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# Appeal Decision

Site visit made on 22 May 2017

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 12 June 2017**

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**Appeal Ref: APP/R1038/W/17/3169558**

**Land adjacent The Acres, Locko Road, Lower Pilsley S45 8DN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Poplar Developments Ltd against the decision of North East Derbyshire District Council.
  - The application Ref 16/00665/FL, dated 26 June 2016, was refused by notice dated 24 November 2016.
  - The development proposed is a 'residential development (13no. dwellings)'.
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## Decision

1. The appeal is allowed and planning permission is granted for residential development (13no. dwellings) at Land adjacent The Acres, Locko Road, Lower Pilsley S45 8DN in accordance with the terms of the application, Ref 16/00665/FL, dated 26 June 2016, subject to the conditions set out in the attached schedule.

## Application for costs

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

## Procedural Matters

3. The description of development reflects the proposal before me following submission of revised plans prior to the Council's decision. The amendments reduced the number of dwellings proposed to 13no. dwellings from the 14no. dwellings originally sought when the planning application was submitted.
4. A signed and dated S106 planning obligation (S106) has been provided as part of this appeal. It would secure contributions to infrastructure provision. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.

## Main Issues

5. The main issues are:
    - Whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas, and;
    - The effect on the character and appearance of the area.
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## Reasons

### *Location and supply of housing in rural areas*

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The North East Derbyshire Local Plan (LP), adopted November 2005, is the development plan for the area, with the plan period having expired in 2011.
7. A recent appeal decision<sup>1</sup> made by the Secretary of State following detailed examination by an Inspector at Public Inquiry had an agreed position that the District had a 1.79 year deliverable housing land supply. Those figures are based on a housing requirement of 300 new dwellings per annum proposed in the North East Derbyshire Local Plan (2011-2031) Initial Draft 2015, which has now been abandoned, when a 20% buffer to reflect under delivery and a further allowance for past under delivery since 2009/10 are included. There is no substantiated evidence before me that circumstances have significantly changed since the appeal decision and a proposed new Local Plan carries little weight as it is at an early stage of preparation. Furthermore, the Council have not indicated that the housing supply position is a matter in dispute. I, therefore, must conclude that, based on the evidence available to me, the Council cannot demonstrate a 5-year supply of deliverable housing sites.
8. Having regard to the above, paragraph 49 of the National Planning Policy Framework (the Framework) is engaged in so far as relevant policies for the supply of housing should not be considered to be up to date. It is common ground between the main parties that the appeal site lies outside of the settlement boundary of Lower Pilsley, which is identified as the settlement development limit (SDL) in the LP. The site is, therefore, in the open countryside and does not fall within the definition of previously developed land set out in the Framework. In such circumstances, the Council have identified conflict with Saved Policies GS1, GS6, NE1 and H3 of the LP.
9. Taking account of a recent Supreme Court judgment<sup>2</sup>, Saved Policies GS1 and H3 of the LP in so far as they define SDLs and restrict housing development outside of them, are relevant policies for the supply of housing which are not up-to-date. Those policies link to the restrictions in Saved Policy GS6 of the LP upon new development in the countryside, which relates to areas outside of the SDLs. When considering those policies together it is evident that application of Saved Policies GS1, GS6 and H3 of the LP could not achieve a 5-year supply of deliverable housing in accordance with the objectives of paragraphs 47 and 49 of the Framework. Paragraph 14 of the Framework is, therefore, engaged. Saved Policy NE1 of the LP is focussed specifically upon conserving and enhancing landscape character and, having regard to the recent Supreme Court judgment, relates to matters of character and appearance rather than being a relevant policy for the supply of housing.
10. In terms of the above, the development would not constitute one of the forms of development identified as being acceptable outside of SDLs and in the

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<sup>1</sup> APP/R1038/W/15/3133527 - Land at the junction of Narrowleys Lane and Moor Road, Ashover - Allowed with conditions - 19 December 2016

<sup>2</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, and Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

countryside when Saved Policies GS1, GS6 and H3 of the LP are taken together. However, only limited weight can be given to the conflict with those policies given that they are not up-to-date in terms of paragraphs 49 and 215 of the Framework or consistent with paragraph 47 of the Framework is so far as it seeks to boost significantly the supply of housing. The necessary planning balance in terms of paragraph 14 of the Framework is undertaken later in this decision.

11. In reaching the above findings, I have taken account of the Council's Interim Planning Policy for New Housing Development in North East Derbyshire 2010. It seeks to address circumstances where there is an absence of a 5-year supply of housing land, suggesting that the Council will consider proposals for new housing development outside of the SDLs subject to various criteria including that the site should adjoin an SDL and not form a prominent intrusion into the countryside. Although the document carries no statutory weight as it does not form part of the development plan, it indicates the Council's acceptance that development outside of SDLs will be required to meet its housing requirements.
12. Having regard to all of the above, I conclude that the development would conflict with Saved Policies GS1, GS6 and H3 of the LP in terms of their objectives relating to the location and supply of housing in rural areas. However, the restrictions in those policies are not consistent with national policy objectives in the Framework to boost significantly the supply of housing and the policies are, therefore, given only limited weight. Consequently, to conclude on the compliance of the proposal with the development plan and the Framework as a whole as part of the planning balance it is necessary to consider the other main issue and any other matters.

#### *Character and appearance*

13. Saved Policy NE1 of the LP seeks to prevent the loss of distinctive features that contribute towards and add value to the landscape character of an area. The policy is, therefore, consistent with the Framework which seeks to retain and enhance landscapes. Saved Policy NE1 of the LP is attributed full weight.
14. Saved Policy GS6 of the LP is also relevant to matters of character and appearance as it, amongst other things, seeks that development will only be permitted where it is in keeping with the character of the countryside and does not represent a prominent intrusion into the countryside. However, as the designation of the countryside is linked to the SDLs in Saved Policies GS1 and H3 of the LP which are not up-to-date, Saved Policy GS6 is attributed only limited weight.
15. The evidence before me indicates that the site does not fall with a landscape designation of local, region or national significance. However, Hardwick Hall, a Scheduled Monument and Registered Park and Garden, lies around 4km to the east and Dovedale Wood Site of Special Scientific Interest (SSSI) lies approximately 4.5km to the east. A landscape and visual impact appraisal (LVIA) identified that the site falls within a local landscape type defined as Coalfield Village Farmland<sup>3</sup>.
16. Lower Pilsley is not typical of the distinctive former coal mining villages of that landscape type due to its lack of a village core of older stone buildings and

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<sup>3</sup> As identified in the Derbyshire County Council's Landscape Character of Derbyshire, 2013 review.

terraces of red-brick miners housing. The Acres provided an early boundary to the settlement that has endured. However, the immediate surroundings of the site include no heritage assets and are not designated as a Conservation Area, which indicates that the settlement edge is not of historic value. The landscape sensitivity is assessed as medium by the LVIA, which to my mind appropriately reflects the higher sensitivity of the open countryside area and gaps between towns and villages, balanced with the lower sensitivity of the urban areas and edge of settlements. In the latter respect, it is evident that there is some scope to absorb small scale development adjacent to settlement edges where it would not erode the gap between settlements and would provide an appropriate interface between urban areas and open countryside.

17. The appeal site adjoins the southern side of Locko Road where the eastern edge of the Lower Pilsley settlement is currently defined by the side boundary of a property facing that road and the rear boundaries of properties which face The Acres. The site is currently a paddock used for the keeping of horses with associated buildings of modest scale and height. Land levels within the site rise gently from Locko Road to the south and fall away to the north-west. Land levels also rise with some undulations to the east in an adjoining field that is bounded by a public footpath which links Locko Road with Green Lane further south. An electricity pylon is close to the south eastern edge of the site, with overhead cables running near to the eastern boundary to a further pylon in a field to the north of Locko Road.
18. When approaching along Locko Road, views into the site are largely obscured by a tall boundary hedge. The development would involve some loss of hedging to the front of the site but no boundary trees would be felled to facilitate the proposals. In that respect, the building line and scale of the 2 detached two storey dwellings (Plots 1 and 2) facing Locko Road, with modest garages in a set back position, would assimilate with properties located on reduced land levels immediately to the west. The proposed layout of properties to the south facing onto the access road and positioned behind the side building line of Plot 2, excluding Plot 13, would be viewed from Locko Road as a complementary extension to the settlement edge of Lower Pilsley given its similar density and broadly linear layout. That visual effect would be assisted by proposed landscape planting. The position of Plot 13 to the southern extent of the site against the backdrop of a mature tree line would minimise its visibility from Locko Road and prevent an adverse effect upon its street scene.
19. Plots 3 - 12 would back onto the existing residential development which faces The Acres, with Plot 13 located at a turning head toward the southern site boundary. The development would be visible from the public footpath to the east of the site, despite some differences in topography and proposed landscape planting. From those perspectives, there would be temporary impacts during the construction phase due to the activities taking place at the edge of the settlement. However, once built the dwellings would follow the topography of the land and would be seen against the backdrop of the existing settlement and a mature tree line along the southern site boundary. When compared with the existing variety of rear elevations and boundary treatments visible, the design, rhythm, scale and materials of the dwellings set behind a mix of fencing, landscape planting and the access road would provide an enhanced boundary between the settlement edge and the open countryside.

20. The proposal would result in development in the open countryside and the loss of an existing field and modest equine structures. The resultant effect would bring development closer to users of the public footpath to the east, who are sensitive receptors to change. However, for the reasons stated above, the design, layout and limited extent of the development would mitigate the long-term negative effects of the loss of the field by providing an enhanced interface with the surrounding countryside.
21. Existing views from the rear elevations and rear gardens of the adjoining properties facing The Acres would be adversely affected by the development. The outlook beyond their boundaries onto open countryside and skyline would be replaced by views of houses, garages and associated landscaping. However, that is an inevitable consequence of any new development located on a settlement edge and is not reason in itself to withhold planning permission.
22. In those respects, I have no reason to take a different view to the conclusions of the LVIA that the effect on landscape character would be no greater than slight adverse, with the effect on visual amenity to close views from neighbouring properties and the public footpath being no greater than slight-moderate adverse. In reaching those findings, the greater short-term landscape and visual harm caused by construction activities weigh against the medium and longer-term effect of the development which would be considerably less.
23. There would be no significant adverse effect on other more distant views within the surrounding countryside due to the undulating topography, extent of intervening landscaping and at distance the development having visual assimilation as a suitable extension to the existing settlement edge. This includes distant visibility from Hardwick Hall to which there would be no adverse effect. Furthermore, the absence of inter-visibility with Dovedale Wood SSSI prevents any impact upon it. The development also would not result in a significant extension of the current settlement towards other villages with existing gaps maintained to the nearby settlements of North Wingfield to the north and Pilsley to the south.
24. It has been drawn to my attention that land immediately to the south of the site has an extant outline planning permission for up to 32 dwellings<sup>4</sup>. If implemented, a development of that nature would extend the settlement boundary of Lower Pilsley toward the east which would change other existing views along the public footpath. However, the full details of that scheme are not before me and I observed that inter-visibility between the respective sites is currently limited by changes in topography and mature boundary screening. In such circumstances, the possibility of residential development immediately to the south of the appeal site is not an influential factor when assessing the effect of the proposal before me.
25. I conclude that the development would not result in unacceptable harm to the character and appearance of the area. The development would have a less than significant effect on the landscape character and visual amenity of the area, with the visual effect reducing considerably over time once the development is completed and landscaping matures. The proposal, therefore, would not conflict with Saved Policy NE1 of the LP or the Framework in so far as it would result in no loss of distinctive landscape features and valued

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<sup>4</sup> Planning ref: 11/00602/OL

landscapes. Furthermore, as the design and layout of the development would prevent a prominent intrusion into the countryside, there is only minor conflict with Saved Policy GS6 of the LP arising from loss of countryside which is given limited weight due to the SDLs being not up-to-date.

### **Other Matters**

26. The scheme would have a number of benefits relating to its contribution to housing supply and choice in North East Derbyshire arising from 13 dwellings, including economic benefits during construction and support for local services after occupation, which carries significant weight in favour of the development. The scale of development falls below the threshold for affordable housing sought by Saved Policy H6 of the LP and therefore, affordable housing provision is not necessary to make the development acceptable.
27. The development is not isolated from the main built up area of Lower Pilsley. It would lie immediately adjacent to the existing settlement edge with footpath links along Locko Road to the local services and facilities in Lower Pilsley and the neighbouring village of Pilsley, and to local bus stops with services to other settlements. The Council has indicated that although local services are limited, in comparison with the rural nature of the District and given the close relationship of the two villages, they are considered to be sustainable locations. I am satisfied that although some dependency upon private car use is inevitable in rural locations to meet day to day needs, the availability of alternative sustainable transport options would ensure that the location is not unsustainable in transport terms.
28. The proposal includes the creation of two new accesses onto Locko Road, a shared access to Plots 1 and 2 and the main access road to Plots 3-13, in a location where the speed limit currently changes from 30mph to 60mph. Individually the properties, when including garages, are appropriately served by at least two off street parking spaces which would limit on street parking. The suitability of the proposed visibility splays from the accesses is supported by speed surveys provided as part of the application and reflects an 85<sup>th</sup> percentile wet weather speed reading between 31mph and 36mph.
29. The Highway Authority have raised no objection to the proposed access and parking arrangements, subject to conditions relating to construction management, implementation of new accesses and visibility splays, prevention of deposit of material on the highway, parking and manoeuvring arrangements, and driveway gradients. Based on the evidence before me and my observation of the site and its surroundings, I have no reason to take a different view. The development would provide safe and suitable access to the site for all people and the increase in traffic movements would not have a severe residual cumulative impact upon the transport network. There is no substantive evidence before me with respect to road traffic accidents in the local area or their causes. I am satisfied, therefore, that the development would not have a detrimental impact upon highway safety.
30. The proposal would provide a satisfactory living environment for future residents in terms of internal living space, outdoor amenity space, outlook and privacy, subject to obscure glazing conditions relating to side windows in Plots 1, 3, 5, 8, 11 and 12. The separation distances of the dwellings to the overhead lines accords with the Health Protection Agency EMF exposure limits,

recommendations of Western Power and the National Grid have offered no objections.

31. The development also would not have a detrimental impact upon the living conditions of occupiers of neighbouring properties in terms of matters of outlook, privacy and light due to the adequate separation distance from the dwellings to neighbouring properties. The construction phase could be suitably controlled to prevent unacceptable impacts in terms of noise and disturbance by the agreement of a Construction Method Statement. Any increase in traffic following the completion of the development would have only a negligible effect in that respect. Although interested parties have raised concerns in terms of the close proximity of garages to boundaries of properties facing The Acres, the modest height of those buildings would prevent any significant overbearing or overshadowing effects.
32. The site is located in Flood Zone 1. Consequently, the development would not be at unacceptable risk of flooding or increase the risk of flooding to surrounding properties, provided that appropriate surface water and foul water drainage conditions are imposed.
33. In terms of land stability and ground conditions, the site lies within a Development High Risk Area as defined by the Coal Authority due to local mining activity. I note concerns from the Coal Authority relating to the potential for unrecorded mine workings and voids beneath the surface of the land. However, such matters are capable of being mitigated by imposition of a condition to secure further site investigations and remedial works (if necessary). A land contamination condition would also be necessary in that context and given the existing equestrian use.
34. Ecological and biodiversity impacts could arise from the removal of stables and hedgerows which provide potential habitats for nesting birds. However, I am satisfied that such matters could be suitably mitigated by conditions to ensure that demolition and removal works take place in winter months outside of nesting seasons and the planting of replacement hedgerows. Although, interested parties have raised concerns regarding the impact on protected species, taking account of the comments from the Derbyshire Wildlife Trust, there is no substantive evidence before me of the existence of protected species within the site that would lead me to conclude that any impact would occur in that respect.

#### *Section 106 Agreement*

35. There is a signed and completed S106 agreement. It requires the appellant to make the following financial contributions towards improving local infrastructure that would serve the development: £87,187.27 towards the internal remodelling project at Park House Primary School to improve the use of space at the school and construction of additional teaching accommodation at Tupton Hall School, £10,803.10 to enhance play facilities at Parkhouse Green, Pilsley with a further £3,241.90 contribution towards the maintenance of those facilities over a ten year period.
36. Having regard to the above, based on the evidence before me, I am satisfied that the proposed contributions are necessary, directly related, fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulation 122 and Paragraph 204 of the Framework. I

have, therefore, attached weight to them in my decision. In reaching such a view, I have taken into account that there are minor inaccuracies within the S016 agreement relating to references to the type of planning permission sought. However, I am satisfied that such matters would not prevent the implementation of the planning obligations.

### **Planning Balance**

37. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Saved Policies GS1, GS6 and H3 of the LP in so far as they are relevant to the location and supply of housing in rural areas and therefore, the proposal is not in accordance with the development plan as a whole. Proposed development which conflicts with the development plan should be refused unless other materials indicate otherwise. In that respect as the Council cannot demonstrate a deliverable 5-year housing supply, the relevant policies for the supply of housing (Saved Policies GS1, GS6 and H3 of the LP) are out-of-date through the operation of paragraph 49 and 215 of the Framework. Paragraph 14 of the Framework is, therefore, engaged.
38. Paragraph 14 of the Framework states that for decision making this means where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
39. I have identified economic and social benefits arising from the provision of 13 homes (5 detached 4-bedroom and 8 semi-detached 3- bedroom). In that regard, considerable weight is given to the contribution which the appeal proposal would make to significantly boosting the supply of housing, where the supply of housing in the District is heavily constrained and there is a clear need for more market housing to be delivered. In that respect, although the scale of the development is modest compared to the housing need of the District, the contribution to meeting housing need is nevertheless significant. In addition, there would be some social benefits from the potential for wider public access to the enhanced play facilities to be secured by planning obligation, even though the primary purpose would be to meet policy requirements.
40. I have found no significant harm arising from the development upon the character and appearance of the area. The less than significant effect on the landscape character and visual amenity of the area arising from the loss of countryside, including upon views from neighbouring properties and a nearby public footpath, is given moderate weight. There would be no unacceptable impact in terms of highway safety, the living environment for future residents, the living conditions of existing residents, highway safety, flooding, land stability and ground conditions or ecology and biodiversity that could not be resolved by the imposition of suitable conditions.
41. Having regard to the above in the context of the balancing exercise required by paragraph 14 of the Framework, I do not consider that the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, I find that there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan. The

proposal constitutes sustainable development when assessed against the Framework as a whole.

### **Conditions**

42. I have had regard to the planning conditions that have been suggested by the Council. Where necessary I have amended the wording to ensure consistency with paragraph 206 of the Framework and consolidated the conditions where possible. The standard conditions regarding the time limit and plans compliance are imposed to provide certainty in terms of the planning permission granted. As previously mentioned, conditions are necessarily imposed to secure appropriate details relating to surface water drainage and disposal of foul sewage before any ground excavations (i.e. excluding demolitions) take place. The highway conditions previously mentioned are imposed, with only an agreed scheme to prevent deposit of material on the highway required to be pre-commencement. The latter matter is addressed as part of a Construction Method Statement which I also consider necessary to preserve the living conditions of occupiers of neighbouring properties in terms of noise and disturbance. To achieve suitable living environment for future residents, conditions requiring obscure glazing to specific side windows of Plots 1, 3, 5, 8, 11 and 12 are required.
43. A further condition is necessary to secure the implementation and retention of the approved landscape and hedgerow planning in the interest of the character and appearance of the development. The issue of ground conditions and land stability are addressed by conditions as previously mentioned, with both necessitating pre-commencement conditions given the potential need for remediation following ground investigations. The restriction on the time of demolition of buildings and a scheme for bird nesting provision are included as conditions in the interest of ecology and biodiversity. A further condition is necessary to secure appropriate lighting details before any ground excavations. The details of bird nesting provision are required to be approved pre-commencement to ensure it takes place before removal of buildings or hedgerows.
44. I am not satisfied that a scheme for the provision of public art is necessary to make the development acceptable when having regard to paragraph 206 of the Framework and therefore, I have not included a condition in that respect.

### **Conclusion**

45. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

*Gareth Wildgoose*

INSPECTOR

## **SCHEDULE**

### **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 approved plans: 15-014-P00; 15-014-P01 Rev F; 15-014-P02 Rev C; 15-014-P03 Rev D; 15-014-P03A Rev B; 15-014-P04 Rev D; 15-014-P05 Rev D; 15-014-P06 Rev B; 15-014-P07 Rev D; 15-014-P08 Rev A; 15-014-P09 Rev C; 15-014-P10 Rev A; 15-014-P11 Rev B; 15-014-P12; 15-014-P13 Rev A; 15-014-P14 Rev A; 15-014-P15 Rev A; 15-014-P16; 15-014-P17; 15-014-P18.

- 3) No part of the development hereby permitted shall take place 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) wheel washing facilities;
- (v) measures to control the emission of dust and dirt during construction; and;
- (vi) construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No part of the development hereby permitted shall take place until an assessment of the risks posed by any actual or potential land contamination, ground gas contamination or pollution of controlled waters has been carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, 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. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be 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 shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

- 5) No part of the development hereby permitted shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development takes place. If any land instability issues 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 shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development takes place.
- 6) No part of the development hereby permitted shall take place until a scheme of bird nesting provision has been submitted to and approved in writing by the local planning authority. The scheme shall include the number, type and exact location of the bird nesting provision and the timescale for implementation. The scheme shall be implemented in full in accordance with the approved details and retained thereafter.
- 7) No removal of buildings, hedgerows, trees, shrubs, brambles or ground clearance work shall take place between 1 March and 31 August inclusive, unless a qualified ecologist has undertaken a detailed survey of the site and the building or vegetation to be removed, and provided written confirmation that no nesting birds would be harmed and/or that appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and received by the local planning authority before any works take place during that period.
- 8) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, a scheme of lighting within the application site shall be submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be implemented in accordance with the approved details and retained thereafter.
- 9) Notwithstanding condition 2, before any above ground development hereby permitted takes place, excluding demolitions and site clearance, details of works for the disposal of foul and surface water shall have been submitted to and approved in writing by the local planning authority. The foul and surface water drainage scheme shall be carried out and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - (i) a timetable for its implementation, and;
  - (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage scheme throughout its lifetime.
- 10) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, the new vehicular accesses shall be created to Locko Road in accordance with the approved plan (drg.no. 15-014-P05 Rev D), laid out, constructed and provided with visibility splays measuring 2.4m x 64m in an easterly direction and 2.4m x 45m in a westerly direction. The visibility splays shall be retained thereafter and maintained throughout the life of the development clear of any object

greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

- 11) Notwithstanding condition 10, the new vehicular accesses shall not be brought into use until 2m x 2m x 45° pedestrian visibility splays have been provided on both sides of the access measured from the back of the footway. The pedestrian visibility splays shall be retained thereafter and maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
- 12) No dwelling shall be occupied until the access road, private driveways, visitor parking and turning areas to serve that dwelling have been laid out, constructed and surfaced in accordance with the approved plans. The proposed access drives to Locko Road shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary. The access road and driveways shall be retained and maintained as such thereafter.
- 13) Prior to the first occupation of each of the dwellings identified as Plots 1, 3, 5, 8, 11 and 12, the window in the side elevation of that dwelling which serves a first floor en-suite bathroom or shower room as shown on the approved plans, shall have been fitted with obscure glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscure glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 14) All landscaping works shall be carried out in accordance with the approved plans before the end of the first planting season either following the first occupation of a dwelling or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted, unless the local planning authority gives written consent to any variation.

## **END OF SCHEDULE**