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## Appeal Decision

Site visit made on 18 November 2024

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 December 2024**

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**Appeal Ref: APP/X3025/W/24/3342935**

**Vacant land between 19 Burns Lane, Warsop Enterprise Centre and 30 Church Street, Warsop, Nottinghamshire NG20 0AU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Robert Bryant on behalf of Tanbry Construction Ltd against the decision of Mansfield District Council.
- The application Ref is 2023/02183/FUL.
- The development proposed is Re-development of the site, including demolition of part of existing building, to provide 19 No dwellings and parking served from a new access from Burns Lane.

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### Decision

1. The appeal is allowed and planning permission is granted for re-development of the site, including demolition of part of existing building, to provide 19 No dwellings and parking served from a new access at Vacant land between 19 Burns Lane, Warsop Enterprise Centre and 30 Church Street, Warsop, Nottinghamshire NG20 0AU in accordance with the terms of the application, Ref 2023/02183/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appellant has provided two planning application forms, one of which cites Nottinghamshire Community Housing Association as co-applicant. As the appeal has been made by only one of the parties, it has proceeded in the name of Tanbry Construction Ltd only.
3. The evidence appears to use the names "Warsop" and "Market Warsop" interchangeably when referring to the settlement. On the basis of the given site address I have used "Warsop" within my reasoning, other than where quoting from documents that use the alternative.
4. The appellant's evidence includes a Retail Statement<sup>1</sup> and a Marketing Update<sup>2</sup> produced in support of the appeal. Although these documents were not available to the Council at the point it made its decision, they do not represent amendments to the scheme itself. As the documents were provided at the outset of the appeal, no party would be prejudiced by my taking them into account in reaching my decision.
5. The evidence before me also includes a unilateral undertaking ('UU') provided by the appellant. I will return to this later in my decision.

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<sup>1</sup> Retail Statement; CarneySweeney dated 15<sup>th</sup> April 2024

<sup>2</sup> Marketing Update and Report Addendum (March 2024) – Land between Church Street and Burns Lane, Warsop; LEW Estates (ref Warsop/Marketing/March 2024)

## **Main Issues**

6. The main issues are;

- whether the appeal site is a suitable location for the development having regard to the spatial strategy of the development plan, and;
- whether there is a realistic or reasonable prospect of the appeal site coming forward for its allocated use, and;
- whether the proposal would meet an unmet need for affordable housing.

## **Reasons**

### *Suitable location*

7. The site is an area of previously developed land close to the centre of Warsop. Adjacent land uses include residential dwellings and small commercial units. Policy S2 of the Mansfield District Local Plan ('MDLP') 2013 identifies Market Warsop as the second largest settlement in the district, and that new development appropriate to its scale and regeneration will be directed to the settlement. The policy also identifies that 10% or at least 650 homes will be distributed within Warsop Parish during the plan period.
8. The policy also provides for at least 17,240 square metres (sqm) of retail and leisure floorspace across the district across the plan period, with 700sqm of comparison and 350sqm of leisure floorspace (including food and drink) allocated to Market Warsop District Centre.
9. MDLP Policy RT7 identifies sites which had planning permission for retail and leisure commitments as of 1 April 2019, and allocates them within the local plan for those purposes. The appeal site is identified within the policy as site 'RT7d' and is allocated for 715sqm of convenience floorspace and 80sqm of comparison floorspace. There is no allocation for leisure floorspace.
10. Therefore, with the proposal comprising a use for which the appeal site is not allocated, the appeal site is not an appropriate location for the proposed development having regard to the spatial strategy of the development plan. As a result, it would conflict with the MDLP Policies S2 and RT7, the content of which I have set out above.

### *Allocated use*

11. Paragraph 127 of the National Planning Policy Framework ('the Framework') is supportive of applications for alternative uses where these would contribute to an unmet need and where there is no reasonable prospect of a site coming forward for a use allocated in a plan.
12. Planning Practice Guidance ('PPG') advises that when considering whether there is a realistic prospect of an allocated site being developed for its intended use, that factors such as the length of time since the site was allocated in the development plan; the planning history of the site; whether there is evidence that the site has been actively marketed for its intended use for a reasonable period and at a realistic price; and whether there are any changes of circumstance that mean that take-up of the site for its intended use is now unlikely, may be relevant.

13. The MDLP, although covering the period 2013 to 2033, was adopted in September 2020. The plan is therefore a little over four years old, with around 8 years of the plan period remaining. I understand that the Council is currently undertaking a local plan review. In the context of the plan period, the allocation is not of significant age.
14. However, I understand that the appellant has controlled the appeal site for over a decade and in that time has been unsuccessful in bringing development forward. Planning permissions for retail schemes on the appeal site were approved in 2011 and 2016. A further scheme was approved in 2019, and subsequently varied. I understand that none of the schemes progressed.
15. I accept that these permissions indicate a degree of interest in the site in the recent past. However, the fact that none have been brought forward to delivery is also significant. Even if individual circumstances of potential operators may have affected the delivery of schemes, the fact that the site has still failed to come forward for retail use, even with extant planning permissions indicates that there may be other contributory factors.
16. It is clear that the site has been extensively marketed over a number of years and a number of potential operators contacted. The evidence which is before me, including the most recent marketing report<sup>3</sup> dated March 2024, indicates that although some interest has been shown, that it was low and either not followed through due to economic, competition or format reasons, or because the town would be too small.
17. I acknowledge that there may be commercial sensitivity in potential operators revealing their strategic intentions. However, responses have been received from a large number of potential occupiers, not all of whom are large national retailers. Even allowing for some commercial sensitivity, the responses received were consistent, which lends weight to their veracity. On this basis, regardless of the age of the allocation, it is unlikely that the site will be brought forward for the allocated uses in the short-term.
18. Furthermore, the appellant's Market Warsop Centre Health Check indicates that the district centre is performing well, with low vacancy rates and with a higher-than-average provision of convenience retail offer. This is not disputed by the Council. I also consider that despite the site's proximity to the town centre and its public transport links, that future allocated housing growth in Warsop, which would amount to 650 dwellings, would be unlikely to increase the local population such that the site would become attractive to large-scale convenience provision. Moreover, MDLP Policy RT7 does not suggest that such demand would be generated during the plan period, in any event.
19. In addition, I understand that two convenience retail stores amounting to a total of 559sqm of convenience floorspace have been brought forward since the adoption of the MDLP, which would equate to a substantial proportion of the floorspace proposed in the appeal site allocation. These circumstances, in combination with the relatively high level of convenience offer currently within the district centre, align with the concerns of potential operators highlighted within the marketing report in relation to high levels of competition. This further indicates that demand for the appeal site for convenience retail schemes in the longer term would also be likely to remain suppressed.

20. It is also telling that Table 7.11 of MDLP Policy RT7 does not identify any need for additional convenience retail floorspace over the plan period, and nor does it make direct reference to the appeal site within the list of commitments which it takes into consideration in reaching this conclusion, or include the appeal site in relation to comparison goods. Therefore, even if both the Mansfield District Retail and Commercial Leisure Study Updates of 2017 and 2020 referred to the appeal site, there is no evidence that the allocation was carried through into the calculation of sources of retail supply set out in the development plan.
21. The site allocation also includes 80sqm of retail comparison floorspace. While MDLP Policy RT7 identifies a longer-term requirement for additional comparison retail floorspace, given the lack of demand for convenience retail floorspace, which forms the majority of the allocated floorspace, the viability of any standalone retail comparison scheme would be questionable given the relatively small amount of floorspace allocated.
22. The Council has advised that it is in the initial stages of a Local Plan review, and considers that this would be the appropriate means of considering the merits, or otherwise, of the existing allocation. Be this as it may, there is a development proposal before me, and national policy and guidance is clear in making provision for a departure from a development plan allocation in appropriate circumstances. Accordingly, the fact that the Council is undertaking a Local Plan review does not mean that such a departure cannot be considered.
23. Warsop Parish Council considers that the town is seeing housing growth with no major supermarket or banking facilities, and that the town centre requires greater footfall to support existing businesses.
24. However, there is no certainty that the retention of the appeal site's allocation would lead to the delivery of a supermarket or a bank. As set out above, there is significant doubt, even accounting for housing growth, as to whether sufficient unmet demand would exist within the local market for a large format convenience store. The services provided by a bank would not fall within the uses for which the site is allocated in any event. It is also likely that the development of the site for residential purposes would be beneficial to the level of footfall within the town centre.
25. Taking account of all of the above, I consider that it has been adequately demonstrated that there is no realistic or reasonable prospect of the site coming forward for the use for which it is allocated.

#### *Affordable Housing*

26. The proposal would deliver 19 affordable dwellings; 15 for affordable rent and 4 in shared ownership. The appellant's evidence sets out the delivery of affordable homes within the district against a three-year rolling average target. The Council has not disputed these figures, which show that since 2013/14 that delivery has fluctuated and that 405 dwellings have been delivered against a target of 550, leaving a shortfall of 145. Over the last three-year period, 60 dwellings have been delivered against a target of 165. Overall, the evidence indicates that there is both a short- and longer-term trend of under delivery in relation to affordable housing.
27. The Council has highlighted that there are other proposals in the district that would contribute 213 affordable homes. Planning application 2023/0612/FUL

has the potential to deliver 183 dwellings as a fully affordable scheme, however it is also stated that a legal agreement requires completion, and it is not clear whether a decision has yet been issued. The other proposal relates to an outline permission<sup>4</sup> which could deliver 30 affordable homes as part of a larger scheme of 400 dwellings. Taken together, these schemes would represent a significant contribution to the supply of affordable homes.

28. However, given the size of the schemes, it is probable that implementation would be over several years, during which additional need for affordable housing would be generated in addition to the existing shortfall. Taking this into account, it has not been shown that they would fully address unmet need as well as future need generated during any construction period. In the case of 2023/0612/FUL where the evidence before me indicates that there is not yet a planning obligation in place, the weight that I can afford the likely delivery of the scheme is also reduced.
29. Therefore, I conclude that the proposal would assist in addressing an unmet need for affordable housing.

### **Planning obligation**

30. The provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations') and paragraph 57 of the Framework state that planning obligations should only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and,
  - c) fairly and reasonably related in scale and kind to the development.
31. A planning obligation in the form of a signed UU has been provided by the appellant. This seeks to secure the proposal as affordable housing in the terms set out, and to remain so in perpetuity.
32. Given that I have afforded weight to the proposal meeting an unmet need for affordable housing, I am satisfied that the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind.
33. The Council has commented that the UU should include provisions relating to the definitions in relation to the development proposed, including the affordable housing tenure split; the requirement for a viability review should a cascade approach be included, and that a viability review be secured once 80% of the development has been completed.
34. In terms of the definition of the development, the number of dwellings and the affordable housing tenure split is set out in the UU. The specification of the dwellings in terms of size is not set out, however this would be secured separately by a planning condition requiring adherence with any approved plans. Furthermore, the UU requires the appellant to provide an Affordable Housing Scheme prior to the commencement of development, which would include details of the affordable housing mix. I am satisfied that there would be sufficient surety in this regard.

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<sup>4</sup> 2018/0552/OUT

35. The UU sets out a cascade approach for the proposal, should it be unable to secure an affordable housing provider. There is no specific provision within the UU for a viability review specifically in relation to the cascade approach. There is a separate commitment within the UU to carry out a viability review following the completion of the 15<sup>th</sup> dwelling in relation to the calculation of the Affordable Housing Contribution ('AHC'). This would represent 80% completion of the scheme.
36. However, the cascade approach could be triggered as early as twelve months after the implementation of the development, and it is possible that the scheme would not have progressed to 80% completion by this time. Accordingly, this commitment would not be sufficient to guarantee that the viability review would be available at the time of calculating the AHC.
37. However, the cascade provisions commit the appellant to providing an AHC with no reference to viability. Therefore, in the first instance, the UU requires the payment of the AHC as calculated in accordance with the Council's Affordable Housing SPD, regardless of the viability of the scheme. As a result, including a requirement within the UU to provide a viability review in relation to the cascade approach would not be necessary to make the development acceptable in planning terms.
38. Overall, I consider that the provided UU would adequately secure the proposal as affordable housing and would meet the tests set out in the CIL Regulations and the Framework.

#### **Other Matters**

39. The appeal site lies partly within Market Warsop Conservation Area ('the CA'), and there are also a number of Grade II listed buildings<sup>5</sup> in the vicinity of the appeal site. There is no dispute between the main parties in respect of the effect of the proposal upon the CA or the LBs. However, I am nevertheless mindful of my duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, and preserving the special architectural or historic interests of the LBs or their setting.
40. The significance of the CA, insofar as it relates to this appeal, is derived from the layout of plots, yards and buildings within the centre of the town, along with the variety of historic buildings.
41. The proposal would infill a gap which currently exists in the frontage of Church Street, and these dwellings would be of stone frontage construction. Accordingly, they would respect the prevalent building material palette evident within this part of the CA. Other dwellings within the development would be of red brick construction. These would either be contained within the site, away from the most sensitive frontage, or would address Burns Lane, which has a range of buildings of varying ages, and with a predominant use of red brick. The scale of dwellings within the proposal would be appropriate to that of surrounding development. Overall, I consider that the proposal would be reflective of its context.
42. The proposal would lead to the stopping-up of a path which crosses the appeal site and is accessed via an archway associated with the Plough Inn public house. This path provides access to a yard area, before continuing through to

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<sup>5</sup> 6 and 6a Church Street, No 16 Church Street and adjoining Malt House, No 18 Church Street

Burns Lane. The variety of commercial yards along Church Street, some of which have been lost, form part of the significance of the CA.

43. Although the route would be partially lost, it would still be possible to access the yard behind Church Street through the archway, and the yard itself would remain unaffected, allowing its significance to remain. Overall, I find that the proposal would have a neutral effect upon the CA, and in doing so, would preserve the character and appearance of it.
44. The significance of the LBs is derived from their age, architecture and original features. 6 and 6A Church Street and 16 Church Street are located some distance from the appeal site. There is substantial intervening development between these LBs and the appeal site, which consequently does not form part of their setting. The effect of the proposal upon these LB would be neutral.
45. 18 Church Street is located closer to the appeal site, but is also separated from it by intervening development and any intervisibility is likely to be limited. Given the level of separation and the size of intervening buildings, the proposal would be unlikely to affect the setting of this LB, meaning that its effect would be neutral. Therefore, having considered the significance of the assets and the appeal scheme, I am satisfied that no harm to significance would arise.
46. Concern has been raised by interested parties in relation to the effect of the proposal upon existing local infrastructure such as access to medical and dental services. While I accept that the proposal would be likely to increase demand for such services, there is no substantive evidence before me to demonstrate that existing services would be unable to accommodate the additional demand generated by the development.
47. The proposal would also lead to an increase in traffic movements to and from the site, and although the effect that it would have upon the local highway network has been raised as a concern by interested parties, there is no substantive evidence before me which would indicate that any effects would be severe, and the Highway Authority has not objected to the proposal.
48. It is stated that there may be better sites in the area for housing development. No alternative sites have been presented within the evidence, and in any case, I am required to consider the merits of the scheme which is before me, rather than in comparison to other locations.

### **Planning Balance**

49. The proposal would lead to the delivery of 19 affordable homes of an appropriate mix of tenure, adequately secured by planning obligation where there is a current and persistent substantial shortfall in the delivery of affordable homes. The proposal would also boost the supply of housing more generally, although there is no suggestion that the Council is not meeting its overall housing delivery targets. Given the scale of the proposal, these are benefits to which I afford moderate weight.
50. In addition, the proposal would represent the redevelopment of a previously developed site in accordance with paragraph 123 of the Framework. It would also deliver economic benefits during construction and upon occupation. Its location close to the centre of Warsop means that future occupiers would have

access to services and facilities, with a reduced need for travel. These are further benefits of the proposal to which I also afford moderate weight.

51. It is possible that the proposal could be delivered quickly, although I am aware of an outstanding application to stop-up a public footpath that would require determination and could delay delivery to some extent. The speed of delivery is therefore a further, albeit minor benefit of the scheme.
52. The proposal would be contrary to the site allocation set out within the development plan, and in doing so, the proposal would conflict with the development plan as a whole. However, as set out above, I have concluded that it has been shown that there is no realistic or reasonable prospect of the allocation coming forward, and that the proposal would assist in meeting an unmet need.
53. Although the Framework highlights the importance of the plan-led system, it is also supportive of proposals for alternative uses on allocated sites where there is no reasonable prospect of the allocated use coming forwards and where the proposal would meet an unmet need. As I have found that this would be the case in this instance, this reduces the weight that I afford to the conflict with the development plan in this case. Furthermore, as I have found that there is no realistic or reasonable prospect of the allocated uses coming forward on the appeal site, the loss of this allocated site would not undermine the plan-led system.
54. Taken as a whole, I consider that the benefits of the proposal would outweigh the harm that would result from the conflict with the development plan.

### **Conditions**

55. Although the Council has not provided a separate list of conditions with its statement, a number were specified within the Council's Committee Report which recommended the proposal for approval, and the appellant's evidence indicates that they are aware of these conditions and have no objections to them. I have considered the conditions with regards to the tests for planning conditions set out in both the Framework and PPG, and I have made amendments where necessary.
56. In addition to the standard time limit, a condition specifying the approved plans is necessary to ensure certainty over the scheme. Conditions requiring agreement in relation to the external materials, boundary treatments and soft landscaping, and subsequent delivery are required in the interests of the character and appearance of the area.
57. Conditions relating to construction practices and hours of construction are required in the interests of the living conditions of occupiers of nearby properties.
58. Additionally, conditions relating to the provision of details of roads, adoption details, reinstatement of footways, parking provision and works to Burns Lane are all required in the interests of highway safety.
59. I have also attached a condition in relation to the treatment of unexpected contamination in the interests of the living conditions of future occupiers of the proposal, a condition relating to drainage is required in the interests of managing flood risk, and a condition relating to the provision of ecological

mitigation measures is required in the interests of preserving the biodiversity of the site and its environs.

60. A further condition requiring the provision of cycle storage and electric vehicle charging points is required in the interests of promoting sustainable modes of travel and mitigating climate change.

### **Conclusion**

61. For the above reasons, while the proposed development would conflict with the development plan, material considerations indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be allowed.

*C Harding*

INSPECTOR

### **\*\*\*SCHEDULE OF CONDITIONS\*\*\***

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing nos:  
  
2022-ID-32-LOC Site Location Plan  
2022-ID-32-PL001G Site Development Master Plan  
2022-ID-32-PL002B House Type 2B\_4P\_73  
2022-ID-32-PL003B House Type 3B\_5P\_85  
2022-ID-32-PL004B House Type 3B\_5P\_85\_Side Garden  
2022-ID-32-PL005B Proposed Church Street and Burns Lane Street Scenes  
2022-ID-32-PL006 House Type 2B\_4P\_73 - Burns Lane  
2022-ID-32-PL007 House Type 3B\_5P\_85 - Burns Lane  
2022-ID-32-PL008 House Type 3B\_5P\_85\_Corner Turner Dwelling - Burns Lane  
2022-ID-32-PL009 3B\_5P\_85\_Detached\_Plot 16  
2022-ID-32-PL011 House Type Semi Detached dwellings Plots 14 & 15
- 3) Notwithstanding the approved plans, prior to any works above ground level taking place, details of the manufacturer, type and colour of all external facing and roofing materials, including chimneys and window frames to the dwellings shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 4) Other than the erection of site fencing and creation of a site compound, no part of the development hereby permitted, including site clearance works shall commence until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the Plan shall cover:
  - a) the parking of vehicles of site operatives and visitors;

- b) loading and unloading of plant and materials;
- c) storage of oils, fuels, chemicals, plant and materials used in constructing the development ;
- d) the erection and maintenance of security hoardings, including any decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of noise, dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from site preparation and construction works (including any surplus material required for the land reprofiling work);
- h) measures for the protection of the natural environment;
- i) hours of work on site, including vehicle movements/deliveries and timing of construction traffic;
- j) location of temporary buildings and associated generators, compounds, structures and enclosures, and;
- k) routing of construction traffic.

Thereafter the development site shall operate and be constructed in accordance with the approved details.

- 5) No part of the development hereby permitted shall be occupied until full technical details of all new internal roads, and connections to existing highways, including longitudinal and cross section gradients, street lighting, drainage and outfall proposals, construction specification, provision and diversion of utility services and any proposed structural works, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and retained for the lifetime of the development.
- 6) No part of the development shall be occupied until a scheme for the reinstatement of the footway on the Church Street frontage, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Thereafter the reinstatement shall be carried out in accordance with the approved scheme.
- 7) No part of the development hereby permitted shall be occupied until such time that the site access alterations and improvements to Burns Lane which are shown on drawing no 2022-ID-32-PL001G have been carried out. Thereafter. The alterations and improvements shall be retained for the lifetime of the development.
- 8) Notwithstanding the submitted plans the parking area for plots 17 -19 require the installation of a low-level fence, or railings the details of which shall first be submitted to and approved in writing by the local planning authority. Thereafter, no dwelling hereby permitted shall be occupied until such time as the associated parking provision and railings or fencing has been made

available for use as shown on drawing no 2022-ID-32-PL001G and retained for the lifetime of the development.

- 9) No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed so as to prevent the unregulated discharge of surface water from driveways and parking areas onto the public highway. The works shall be retained for the lifetime of the development.
- 10) Prior to the first occupation of the development, details of the proposed arrangements and plan for future management and maintenance of the proposed streets, including associated drainage shall be submitted to and approved in writing by the local planning authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details unless agreement for the adoption of the road by the Highway Authority has been entered into and completed.
- 11) Prior to the first occupation of the development, integrated bat boxes and bird nest boxes shall be installed into the fabric of the buildings, and hedgehog highways installed into garden fences in accordance with the locations shown on the drawing "Proposed Masterplan ref: PL001G", and shall be retained thereafter. Any external lighting within the site shall also be designed to be downward directed and low-level intensity lighting.
- 12) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until the remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 13) No works above ground shall take place until a scheme of hard and soft landscaping for the development has been submitted to and approved by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any development, or the completion of the development, whichever is the sooner. Any plants which within a period of five years from completion of the development die, are removed or become damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 14) No development other than site clearance shall commence until a detailed surface water drainage scheme based on the principles set out in the Flood Risk Assessment and Drainage Strategy BLMW-BSP-ZZ-XX-RP-C-0001-P01 Drainage Strategy (17.03.23) has been submitted to and approved in writing by the local planning authority.

The scheme to be submitted shall:

- demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that the design is in accordance with CIRIA 753;.
- limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area;
- provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets;
- should demonstrate by calculations the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year, plus climate change return periods, including;
  - no surcharge shown in a 1 in 1 year;
  - no flooding shown in a 1 in 30 year;
  - for all exceedance to be contained within the site boundary within flooding properties in a 1 in 100 year + 40% storm.
- evidence to demonstrate the viability (e.g. condition, capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site;
- details of relevant approvals for connections to existing network and any adoption of site drainage infrastructure;
- evidence of approval for drainage infrastructure crossing third party land, where applicable;
- provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site;
- evidence of how the on-site surface water drainage systems will be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.

- 15) The hours of working during construction and the delivery of materials on to the site shall be restricted to 08.00-18.00 hours Monday-Friday, 08.00-13.00 hours Saturdays and no working shall take place on Sundays and Bank Holidays.
- 16) Notwithstanding the approved plans, no dwelling shall be occupied until a plan indicating the positions, design, materials and type of walls, fencing and other means of enclosure have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details before the buildings are occupied.
- 17) No individual dwelling shall be occupied until it has been provided with storage facilities for cycles together with EV charging points either on-plot or in allocated parking spaces as set out in the approved plans. The provided facilities and charging points shall thereafter be retained.

**\*\*\*END OF SCHEDULE OF CONDITIONS\*\*\***

Richborough