



## Appeal Decision

Inquiry Held on 11-12 December 2018

Site visit made on 12 December 2018

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30 January 2019**

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**Appeal Ref: APP/R1038/W/18/3206187**

**Land associated with Hockley House, Hockley Lane, Wingerworth, Chesterfield**

- 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 Mr Steve Jones of Stancliffe Homes against the decision of North East Derbyshire District Council.
  - The application Ref 18/00188/OL, dated 23 February 2018, was refused by notice dated 8 June 2018.
  - The development proposed is outline application for the construction of up to 35 dwellings with all matters reserved except for access.
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### Decision

1. The appeal is allowed and planning permission is granted for outline application for the construction of up to 35 dwellings with all matters reserved except for access at Land associated with Hockley House, Hockley Lane, Wingerworth, Chesterfield in accordance with the terms of the application, Ref 18/00188/OL, dated 23 February 2018, subject to the conditions in the attached annex.

### Procedural Matters

2. The planning application was submitted in outline with only access to be considered along with the principle of development. The matters of appearance, landscaping, layout and scale would be for future consideration were the appeal allowed. I have determined the appeal on that basis however the appellant has submitted an illustrative site layout (ISL) and illustrative site sections drawing, showing a variety of dwelling types in a schedule of accommodation, which I have taken into account.
3. The description of development, as set out in the fourth bullet point in the above header is taken from the original planning application form. It was agreed at the Inquiry by the main parties that the description should have included reference to the proposed demolition of No 19 Nether Close. Despite that exclusion from the description, it is clear from the submitted drawings that such demolition would be required to enable the proposed access point onto the site. It was also clarified and agreed that in considering the matter of access at this stage, this is only in terms of the point of access. I have determined the appeal on that basis.
4. During the appeal process, in the lead up to the Inquiry, another appeal decision Ref APP/R1038/W/17/3192255, was allowed for a residential

development of up to 180 dwellings on existing fields close to the southern end of the current appeal site on the opposite side of Hockley Lane. That other site, like that concerning this appeal, is positioned beyond the Settlement Development Limit for Wingerworth (the SDL). However, my colleague in respect of that other appeal decision, found that the North East Derbyshire Local Plan (the Local Plan) policies relating to the Settlement Development Limits and development in the countryside were out of date. The reasoning included the circumstances of the SDL, as set out in the Local Plan, not addressing the District's housing needs, with the Local Plan housing targets being out of date. He went on to find that this did not mean those policies could be ignored, but that they had significantly reduced weight. I agree.

5. Due to that other decision being made only a short period of time ago, involving similar issues of housing and relating to a site close to the current appeal site, I have afforded significant weight to it. The Council, as a result of that decision and another recently allowed appeal in Winsick, Ref APP/R1038/W/17/3182428, confirmed at the Inquiry that it was no longer pursuing its first reason for refusal. I have no substantive basis to consider differently to my colleagues relating to those other appeals or to disagree with the Council's revised position.
6. I have had regard to the Wingerworth Neighbourhood Plan (the NP) and that my colleague in the first of the above recent appeal decisions found that it did not address housing needs, as this is reserved to the emerging North East Derbyshire Local Plan (2014-2034) (the draft Local Plan), which in its current form is of only limited weight. I have no basis to consider otherwise and agree also with his finding that the NP is not out-of-date. Additionally in respect of the NP, reference is made to NP policy W15 in the third reason for refusal of the Council's decision notice. It is agreed by the main parties that it should instead have referred to policy W12 which I have therefore taken account of in my decision.
7. Furthermore, during the appeal process the Derbyshire Wildlife Trust has confirmed that off-site mitigation for biodiversity loss on the appeal site could be achieved at Washlands Nature Reserve in Wingerworth, with the provision of an appropriate financial contribution secured through a Planning Obligation. The Council is therefore satisfied that, with such mitigation secured, together with some appropriate on-site mitigation that could be secured by condition, its concerns relating to the second reason for refusal would be addressed. It therefore confirmed that it would not be pursuing that reason for refusal either. For the above reasons, again I have no substantive basis to disagree with the Council's revised position and find there to be no contravention of the relevant development plan policies.
8. The Council, in its decision notice, refers to the Supplementary Planning Document: Successful Places (Successful Places SPD) to which reference was made in the Inquiry. I have afforded significant weight to that document due to its consistency with the Government objective of achieving good design.

### **Application for costs**

9. At the Inquiry an application for costs was made by Mr Steve Jones of Stancliffe Homes against North East Derbyshire District Council. This application is the subject of a separate Decision.

## **Main Issue**

10. Due to the circumstances relating to the Council's first and second reasons for refusal referred to above, the remaining main issue is the effect of the proposed development on the character and appearance of the site and surrounding area, having regard to the quantum of development comprising up to 35 dwellings.

## **Reasons**

### *Main issue*

11. The site comprises a substantial proportion of the land formerly associated with Hockley House and is currently unused. Some trees remain within the site and the edges are defined by varying degrees of vegetation and trees including a mature hedgerow alongside the Hockley Lane boundary. The remainder of the site primarily consists of overgrown vegetation with some largely obscured remains of derelict buildings and evidence of vegetation clearance having taken place in the form of a small number of visible piles of such material.
12. The site is located within the National Character Area 38 – Nottinghamshire, Derbyshire and Yorkshire Coalfield<sup>1</sup>. At the most detailed level it is within the Wooded Farmlands Landscape Character Type which is typified by, amongst other things, scattered ancient woodlands and hedgerow trees, small to medium irregular fields enclosed by hedgerows, curving lanes and irregular verges. Some of those aspects relate to the site, including in terms of its size and particularly in respect of the hedgerow alongside the Hockley lane boundary, the lane itself also having a curving nature and generally edged by hedgerow and irregular verges. These are factors that reflect the generally informal, open and verdant characteristics of the site and its environs adjacent to the existing settlement.
13. It would be the intention for the proposal to generally retain boundary hedgerow and trees, particularly alongside Hockley Lane. That would retain the verdant nature of the lane which is also a public footpath linking Deerlands Road and the eastern end of Parkland Drive and the more formal northern end of Hockley Lane beyond that point. A mature tree to the north-west of Hockley House would also be retained within an area of open space on the site.
14. The site is distinctly enclosed to the north, west and south-west by existing dwellings on the edge of the settlement of Wingerworth, those relating to Nether Close being clearly visible in close proximity when passing by along Hockley Lane. Those of Parkland Drive in particular, rising upwards north-eastwards, are also visible to varying extents from the southern approaches to the site along Hockley Lane and can be glimpsed to varying degrees through the hedgerow or gaps in the vegetation when passing the site along the lane. The north-eastern end of the site adjoins the spacious grounds relating to one of a small number of more sporadic dwellings on the northern side of Hockley Lane which are set back behind mature vegetation.
15. In this context, the proposed development, on land sloping down from Parkland Drive, would be unlikely to be substantially more prominent than those existing dwellings to the north, seen from more distant vantage points. In this respect it would therefore not be a dominant feature of the landscape. With up to 35

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<sup>1</sup> Natural England National Character Area profiles

- dwellings it would also be of a density compatible with the neighbouring development surrounding a significant proportion of the site, with the exception of that to the north-east relating to Hockley Lane.
16. That part of Hockley Lane south of the eastern end of Parkland Drive has a pleasantly verdant, open and generally informal and tranquil character with few dwellings in close proximity to it. Those buildings relating to Hockley House and the farm opposite are however clearly visible, and either end of the lane is characterised by prominent dwellings relating to Nether Close and Deerlands Road, and Parklands Drive respectively. Just beyond the southern end of the lane, on the eastern side of Deerlands Road a new housing development is also clearly seen extending the settlement to the east, as would the large development of up to 180 dwellings referred to above were it to be implemented, albeit set behind and away from mature lane side hedgerow. The proposed development would be more closely confined by the existing settlement edge than those other new developments.
  17. The ISL shows some development in close proximity to the Hockley Lane boundary, which to that extent would not be unusual in the existing context. However, in the main it shows how most buildings could be set away from that boundary to varying degrees. As such, the retained hedgerow, trees and wall alongside the lane would be likely to provide a significant amount of screening or softening of those buildings as well as any close by hard surfaces relating to roads or driveways. Furthermore, whilst the bungalows of Nether Close are at a lower level than the site and of fairly modest height, the ISL shows how bungalows could be set out at that southern end of the site to prevent a harsh transition in terms of scale in this respect.
  18. The above factors therefore demonstrate how an appropriate degree of feathering in the density and nature of development on this settlement edge could be achieved with a development of up to 35 dwellings, taking account the existing nature of Hockley Lane, so as to prevent it standing out as an obtrusive or unusual addition to the locality. The residential nature and scale of development concerned would also be unlikely to generate such activity that would harmfully reduce that existing degree of tranquillity associated with the lane.
  19. I have had regard to concerns raised about some aspects of the illustrative layout resulting in the need, at the reserved matters stage, to push more of the development closer to Hockley Lane. One such concern relates to the proximity of some of the houses to each other, and in this respect the Council drew attention at the Inquiry to plots 29 and 34 as shown on drawing No 18-561-C02 which would be likely to have windows facing each other. Another relates to garden sizes currently shown to be falling short of the required standards which, if enlarged at the reserved matters stage, could have similar effects in terms of pushing development southwards.
  20. Whilst I acknowledge those concerns, the ISL shows a variety of dwelling types including mainly detached, three and four bedroom houses and some bungalows, semi-detached and terraced dwellings. It also shows one larger five bedroom house. On the basis that this outline proposal would not establish the detailed mix and design of dwelling types on the site, there would therefore be sufficient scope and flexibility at the reserved matters stage to ensure that amenity issues could be addressed without compromising the

character and appearance of the surrounding area. Likewise, in respect of the detailed design relating to any hard surfacing on the site. I also acknowledge that the terrace houses shown on the ISL are not representative of existing housing in the immediate vicinity of the site. However, it is only shown to be a short row, set well back from Hockley Lane and therefore unlikely to be a prominent feature.

21. In respect of the open spaces shown on the ISL, these relate in part to existing retained mature trees or a proposed swale. There is also no substantive reason, based on the ISL, to consider that those spaces would not be adequately overlooked and likely to be used in terms of natural surveillance from surrounding new dwellings, subject to detailed design details.
22. I have had regard to the Council's position that 28 dwellings could be satisfactorily accommodated on the site. However, I have not received any substantive basis for that figure being considered satisfactory other than it relates to a drawing for another currently undecided planning application for housing on this site incorporating on-site mitigation for biodiversity loss, taking up the north-eastern end of the site.
23. Inevitably, the transition from open and largely undeveloped land in the countryside to a housing site would alter the nature of the site. However, for the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area, having regard to the quantum of development comprising up to 35 dwellings. As such, in respect of this issue, it would accord with policies NE1, BE1 and H12 of the Local Plan, policy W12 of the NP, and the Successful Places SPD which together, amongst other things, require development proposals to conserve and/or enhance the varied and distinctive landscape character of the District; to respect the character and appearance of the site and surrounding area; and to respect and enhance local character.
24. The Council, in its decision notice, also refers to emerging policies SDC3 and SDC12 of the draft Local Plan in respect of this issue. Those policies, relating to landscape character and ensuring high quality design and place-making are, in respect of this issue, broadly consistent with those of the above development plan. I have therefore afforded them some weight, albeit limited due to the ongoing Examination process, and find that the proposed development would accord with those emerging policies also. In respect of this issue, it would also accord with the Framework which, in section 12, relates to achieving well-designed places.

#### *Other matters*

25. I have had regard to concerns about additional traffic in the area, particularly in respect of Nether Close, a fairly short cul-de-sac at the end of which would be located the site access. However, the size of development would not be such as to be likely to generate so many more extra traffic movements as to be unsuitable for that existing road. Furthermore, the Council's Highways section raises no objections in this respect, or with regard to the suitability of the proposed site access point, and I have no substantive reason to consider differently. Additionally, the proposed development would be required to provide sufficient parking within it so as to prevent inappropriate parking elsewhere. In the interests of highway safety in the surrounding roads and

- protecting residential amenity during the construction period a Construction Method Statement could also be secured by condition.
26. I acknowledge that the additional comings and goings along Nether Close in particular would generate increased noise from vehicles. However, the development would not be of such a size as to be likely to cause increases of a harmful extent and likewise in respect of the shining of headlights towards those dwellings in Nether Close positioned opposite the proposed site access point. The relatively small increase in vehicular traffic in the context of the surrounding area and settlement as a whole would also be unlikely to materially worsen air quality.
27. I have also had regard to concerns about drainage of the site and of the proposals exacerbating existing problems. However, I have no substantive basis to consider that the proposal would cause or worsen existing drainage problems. Furthermore, provision could be made for appropriate surface water drainage measures to be implemented, secured by condition.
28. Measures to mitigate for any losses relating to the ecology and biodiversity of the site, due to site clearance and development, would be provided through on and off-site mitigation measures secured both by condition and planning obligation.
29. The submitted planning obligation also makes provision for mitigating the additional likely demands of the prospective occupiers on local education and recreational provision. Concern has also been raised about the additional demand on local healthcare provision. However, I have not received sufficient substantive evidence to indicate that the proposal, relating only to up to 35 dwellings, would have a material effect in this latter regard.
30. Subject to a condition to secure an external lighting scheme, the proposal would be unlikely to materially add to any existing light pollution from the wider settlement.
31. I have had regard to whether a new pedestrian access would be needed directly to Hockley Lane from the site. Access would remain via Nether Close which would not add significant distances for walking to local facilities and services or nearby bus stops along existing estate roads or access to. There is also an existing access to the lane at the end of Nether Close although there remains uncertainty as to whether that is an established right of way. I therefore consider that a new pedestrian access would be unnecessary.
32. With regard to any concerns over a loss of privacy to existing neighbouring residents, I have no substantive basis to consider that the proposal would cause unacceptable harm in this respect. Furthermore, such a matter would be appropriately considered at the detailed reserved matters stage.

#### *Conditions and planning obligation*

33. The Council has suggested 24 conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Planning Practice Guidance and omitted two and amended some of the wording. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.

34. The standard conditions to ensure the development is implemented in accordance with the reserved matters, required to be first submitted and approved, and within the standard time period, would be necessary (1,2 and 3). For certainty, a condition requiring the development to be carried out in accordance with the approved plans (4) would also be necessary, as would one securing a maximum number of dwellings on the site (5).
35. In the interests of the character and appearance of the surrounding area, conditions would be necessary to secure details of the finished ground floor levels of the proposed buildings (6); details of the proposed internal access roads, also in the interests of highway safety (11); tree and hedgerow protection measures (12); and external lighting scheme (21).
36. To ensure that the construction phase of the development is carried out in a safe and acceptable manner that minimises effects upon the living conditions of neighbouring residents and to ensure the safe and efficient use of the public highway at Nether Close, a condition to secure the submission and implementation of a Construction Method Statement (7) is necessary.
37. For archaeological heritage reasons, it would be necessary to secure the submission and implementation of an archaeological Written Scheme of Investigation (8).
38. In the interests of ensuring the health and safety of prospective occupiers, conditions would be necessary to secure the submission of an assessment of the risks posed by any contamination on the site and details and implementation of any necessary remediation measures (9); and details of further investigation works and any necessary remediation measures with regard to coal mining legacy (10).
39. In order to prevent increased risks of flooding and in the interests of the principles of sustainable drainage, conditions would be necessary to secure various details and the implementation of measures to ensure the appropriate surface water drainage of the site (13, 14 and 15).
40. The Council suggests a condition to secure provision for public art on the site (16). In light of there being current specific development plan support for such provision, despite not being the case in the emerging Local Plan, I consider this to be a reasonable requirement.
41. In the interests of supporting the local economy relating to local construction jobs, a condition would be necessary to secure a scheme for the recruitment of employees for the construction phase of the development (17).
42. In the ecological and biodiversity interests of the site, conditions would be necessary to secure the submission and implementation of a Landscape and Ecological Mitigation and Management Plan relating to existing and proposed habitats within the site (18); a biodiversity mitigation and enhancement strategy (19); and a scheme to mitigate and compensate the net loss of biodiversity (20).
43. In the interests of highway safety and achieving a satisfactory design, a condition is necessary to secure the provision and retention of adequate vehicle parking and manoeuvring space and cycle parking (22).

44. It was agreed by the parties at the Inquiry that the Council's suggested condition 8 relating to securing the proposed affordable housing would be addressed by the Section 106 Agreement and so is unnecessary as a condition also. I have no basis to disagree and so have omitted that suggested condition.
45. Suggested condition 14 relates to provision for footpath linkages from the site to Hockley Lane. However, at the Inquiry it was agreed by the parties that there could be no certainty of delivering this where there are not established rights of way up to the site boundary. I have also found that it would not be necessary in order to provide adequate pedestrian access to the surrounding area. I have therefore omitted that suggested condition.
46. A Planning Obligation has been submitted making provision for the following:
- 22% affordable housing in accordance with policy H6 of the Local Plan and the Council's Affordable Housing Supplementary Planning Document (SPD);
  - An appropriate financial contribution towards off-site biodiversity improvement works as referred to above under Procedural Matters, in accordance with policy NE3 of the Local Plan and policy W13 of the Wingerworth Neighbourhood Plan. This would be necessary as the loss of biodiversity on the site could not be fully mitigated by on-site provision;
  - An appropriate education financial contribution relating to the evidence submitted by the Council including correspondence from Derbyshire County Council. This relates to the capacity of local schools, taking account of the likely number of additional children generated as a result of the proposed development. It also confirms that the number of contributions sought has not exceeded the pooling limits in the Community Infrastructure Levy Regulations 2010 (CIL Regulations).
  - Appropriate financial contributions for provision and maintenance of off-site recreational facilities in accordance with policy R5 of the Local Plan and the Recreation and Open Space SPD.
47. The Council has submitted a Planning Obligation justification and CIL compliance statement together with associated submissions. Based on that evidence, and relevant development plan policies and SPDs, I am satisfied that the provisions would meet the tests set out in paragraph 56 of the National Planning Policy Framework and Regulation 122(2) of the CIL Regulations. Furthermore, in respect of the proposed provision for affordable housing, this would represent a benefit of the development that would weigh in its favour.

#### *Planning balance*

48. The proposed development would be located outside of the SDL and as such does not accord with policies GS1, GS6 and H3 of the Local Plan which, amongst other things, relate to SDLs and development in the countryside. However, as I have referred to previously, those policies are out of date and have significantly reduced weight. Furthermore, being located on the edge of the settlement it would be within reach of local services and facilities by a range of transport modes including car, cycle, foot or bus.



49. I have found that there would not be unacceptable harm to the character and appearance of the site and surrounding area, having regard to the quantum of development comprising up to 35 dwellings. A position statement submitted by the main parties at the Inquiry highlights disagreement between them as to whether or not the Council can demonstrate a five year supply of deliverable housing sites (5 year HLS), albeit that it confirmed that neither party intended to call evidence on this issue. Regardless of that disagreement, the Framework highlights the government's objective of significantly boosting the supply of homes. The required amount of housing in an area is therefore a minimum that does not preclude further additional provision. In that context, even with a 5 year HLS, the proposed development would still have the benefit of adding to the local supply of housing, including needed affordable housing. Together with some associated likely economic benefits such as relating to local construction jobs these benefits would further weigh in favour of the proposed development.
50. In light of the significantly reduced weight attached to those relevant spatial policies referred to above, the conflict with those policies in terms of location outside of the SDL, in the open countryside, would not significantly and demonstrably outweigh the benefits referred to above.

### **Conclusion**

51. For the above reasons, I conclude that the appeal should be allowed.

*Andrew Dawe*

INSPECTOR

## CONDITIONS

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 permitted shall be carried out in accordance with the following approved plans:  
  
Site Location Plan 18-561-C00  
Site Access Plan 16-562-C03
5. The development hereby approved shall not exceed 35 dwellings.
6. No development shall commence until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), 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.
7. 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 demolition and construction works;
  - viii. delivery, demolition and construction working hours;
  - ix. access to the site for construction traffic.

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

8. No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the significance of the site, research questions and:

- i. the programme and methodology of site investigation and recording;
- ii. the programme for post investigation assessment;
- iii. the provision to be made for analysis of the site investigation and recording;
- iv. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v. the provision to be made 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.

No development shall take place other than in accordance with the Written Scheme of Investigation. No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

9. No development shall commence until an assessment of the risks posed by any contamination has been 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(s) and a verification report(s) shall be 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 details of additional measures for its remediation 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(s) for all the remediation works shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority before occupation of the dwellings.
10. No development shall take place until details of further investigation works with regard to coal mining legacy have been submitted to and approved in writing by the Local Planning Authority. 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.

If, during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, additional measures for their 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.

11. No development shall take place until details of the internal access road(s), their design, geometry, materials for construction and timescale(s) for completion have been submitted to and approved in writing by the Local Planning Authority. The internal access road(s) shall thereafter be constructed in accordance with the approved details and timescales.
12. No site clearance, preparatory work or development shall take place 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. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of the development.
13. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:
  - (i) Hockley Lane, Wingerworth, Flood Risk Assessment for Stancliffe Homes (Issue 2, April 2018 by Eastwood & Partners); and
  - (ii) DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the occupation of any dwelling.
14. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph ID:7-080-20150323 of the Planning Practice Guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.
15. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved details shall be implemented before the commencement of any works leading to increased surface water run-off from site, during the construction phase and maintained for this period.
16. Before the commencement of development a scheme for the provision of public art, including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and timetable and shall be retained as such thereafter.
17. Before commencement of development a scheme for recruitment of employees for the construction period of the development shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be operated in accordance with the approved details.

18. Before the commencement of development a Landscape and Ecological Mitigation and Management Plan (LEMMP) for all existing and proposed habitats within the site shall have been submitted to and approved in writing by the Local Planning Authority. The LEMMP shall include the setting out of long term management responsibilities for all areas of open space within the development. The approved LEMMP shall be adhered to for the life of the development.
19. Before the commencement of development, a biodiversity mitigation and enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority and shall include timescale(s) for implementation. The biodiversity and mitigation measures shall thereafter be implemented in accordance with the approved details and timescales and shall be retained as such thereafter.
20. Before the commencement of development a scheme to mitigate and compensate the net loss of biodiversity resulting from the development shall have been submitted to and approved in writing by the Local Planning Authority and shall include details for on-site mitigation or a combination of on-site mitigation and off-site compensation and timescales for implementation. The scheme shall thereafter be provided in accordance with the approved details and timescales or before 90% of the dwellings are occupied whichever is sooner.
21. 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.
22. Any dwelling, the subject of the application, shall not 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.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Mitchell of Counsel	Instructed by the Council's Planning Manager (Development Planning)
He called:	
Susan Wraith	Director of 4 Planning Delivery Limited
Also appeared:	
Adrian Kirkham	The Council's Planning Manager (Development Planning)

### FOR THE APPELLANT:

John Barrett of Counsel	Instructed by Cushman & Wakefield
He called:	
Katrina Hulse	Partner at Cushman & Wakefield
Also appeared:	
Stephen Jones	Director of Stancliffe Homes Limited
Sam Jones	Director of Stancliffe Homes Limited

### INTERESTED PERSONS:

Cllr Diana Ruff	Chair – Parish Council
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## **INQUIRY DOCUMENTS:**

- 1 Appeal decision APP/Y2736/W/15/3136237 & 3136233
- 2 Opening statement on behalf of the appellant
- 3 Opening statement on behalf of the Council
- 4 Position statement on five year land supply & housing requirement in respect of North East Derbyshire District Council by Roland G Bolton and Nick Ireland, dated December 2018
- 5 Illustrative layout drawing relating to proposed development at Land at Deerlands Road, Wingerworth in connection with appeal Ref APP/R1038/W/17/3192255
- 6 Various email correspondence between the appellant and Council, in relation to seeking the Council's Urban Designer comments

- 7 Statement of Cllr Diana Ruff
- 8 Email from Council to appellant dated 27 July 2018, forwarding comments of the Council's Urban Designer comments
- 9 Planning obligation justification and CIL compliance statement
- 10 Local Plan and SPD extracts relating to developer contribution requirements concerning education provision
- 11 Consultation comments from the Council's Joint Housing Strategy Officer dated 29 March 2018
- 12 Closing submissions on behalf of the Council
- 13 Costs application on behalf of the appellant
- 14 Various emails referred to by the Council in its response to the appellant's costs application
- 15 Closing submissions on behalf of the appellant