outweigh the significant benefit of more housing.
43. I have noted that Tansley Parish Council and local residents consider the approach in paragraphs 49 and 14 of the Framework to be contrary to the concept of localism and are dissatisfied that the approach taken by the Draft LP is now deemed to be out-of-date. The Framework places a clear emphasis on the primacy of the development plan and the opportunities communities have to shape the scale, location and timing of development. However, this greater involvement does depend upon the expeditious preparation of local plans that make provision for the future needs of areas. The approach in paragraphs 49 and 14 of the Framework only becomes applicable when the development plan system has not achieved one of its main tasks, such as the provision of an adequate supply of housing land, or is inconsistent with national guidance. As such, I do not accept that it undermines the concept of localism. Moreover, this proposal has not negated the extensive and comprehensive consultation process that was recently completed in relation to the housing options, as I have no reason to suppose the sites identified through that process will not still form the basis for the housing allocations in a future Local Plan.
44. I have taken account of the appeal Ref APP/P1045/A/13/2195508 at West Yard which was refused on 13 August 2013. However, since that time the Council has withdrawn the Draft LP and accepts that a 5 year housing land supply is not available, so the policy circumstances are very different. I have also taken account of appeal Ref APP/C2708/A/07/2061094 which was allowed on 16 March 2010 and appeal Ref APP/P1045/A/13/2195546 which was allowed on 9 October 2013.
45. For the reasons set out above I conclude no harm has been shown that would significantly and demonstrably outweigh the benefits of providing this additional housing in this location.

### **Conditions**

46. I have assessed the suggested conditions against the six tests for conditions in paragraph 206 of the Framework and against the Guidance.
47. As this is an outline application, the standard conditions relating to the commencement of the development and the submission of reserved matters should be applied. As the application is in outline further details are required of the access arrangements. In the interests of highway safety pedestrian visibility splays should be provided to the private drives and parking spaces secured at properties in the development.

48. As set out above, I have already referred to the need for a condition requiring a viability assessment and for affordable housing to be provided to achieve a satisfactory supply of a variety of housing to meet the needs of the area.
49. Further assessments are required to establish the botanical interest of the site and the mitigation proposals in the submitted Preliminary Ecological Site Appraisal and subsequent assessments should be secured, together with the protection and enhancement of trees and hedgerows. The works proposed by Derbyshire Wildlife Trust and future management can be addressed through landscape implementation and management conditions, as can improvement works to, and protection of, footpaths as requested by Derbyshire County Council and the Peak and Northern Footpaths Society. The removal of trees, shrubs and hedgerows during the nesting season should be controlled to protect birds.
50. The future management and maintenance of the open areas to ensure a satisfactory appearance on both the red and blue edged land can be secured by condition. Whilst it would not be appropriate to require the transfer of land to Tansley Parish Council as requested, I note that the appellant at the Hearing seemed willing to consider this, and this could be addressed under the management scheme.
51. Foul and surface water drainage should be agreed and implemented in the interests of public health. In the interests of public safety water pressure sufficient to enable the efficient operation of domestic water sprinklers should be provided as requested by the Fire and Rescue Service.
52. Due to the steepness of Tansley House Gardens and the relative narrowness of parts of Church Street I consider that a Construction Methodology Statement is necessary and appropriate to mitigate on-street parking and congestion. In the interests of sustainability and to encourage home working a high speed broadband link should be provided.

### **Final conclusion**

53. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be allowed.

*SDHarley*

INSPECTOR

### **Conditions Schedule**

- 1) Details of the appearance, landscaping, layout, and scale, including existing and proposed levels across the site in relation to adjacent land, (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 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

- 4) The landscaping details submitted for approval in connection with Condition 1 above shall include details of all trees and shrubs on the site to be retained, together with details of their means of protection and a timetable for the implementation of those protection works. The means of protection shall then be instigated in accordance with the approved details and timetable.
- 5) The landscaping details submitted for approval in connection with Condition 1 above shall include details of the play area, together with a timetable for its implementation and details of its future maintenance. The play area shall then be provided and thereafter maintained in accordance with the approved details and timetable.
- 6) Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority of improvements to and protection for public footpaths on and adjoining the site together with a timetable for its implementation. The footpath improvements and protection shall then be provided in accordance with the approved details and timetable and thereafter retained.
- 7) Notwithstanding the submitted Preliminary Ecological Site Appraisal, no development shall take place until the results of a Phase 2 Ecological Assessment, carried out to establish the extent of botanical interest, together with appropriate mitigation measures, has been submitted to and approved in writing by the local planning authority.
- 8) The landscaping details submitted for approval in connection with Condition 1 above shall include details (including a timetable) of how the ecological recommendations in the Preliminary Ecological Site Appraisal and the Phase 2 Ecological Assessment are to be incorporated within the proposed development. These details shall then be incorporated into the development in accordance with the approved details and timetable.
- 9) No removal of hedgerows, trees, shrubs, brambles or ivy shall take place between 1 March and 31 August inclusive, unless a survey has been undertaken by a competent ecologist to assess nesting bird activity on the site during this period, and details of measures to protect nesting birds have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
- 10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all open areas on the land edged red and blue on Plan Ref S1.01, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development for its permitted use. The landscape management plan shall be carried out as approved.
- 11) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of

the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

- 12) The development shall not begin until such time as an independent financial assessment has been submitted to and approved in writing by the Council. The financial assessment shall indicate the level (if any) of affordable housing which the scheme could provide, taking account of any available public subsidy. Thereafter development shall not commence until such time as either (a) the approved financial assessment confirms that affordable housing is not viable OR (b) if affordable housing is viable then a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the Framework or any future guidance that replaces it. The scheme shall include:
- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall contain the maximum numbers of affordable housing units/bed spaces indicated by the financial viability assessment;
  - b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord is involved);
  - d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - e. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 13) No dwelling hereby permitted shall be occupied until its parking, together with any associated manoeuvring space, has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 14) Any garage permitted/car spaces provided shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
- 15) Prior to the commencement of the development on site a scheme including precise details of the access from Tansley House Gardens and within the site, and including bin stores, lighting and future management and maintenance arrangements shall be submitted for the approval of the local planning authority. No dwelling shall be occupied until the details have been approved in writing by the local planning authority and the approved access has been formed to base level, drained and lit in accordance with the approved details.
- 16) Prior to the occupation of any dwelling a timetable for the completion of the access road, including the top coating and lighting shall be submitted for the

approval of the local planning authority and the approved works shall be completed in accordance with the approved schedule.

- 17) 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:
  - a. the parking and manoeuvring of vehicles of site operatives and visitors;
  - b. loading and unloading of plant and materials;
  - c. storage of plant and materials used in constructing the development;
  - d. the erection and maintenance of security hoardings where appropriate;
  - e. wheel washing facilities.
- 18) No dwelling shall be occupied until its private driveway/parking space(s) have been provided with 2m by 2m pedestrian visibility splays to either side. The splays shall at all times be kept free from any obstruction over 600mm in height when measured from the pavement.
- 19) The proposed private driveway/parking spaces shall be no steeper than 1:14 for the first 5m from the nearest highway boundary and no steeper than 1:10 thereafter.
- 20) Prior to the commencement of the development on site details of the proposed surface water drainage scheme and the proposed foul water drainage scheme, together with a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority. The drainage scheme shall then be implemented in accordance with the approved details and timetable.
- 21) Prior to the commencement of the development a scheme for the provision of information and communications technology (ICT) infrastructure capable of delivering High Speed Broadband shall be submitted to and approved in writing by the local planning authority. The scheme shall relate to the site only and shall provide a single point for connection to the wider ICT network. Thereafter each dwelling shall be provided with a connection to the approved ICT infrastructure prior to first occupation.
- 22) Prior to the commencement of the development a scheme for the provision of a water supply capable of delivering the required volume of water to allow the installation of domestic water sprinklers shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the occupation of any of the dwellings on the site.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Tony Bowhill  
M Foster

Bowhill Planning Partnership.  
Y Bar Ltd.

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

Helen Frith BA(Hons); Dip.TP  
Howard Crowe MA; CMLI  
Michael Hase BA(Hons) MRTPI

Derbyshire Dales District Council.  
Derbyshire Dales District Council.  
Derbyshire Dales District Council.

### **INTERESTED PERSONS:**

Vicki Raynes  
Kathleen Camm  
Ruth Cooper  
Stafford Hildred  
Ian Strange

Tansley Parish Council.  
Local Resident.  
Local Resident.  
Local Resident.  
Local Resident.

### **Documents submitted at or after the Hearing**

- 1) Derbyshire Wildlife Trust, letter dated 3 December 2014.
- 2) Appeal decision Ref APP/P1045/A/13/2195508 dated 13 August 2013.
- 3) Tansley Parish Council Statement, December 2014 and associated documents.
- 4) Official copy of register of title, supplied by Tansley Parish Council.
- 5) Ian Strange, Statement in support of the proposal.
- 6) Proposed condition about affordable housing supplied by the agent.
- 7) Appeal decision Ref APP/C2708/A/07/2061094 dated 16 March 2010