



Appeal Decision

Site visit made on 12 April 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/R1038/W/22/3306802

Land to the rear of 263 Nethermoor Road, Wingerworth, Chesterfield S42 6LW

- 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 Land Allocation Ltd against the decision of North East Derbyshire District Council.
 - The application Ref 21/01085/OL, dated 1 September 2021, was refused by notice dated 6 June 2022.
 - The development proposed is up to 26 over 55's accommodation, with all matters reserved except for access.
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Decision

1. The appeal is allowed and planning permission is granted for up to 26 over 55's accommodation, with all matters reserved except for access on land to the rear of 263 Nethermoor Road, Wingerworth, Chesterfield S42 6LW in accordance with the terms of the application, Ref 21/01085/OL, dated 1 September 2021, subject to the conditions in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Land Allocation Ltd against North East Derbyshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis, and I have taken the layout of development shown in the submitted 'Indicative Site Layout' (ref CAL020421 05) into account as indicative in relation to my consideration of the principle of the development on the appeal site.
4. The address given for the appeal site on the application form differs from that given on the Council's decision notice and appeal form. As the address given on the decision notice and appeal form is more accurate, I shall use it in the determination of this appeal, together with the correct postcode.
5. In the suggested condition regarding plans the Council states that the 'Indicative Site Layout', which shows the proposed access, has the reference CAL020421/01. In its list of plans the appellant uses the reference CAL020421/09 for this plan. As the actual 'Indicative Site Layout' I have been provided with though has the reference CAL020421/05, I have used this reference for this plan in condition 4.

6. A unilateral undertaking has been submitted and I have considered its terms as part of this appeal.

Main Issues

7. The main issues in this appeal are:

- whether the location of the proposed development would comply with the spatial strategy of the development plan, including in relation to the provision of specialist housing; and,
- the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

8. The development plan for the area consists of the North East Derbyshire Local Plan (2014-2034) ('Local Plan') and the Wingerworth Parish Neighbourhood Plan ('Neighbourhood Plan').
9. The Local Plan has established a hierarchy of settlements which identifies those which are the most suitable in sustainability terms to meet the development needs of the District. Level 1 is at the top of the hierarchy and consists of the towns in the District. Classed as 'settlements with a good level of sustainability' Wingerworth and Tupton are located in the next tier, level 2. These two categories of settlements are considered by the Local Plan to be the most sustainable and together with strategic sites are the focus for new housing development. Policy SS1 of the Local Plan relates to sustainable development. Amongst other matters it supports development promotes the social welling of North East Derbyshire's communities and protects the character of its local landscapes.
10. Within the defined Settlement Development Limits (SDLs) new development is acceptable in principle. As the appeal site is located next to but outside of Tupton's SDL for planning policy purposes it is located with the countryside where development is strictly controlled by policy SS9 of the Local Plan. Policy W2 of the Neighbourhood Plan supports the development of the countryside where, amongst other matters, it is appropriate in a rural location. One of the types of development in the countryside supported by policy SS9 relates to schemes that have a demonstrable community and / or social benefit. Policy LC4 of the Local Plan relates to the type and mix of housing sought. The justified reasoning to this policy and the policy itself explains that as an exception in the countryside specialist housing will be permitted subject to certain criteria.
11. It is common ground between the parties that as the proposed housing would be restricted in age to the over 55s it would constitute specialist housing as defined by the National Planning Policy Framework ('the Framework') and Planning Practice Guidance. I agree with that assessment. The Housing Need Report that accompanied the planning application identifies that the proportion of the population of the Parish over 55 years of age is increasing at a faster rate than the District as a whole. The report also cites independent research which shows that many older people are keen to downsize to more manageable properties if attractive options in the right locations exist. Well-designed new build housing on the edge of Tupton is likely to fulfil such criteria. The lower

maintenance and running costs of new build housing is also likely to be attractive to older people approaching or past retirement age.

12. Therefore, whilst the mainstream housing stock can offer a suitable alternative to housing restricted to older people, and only 20% of the proposed homes built would meet accessibility standards and constitute affordable housing, the appeal scheme would increase the availability of housing for older people and in principle would better meet what this age group seeks in terms of running costs and maintenance. Moreover, it is reasonable to assume that a consequence of the scheme would be to encourage downsizing which would free up some family sized housing. I therefore find that the proposed scheme would have demonstrable social benefits. In principle therefore the proposal would comply with policy SS9 of the Local Plan, and policy W2 of the Neighbourhood Plan.
13. As the proposed development would be located next to the SDL it would also have a close association with the built up parts of Tupton. It would therefore comply with the first two criteria contained within policy LC4 (2) of the Local Plan which relates to the type and mix of housing. The remaining criteria relate to whether the proposed scheme would be modest in scale and whether it would be in keeping with the form and character of the settlement and local landscape setting. These are matters that I shall consider in the next main issue.

Character and appearance

14. In assessing the character and appearance of the area and the effect of the proposed development on it, I have taken into account the Landscape and Visual Impact Assessment (LVIA), the LVIA review and the views of the main parties and local objectors, together with my own observations during the site visit.
15. The appeal site is a crudely rectangular parcel of land located next to the northern edge of the SDL for Tupton. On the western side of the A61, where the appeal site is located, Tupton is characterised by ribbon development along Nethermoor Road. In contrast, on the eastern side of the A61 development in depth characterises the settlement. Development on the appeal site, which abuts the rear of Nethermoor Road and is positioned adjacent to the A61, would therefore extend development in depth from the eastern side of the A61 to the western side. As the appeal site extends no further north than the extent of development in depth on the eastern side of the A61, the scheme would complement the overall form and residential character of Tupton.
16. The Derbyshire Landscape Character Area Assessment places the appeal site within the Wooded Farmlands Character Area (WFCA). As part of a hedged field the appeal site forms part of a coherent landscape of irregularly shaped fields with woodland beyond on the western side of the A61. This landscape displays many of the key characteristics of the WFCA. The visual unity of this land has led it to be classified as having Secondary Sensitivity in the Areas of Multiple Environmental Sensitivity (AMES) assessment which forms part of the study, The Landscape Character of Derbyshire.
17. Residential development on the appeal site would inevitably have an urbanising effect upon it. However, by virtue of the limited size of the site in relation to the fields of which it forms a part, the distinctive features of the WFCA in this

area of countryside would be retained, its sensitivity would not be materially impinged upon and the gap separating Tupton from Wingerworth would not be harmfully eroded.

18. Although the site is in an elevated position, it is located within a gently undulating landscape with housing on its southern side, woodland in the medium distance to the north and west, and a tree lined hedgerow along the A61. As a result, close range public views of the site are restricted to relatively brief views from the A61, with some longer views possible from permissive woodland paths and from the north east.
19. The remaining criteria of policy LC4 (2) include that a proposed development is modest in scale. Scale is not defined by the justified reasoning to this policy or in the glossary to the Local Plan. In the context of the policy, I have therefore assessed the proposal on the basis that scale means both the number of dwellings as well as their physical dimensions. In relation to a Level 2 settlement, where a figure of 362 houses is proposed by the Local Plan, up to 26 dwellings would be a modest development. Furthermore, with the control that can be exerted in relation to reserved matters, and given the context of the site in relation to its surroundings, there is no good reason why a well-designed scheme of suitably sized dwellings with landscaping sympathetic to the setting of the site would not come forward for approval.
20. An application for up to 67 houses on land that included the appeal site was dismissed on appeal in 2020. However, as that site was considerably larger and extended considerably further to the north towards Wingerworth it is materially different to the appeal proposal before me. As a result, reference to that decision has not altered my findings in relation to this issue.
21. Taking all these matters into account, I therefore find that the proposed development would have no worse than a minor adverse effect on the local landscape and visual amenity. The harm caused would therefore not be significant. As a consequence, the proposal would comply with policy SDC3 of the Local Plan which seeks to protect the landscape character of the district. Moreover, for the reasons given above, it would also comply with policy LC4 (2) of the Local Plan.

Other Matters

Access

22. The access to the site would be from the A61. In comparison to the previous scheme dismissed on appeal, the smaller number of dwellings proposed would mean that the level of vehicle movements generated by the proposal would be considerably lower. As a result, the highway authority has no objection to the proposed site access, subject to the provision of adequate visibility splays and a pedestrian crossing. I saw no reason why both could not be provided and I have no reason to disagree with those conclusions.

Local services and infrastructure

23. The submitted section 106 unilateral undertaking (UU) has been properly completed. I have assessed its provisions having regard to the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the tests in paragraph 57 of the Framework. The UU secures the on-site provision of affordable housing and informal public open space. It also

secures a contribution towards the provision of healthcare at Chesterfield Royal Hospital and its wording could be construed as endeavouring to limit future occupation of the dwellings to persons 56 years of age or over.

24. Policy ID1 of the Local Plan forms the policy basis for the UU. It advises that where new development necessitates the provision of new or improved infrastructure, and / or where suitable mitigation is required, this can be secured by use of planning obligations.

Chesterfield Royal Hospital Foundation Trust (CRHFT)

25. In relation to healthcare, the evidence from the CRHFT is that funding for the services provided at Chesterfield Royal Hospital is based on the previous year's attendances. As a result, during its first year of occupation, the financial demand placed on the hospital and its services by future residents of the proposed development would not be funded. A financial contribution is therefore necessary in relation to this aspect of health care to make the development acceptable in planning terms and is directly related to it.

Affordable Housing

26. Turning to affordable housing, policy LC2 of the Local Plan and its justified reasoning identifies that there is an ongoing unmet need for such housing in the District. The policy guides that in relation to residential development for a site of the size and potential development capacity of the appeal site, 20% of housing needs to be affordable. Such provision is therefore directly related to the development and necessary to make it acceptable in planning terms.

Public Open Space

27. On the basis of the indicative layout, landscaping on the appeal site beyond the garden areas of dwellings is likely to be provided to help soften the development. Following the completion of the development such areas will need to be managed and the UU states that the appellant will do so until such time as responsibility is transferred to a management company. The appellant describes this land as public open space. However, this has not been agreed with the Council. Whilst soft landscaping is likely to be necessary as part of the final scheme, making such land public open space is not necessary to make the development acceptable in planning terms and shared landscaped areas can be adequately covered by condition.

Age restriction

28. The occupancy age restrictions included in the UU's list of definitions and in Schedule 1 are insufficiently robust. This is because the former does not limit ongoing occupation and the latter only relates to the affordable housing element of the scheme. This matter though can be properly controlled by a suitably worded condition.
29. Given this finding, and that this matter can be properly addressed by a suitably worded condition, I find that this matter it unnecessary to rely on the UU to police the age of occupants of the proposed development.
30. that 'planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'. However, a

condition cannot override, supersede or revoke a completed planning obligation.

31. Based upon the approach laid out in the development plan policies I have been referred to, and the model that the NHS Trust has used to calculate the contribution sought, I am satisfied that the sum sought in relation to healthcare and the provision of affordable housing sought is fairly and reasonably related in scale and kind to the proposed development. Accordingly, the provisions in relation to these two matters pass the relevant tests and requirements and I have taken them into account in the determination of this appeal.
32. In contrast, for the reasons given above, the 'transfer' of on-site open space to the local authority fails the relevant tests and a condition, rather than an obligation, is to be preferred for securing the age restriction on occupation. I have therefore not taken the relevant provisions of the UU in relation to public open space into account and instead a condition should be relied upon to control occupancy.
33. The Council requested that the NHS Derby and Derbyshire Integrated Care Board made any submission in relation to the demand that the proposed development would have on GP practices by 19 March 2023. This was in order that the Council could respond to the draft unilateral by 24 March. The submission from the Care Board was received almost 5 weeks after this date, well after the completed unilateral undertaking prepared by the appellant in consultation with the Council had been submitted to the Planning Inspectorate.
34. The functioning of the planning appeals system relies on appeal timetables being adhered to. No exceptional circumstances have been given to justify why this evidence was late. As a result, I have not accepted the submission made seeking a contribution towards GP practices. Even if I had decided differently, as the request for funding does not clarify whether the existing buildings used by the GP practices in the area are at capacity, it has not been demonstrated that a surgery extension is necessary to make the development acceptable in planning terms. As a consequence, even if I had accepted the submission, the contribution sought would have failed the relevant tests and so would not have been taken into account.

Conditions

35. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with.
36. Given the history of mining in the area, the site needs to be assessed in relation to the risk of contamination and the extent of any land instability identified. As the site encroaches peripherally into a known area of Roman archaeology, a scheme of investigation is necessary.
37. In the interests of biodiversity, the trees and hedgerows around the periphery of the site need to be protected during construction. For the same reason, a Construction Environmental Management Plan is needed and a scheme to enhance biodiversity on the site is required, with the latter incorporating a landscape buffer into the scheme.
38. As development of the site may well involve the construction of more than ten dwellings a sustainable drainage system is required and details of measures to avoid surface water run off onto the highway during construction are needed.

In the interests of highway safety and the living conditions of nearby residents, details of a temporary access for construction and a Construction Method Statement are required. In relation to highway safety solely, control needs to be exerted in relation to certain matters (i.e. the gradient of access drives, the main access and visibility splays), a pedestrian crossing needs to be provided and further details regarding the design of access roads are necessary.

39. To help ensure that the development is well designed and complements its surroundings certain details need to be included within the landscaping scheme. For the same reason, details of site levels, bin storage, parking (including cycle parking), external materials, boundary treatments and lighting need to be provided. To ensure that noise from the A61 does not result in unacceptable living conditions, a noise survey needs to be carried out with any required mitigation incorporated into the scheme.
40. In accordance with development plan policy, the scheme needs to demonstrate how its design will promote sustainable forms of transport such as cycling, walking and use of public transport through the production of a travel plan. To accord with the Local Plan, details of how the development will enhance and maximise employment and training opportunities during construction need to be provided. To ensure that the type of housing provided in this location complies with the development plan occupation needs to be restricted to those who are over 55 years of age.
41. Although the Government intends to raise the baseline accessibility standard for all new homes to the level of M4(2) of the Building Regulations this may not occur before dwellings on the site are built. Therefore, in order to comply with the development plan, the delivery of 20% of the dwellings constructed on the site as accessible and adaptable dwellings needs to be secured.
42. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within PPG.
43. Conditions regarding healthcare provision and affordable housing have been suggested by the Council. As these matters are covered by the submitted UU and pass the relevant tests conditions are unnecessary. Accordingly, I have not included them.

Conclusion

44. For the reasons given above, the proposed development would comply with the development plan considered as a whole. As a result, it would contribute to sustainable development in the District in accordance with policy SS1 of the Local Plan. As there are no other considerations that outweigh this finding the appeal should therefore be allowed.

Ian Radcliffe

Inspector

Schedule

- 1) Details of the 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 approved shall be carried out in accordance with the following submitted plans, but only in respect of those matters not reserved for later approval: CAL020421/01 Site Location Plan, CAL020421/05 Indicative Site Layout.
 - 5) Concurrent with the submission of the reserved matters application a scheme for the storage and collection of refuse and recycling bins, and a timetable for implementation shall be submitted to the local planning authority for approval. The scheme shall be implemented in accordance with the approved details and timetable and shall thereafter be retained.
 - 6) The landscaping scheme, to be submitted as part of the reserved matters proposals, shall include proposals for the landscape buffer to the western boundary, the area(s) of open space and the treatment for gardens. The scheme shall provide for new planting together with the retention of existing trees and hedgerows (to be identified) and the scheme shall be compatible with the biodiversity requirements of condition 13. The scheme shall include timescales for implementation and details (with timescales) for the ongoing management and maintenance of the landscaped areas and open space(s) within the development. The scheme shall be implemented in accordance with the approved details and timescales. The ongoing management and maintenance measures, as approved, shall be adhered to for the life of the development.
 - 7) Details of the internal access road(s) and main access into the site (other than the point of access), to be submitted as part of the reserved matters proposals, shall include details for their design, geometry, gradients, materials of construction and surface water drainage. Prior to the laying out of the main access and internal access roads timescale(s) for their completion and details for their ongoing maintenance and management shall have been submitted to and approved in writing by the local planning authority. The main access and internal access road(s) shall thereafter be constructed in accordance with the approved details and timescales and shall be managed and maintained as approved for the lifetime of the development.
 - 8) No later than the submission of the reserved matters application a scheme for accessible and adaptable homes shall have been submitted to the local planning authority for approval. The scheme shall provide for at least 20% of dwellings to be accessible and adaptable homes that meet the requirement of M4(2) of the Building Regulations 2015 and shall include:
 - 1) Identification of the accessible and adaptable homes;
 - 2) Details of tenure;
 - 3) Details for ongoing management;
 - 4) Timescale(s) for implementation.No dwelling on the development shall be occupied until the scheme for accessible and adaptable homes has been approved in writing by the local planning authority. The accessible and adaptable homes shall be provided in accordance with the approved details and timescale(s) and shall be retained as such thereafter.

- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found as a result of the assessment and any consequential site investigation, a report specifying the measures to be taken, including the timescale(s), to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority before the development is commenced. The site shall be remediated in accordance with the approved measures and timescale(s) and a verification report shall have been submitted to and approved in writing by the local planning authority before any particular dwelling is occupied. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until provision has been made for additional remediation measures in accordance with details and timescales that shall first have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works, including the additional measures, shall have been submitted to and approved in writing by the local planning authority before any particular dwelling is occupied.
- 10) No development shall commence until a site investigation of the nature and extent of any land instability and gas emissions has been carried out in accordance with a methodology which shall first have 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 is begun. If any land instability issues or gas emissions are 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 and a timetable for implementation of those measures shall be submitted to the local planning authority for approval. The site shall be remediated in accordance with the measures and timetable as approved. If, during the course of development, any unexpected land instability issues or gas emissions are found which were not identified in the site investigation, details of additional measures and timescale(s) for their remediation shall be submitted to the local planning authority for approval. The remediation of the site shall incorporate the additional measures and timescale(s) as approved by the local planning authority.
- 11) No development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and details of:
- (i) The programme/timescale(s) and methodology of site investigation and recording;
 - (ii) The programme/timescale(s) for post investigation assessment;
 - (iii) The provision to be made for analysis of the site investigation and recording;
 - (iv) The provisions to be made for publication and dissemination of the analysis and records of the site investigation;

- (v) The provision to be made and timescale for archive deposition of the analysis and records of the site investigation;
 - (vi) The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. The measures set out in the Written Scheme of Investigation shall be undertaken in accordance with the details and timescales as approved. No development shall be carried out other than in accordance with the Written Scheme of Investigation as approved.
- 12) No development, site clearance or preparatory work shall commence until tree and hedgerow protection measures have been put in place in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Within the protected areas shown in the approved details there shall be no alteration to ground levels, no compaction of the soil, no stacking or storage of materials and any service trenches shall be dug and back filled by hand. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of the development.
- 13) No development shall commence until a scheme for biodiversity, protection, mitigation and enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the retention of existing biodiversity rich features (such as trees, hedgerows and watercourses), a landscape buffer to the western boundary of not less than 20m width, bird and bat boxes, swift bricks, connectivity for wildlife and ecologically beneficial landscaping. The scheme shall include timescales for implementation and details (with timescales) for ongoing management and maintenance of all open areas within the development. The scheme shall be implemented in accordance with the approved details and timescales. The ongoing management and maintenance measures, as approved, shall be adhered to for the life of the development.
- 14) No development shall commence until a scheme of arrangements for surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (i) Details of the design of the scheme which shall be a sustainable drainage scheme unless an assessment of ground conditions has shown that to be impracticable;
 - (ii) Details of the assessment of ground conditions undertaken;
 - (iii) A timetable for implementation; and
 - (iv) A management and maintenance plan which shall include the arrangements for adoption by any public body or statutory undertaker, and/or any other arrangements to secure the effective operation of the drainage scheme throughout the lifetime of the development.
- The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the details and timetable as approved.
- 15) No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP:Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and include a summary of protected species licensing requirements);

- d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.
- 16) No development shall commence until details of measures for the avoidance of surface water run-off from the site during the construction phase and a timescale for implementation have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the details and timescale as approved and shall remain in place for the duration of the construction phase of the development.
- 17) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. 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) the erection and maintenance of security hoardings/fencing;
 - (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 construction works;
 - (viii) delivery and construction working hours;
 - (ix) access to the site for construction traffic.
- The methods as approved shall be put into place prior to the commencement of development and shall be retained throughout the construction phase. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 18) No development shall commence until a temporary access for construction traffic has been provided in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The temporary access as approved shall be retained for the duration of the construction phase of the development free from any impediment to its designated use.
- 19) No development shall commence until a scheme to enhance and maximise employment and training opportunities during the construction period of the development has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be operated in accordance with the approved details.
- 20) No development shall commence until full details of the finished levels, above ordnance datum, of the ground floors of the buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 21) No works for the erection of any dwelling shall take place above damp proof course level until a scheme of facing materials to be used for the construction of the dwellings and their hard surfaced areas (drives, paths, patios, etc), has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No particular dwelling shall be occupied until its hard

- surfaced areas have been provided in accordance with the details as approved.
- 22) No development shall take place above damp proof course level until a scheme for protecting the proposed dwellings from noise, following the completion of a sound survey, has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme as approved shall be completed prior to first occupation of any particular dwelling and shall be retained thereafter.
- 23) No vegetation clearance or site clearance shall be undertaken during the bird nesting season (1 March - 31 August inclusive) unless an inspection has been undertaken by an ecologist immediately prior to the works which confirms the absence of any nesting birds, and a report of the inspection findings has been submitted to the local planning authority.
- 24) No part of the development 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 specific proposals for:
- (i) Immediate, continuing and long term measures to promote and encourage alternatives to single-occupancy car use;
 - (ii) A timetable for implementation;
 - (iii) Travel plan targets; and
 - (iv) Measures for monitoring and review.
- The Travel Plan shall be implemented and operated thereafter in accordance with the approved details and timetable.
- 25) No dwelling shall be occupied until the new estate street junction with Derby Road (A61) has been laid out, constructed to at least base course level and provided with visibility splays in both directions in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The details shall show that the areas in advance of the sightlines shall be levelled, constructed as footway or verge and that they are not included in any plot or other subdivision of the site. The details shall include a timescale for implementation. The access shall thereafter be provided in accordance with the approved details and timescale.
- 26) The frontage boundary treatments to the properties shall not exceed 1.0m height relative to nearside carriageway channel level. 2.4m x 17m minimum visibility sightlines shall be provided to either side of the access driveways to each property and shall thereafter be retained and shall remain free from obstruction above 1.0m height.
- 27) No dwelling hereby approved shall be occupied until a pedestrian crossing on Derby Road, in the vicinity of the site, has been constructed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 28) Before occupation of any dwelling a scheme of boundary treatments shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementation. The scheme shall be implemented in accordance with the approved details and timetable and retained as such thereafter.
- 29) No particular dwelling shall be occupied until space has been provided within its site curtilage for the parking and manoeuvring of vehicles and secure cycle parking in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Thereafter the vehicle and cycle parking space(s) shall be retained and kept available for use for their designated purpose.

- 30) The access drives to the properties shall be no steeper than 1:14 for the first 5.0m from the nearside highway boundary and 1:10 thereafter.
- 31) Any external lighting shall be provided only in accordance with an external lighting scheme which shall first have been submitted to and approved in writing by the local planning authority.
- 32) Occupation of the dwellings shall be age restricted to those over 55 years of age i.e. 56 years of age or older. No dwelling shall be occupied other than by a person or person(s) of 56 years of age or older.

-----**End of Schedule of Conditions**-----

Richborough Estates