The Planning Inspectorate

Appeal Decision

Inquiry held on 15, 16 and 17 January 2014
Site visit made on 17 January 2014

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 12 June 2014

Appeal Ref: APP/H1033/A/13/2204114
Land at Dinting Road and Shaw Lane, Glossop, Derbyshire SK13 7UU

- 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 Loxley Developments Ltd against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0324, dated 4 June 2013, was refused by notice dated 20 August 2013.
- The development proposed is residential development for up to 93 dwellings.

Decision

1. The appeal is allowed and outline planning permission is granted for residential development for up to 93 dwellings at Land at Dinting Road and Shaw Lane, Glossop, Derbyshire SK13 7UU, in accordance with the terms of the application Ref HPK/2013/0324 dated 4 June 2013, subject to the conditions set out in the schedule annexed to this decision.

Preliminary matters

2. The planning application that is the subject of the appeal was submitted in outline form, with only the principle of development and the access to the site for full approval at this stage, and matters of layout, scale, appearance and landscaping reserved for later detailed approval.

3. The application was accompanied by heads of terms for a planning obligation under S106 of the Town and Country Planning Act 1990. A copy of a completed obligation, in the form of a planning agreement between the Council and the landowners, was submitted during the Inquiry. The agreement sets out covenants in respect of the provision and management of affordable housing on the site, the payment of financial contributions towards the provision and management of off-site open space and play space, and the submission and implementation of a travel plan. The merits of the obligation are considered later in this decision.

4. Following the close of the Inquiry, it emerged that as part of the evidence base for the emerging Local Plan the Council had commissioned consultants to carry out a Landscape Impact Assessment ('LIA')[1], and that this document had been published on the Council's website on the day the Inquiry opened. The LIA

[1] Wardell Armstrong: High Peak Local Plan Landscape Impact Assessment January 2014

included an appraisal of the landscape aspects of sites potentially to be allocated for development in the emerging Local Plan, and also made specific comment on the appeal site.

5. The main parties concurred that the LIA was of direct relevance to the appeal and should have been brought before the Inquiry. Accordingly, I decided to accept the report as an additional Inquiry core document. The main parties were allowed further time to make written submissions on the status and content of the LIA. The opportunity was also given to request re-opening of the Inquiry if necessary, but no such request was made. I concluded that I had sufficient information to proceed on the basis of the written material, which has been taken into account in reaching this decision.

6. Also following the close of the Inquiry, planning practice guidance was published in support of the Government policy set out in the National Planning Policy Framework ('NPPF'), and much former guidance was cancelled. The main parties were allowed further time to make written submissions on the implications of the practice guidance for the appeal, but neither party wished to identify any change in their case.

Main Issue

7. It was agreed at the Inquiry that the main issue in the appeal is:

Whether, if there is less than a five year supply of deliverable housing land, the proposal would amount to a sustainable form of development in accordance with national and local policy, having particular regard to:

- The effect on the countryside character of the area;
- The location and accessibility of the site.

Reasons

8. The appeal site lies adjacent to the south-eastern built-up edge of the small town of Hadfield. It is a roughly triangular parcel of land, some 4.7ha in area, which has been used for hay production and grazing. The base of the triangle and main frontage is provided by Dinting Road, which runs east to neighbouring Glossop. The eastern boundary is formed by the tree-lined cutting of the local railway line, while the third side is bounded by Shaw Lane, which is addressed by some older terraces of houses and a former farmhouse, as well as by more recent suburban-style housing.

9. A public footpath runs through the centre of the site and continues south beyond Dinting Road between the car park for the adjoining railway station and the extensive industrial site occupied by Carpenters. The land to the east of the railway line, including a large quarry on the slopes of Castle Hill, is designated as Green Belt.

10. Permission is sought to develop the site with up to 93 houses, 30% of which (28 units) would be provided as affordable housing. A single point of access would be taken mid-way along the Dinting Road frontage. An indicative masterplan suggests a potential layout of cul-de-sac roads lined by a mix of detached, semi-detached and terraced houses, with the existing footpath forming a green route through the site.

Policy context

11. For the purposes of this appeal, the development plan comprises the saved policies of the High Peak Local Plan ('LP') adopted in 2005. Work is quite well advanced on the preparation of a new-style Local Plan, with consultation on Preferred Options having taken place in February 2013, and an additional round of consultation under way at the time of the Inquiry. But in view of current uncertainty around the final form of the new Local Plan, not least due to outstanding objections, little weight can be given to the emerging draft at this stage. However, it seems clear that the likely housing requirement of the new plan will require the allocation of land outside current built-up area boundaries.

12. The appeal site lies outside the defined settlement boundary of Hadfield. Under saved LP Policy OC1, it is classed as countryside. This policy is drafted in positive rather than restrictive terms, and confirms that permission will be granted for development needed for the rural economy. But the supporting text confirms the intention that other categories of development, including general housing, are not to be permitted. Moreover, saved Policy H1 includes a general presumption against housing development on 'greenfield' land. The appeal proposal would be contrary to these policies.

13. The LP was drafted to cover the period to 2011, and the settlement boundaries defined by LP Policy GD2 will have reflected the need for and supply of land for new development, particularly housing, at the time the plan was drafted. The LP text explains that boundaries were quite tightly drawn around previous built-up areas. The settlement boundaries can now be seen as time-expired and the restriction they impose on the location of new housing as out of date. Policy OC1 provides a complementary and integral part of this restriction.

14. Furthermore, it is common ground that, allowing the 20% buffer for persistent past under-delivery advised by the NPPF, the Council cannot currently demonstrate a 5 year supply of deliverable housing land. Although the precise level of shortfall is not fully agreed (at 3.7 or 3.8 years' supply), the slight difference between the parties is of no great consequence for the appeal. In these circumstances, the NPPF advises that the housing supply policies of the development plan cannot be regarded as up-to-date. The restriction imposed by Policies GD2, OC1 and H1 in combination is relevant to the supply of housing.

15. For these reasons, I agree with the appellants that these policies must be regarded as out of date. The unmet need for additional housing becomes a consideration of substantial weight in the appeal. In accordance with NPPF guidance the appeal proposal must be assessed in the context of the presumption in favour of sustainable development. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

16. Recognition of the intrinsic character and beauty of the countryside is among the core planning principles of the NPPF. The implicit countryside protection objective of LP Policy OC1 is consistent with this principle, and the proposal's particular effect on countryside character is therefore an important consideration to be taken into account in the assessment of the proposal, and has been identified as a main issue in the appeal. But the Council

acknowledges that location within the policy allocation does not in itself preclude residential development. This has been reflected in appeal decisions and in the Council's own resolutions to allow development on other sites.

17. The three specific criteria set out in Policy OC1 strictly apply only to the categories of rural economic development supported by the policy. But collectively they provide a reasonable proxy measure for potential adverse effects of development in a countryside location. The particular adverse effect cited in the Council's reason for refusal of the application is the creation of an 'unacceptable urbanising impact'.

Countryside character

18. The site has not been identified for any designation for the quality of its own landscape or its contribution to a wider area of landscape value. It provides a worthwhile extent of open land at the edge of the built-up area, giving a spacious character to this stretch of Dinting Road, which is reinforced by the lack of frontage development on the opposite side of the road. Views from the public footpath encompass a wide vista from the slopes of the Peak District National Park to the south around to distant hills to the west, with the main urban area of Hadfield largely hidden.

19. Urban development provides a significant component of even these distant views. At shorter range, appreciation of the site is coloured by the closeness of features such as the housing on Dinting Road and Shaw Lane, and the station car park and industrial activity to the south. As a result, the site has an 'urban fringe' character rather than one of truly rural open countryside.

20. Development of the site for housing would significantly change its character. As perceived at close range, it would no longer provide an expansive area of green at the urban edge. The location of the access road would introduce a node of vehicular activity into the currently quiet frontage. Users of the footpath would lose the impression of passing through open fields, and the scale of views would inevitably be constrained by the new houses.

21. Some mitigation could be provided by the final layout of development, as suggested by the indicative masterplan and the submitted Parameters Plan. The Dinting Road frontage should be well landscaped, with a row of houses set behind trees to form a relatively seamless continuation of the existing suburban-type houses along Shaw Lane and Dinting Road to the west. The footpath should be incorporated within a green corridor through the site, overlooked by dwellings. The existing pond would be retained and enhanced as part of a landscaped frontage to Shaw Lane. The sloping bank to the east of the site should be well planted, to form a green backdrop to the new houses, and the elevated area above the bank kept free of development to provide a wide buffer along the eastern boundary.

22. The completed form of development, subject to final decisions on design and layout, should deliver an acceptable treatment for the site that would not appear out of place with the adjoining housing area. With the south side of Dinting Road remaining free of built development, the proposal would provide a rational extension of the urban edge of Hadfield.

23. By allowing the continuation of built development on one side of the road almost to the railway line, there would undoubtedly be an impact on the

perceived gap between Hadfield and Glossop, as experienced by those passing along Dinting Road. This is the issue which appears to be of greatest concern to many local residents, and has been pursued by the Council in the appeal, although concern over coalescence of settlements is not specifically cited in the reason for refusal.

24. However, a marked gap would remain to the east of the railway line, defined by the Green Belt land to the north of the road and the currently largely undeveloped land to the south. Although the topography and scale of the landscape tends to produce a greater sense of enclosure than the open swathe of the appeal site, the Green Belt designation serves its purpose of providing separation between the two settlements. The different roles and character of the two towns would not be compromised.

25. The Council's concern is particularly focused on the situation should the land allocations proposed in the emerging Local Plan to the south of the road be confirmed. But as outlined above, little weight can be given at this stage to these draft allocations. Similarly, little weight can currently be given to the proposed 'strategic gap' to the west of the railway line including the appeal site, identified by draft Policy S5, which is subject to objection and might also be affected by the evidence of the LIA, considered below.

26. The potential effect of the draft allocations is also critical to the Council's concerns about the visual impact of development in longer views. For example, the panoramic view from within the National Park at Coombes Edge would be significantly different if the potentially allocated land to the south of Dinting Road were to be developed. A substantial area of green would be replaced by development, which would extend close to the appeal site, giving rise to an understandable concern about visual coalescence.

27. But as little weight can be given to these draft allocations, the issue in this appeal must focus on the effect of development of the appeal site alone. Under current conditions the site is not particularly prominent in the view from Coombes Edge, appearing as part of a patchwork of green spaces separated by tree belts. Other features such as the nearby quarry and the Carpenters building stand out more clearly. The appeal proposal would be seen as an extension of the narrow band of housing development to the west. But even with the anticipated mitigation of planting along Dinting Road and the eastern bank, it would appear from this angle as an interruption of the near continuous belt of green from the school playing fields and park to the north, to the open land on the south side of Dinting Road, which collectively appear as part of the lower slopes of Castle Hill. There would be some adverse intrusive effect, but the altered patchwork of development would not produce coalescence with Lower Dinting, as feared by the National Park's landscape architect, or cause significant harm to the quality of the National Park.

28. In my judgement there would be a similar effect in other long-range views from the south, such as from Simmondley and Hargate Hill[2]. The proposal would be equally prominent in the view from Mottram[3], and while appearing as a more organic extension of the existing housing to the west, would again sever the visual continuity of green space on the lower slopes of Castle Hill, and would reduce the visual gap between settlements. The mitigation offered

[2] Appellants' viewpoints 9 and 12
[3] Council's suggested viewpoint adjoining Mottram school

by planting should be more effective in the somewhat closer and less elevated view from the west near Gamesley[4], but there would be a clear perception of the enlargement of the built-up area.

29. The recently published LIA has been prepared for the Council as part of the evidence base for the emerging Local Plan. As it is not clear to what extent the document's recommendations will eventually be reflected in the adopted plan, little formal weight can be given to it at this stage. Nevertheless, the document has some value as an independent expert appraisal of landscape issues in relation to sites with potential for development.

30. The authors of the study have chosen to consider the appeal site separately from the remainder of the land identified in the Preferred Options policy S5 allocation as a strategic gap between Hadfield and Glossop. While endorsing the value of that land as a strategic gap, they include the appeal site among a number classed as having potential to accommodate development. They echo the Council's concern in this appeal about the risk of coalescence if both the appeal site and land to the east of the railway line were to be developed, but conclude that development of the site in isolation would not affect the purposes of the strategic gap.

31. The Council's response to the LIA for the purpose of the appeal raises some pertinent queries. It is difficult to see why the land to the north of Dinting Road should be regarded as less prominent from the National Park than the land to the south. Any distinction between physical and visual coalescence would be appear to be equally applicable throughout the potential gap, but to be less relevant in long range views.

32. The Council's ultimate response will be reflected in the proposals of the draft Local Plan finally submitted for formal examination. Little significance can be attached to the omission of altered boundaries for the S5 gap from the recent round of consultation. The published study's findings lend some weight to the appellants' case. The mitigation recommended as an appropriate landscape structure, including planting along Dinting Road, would be similar to that now proposed.

33. The Council places considerable reliance on support by Inspectors for its consistent opposition over time to development of the appeal site. But the quoted decisions on planning appeals and reports of development plan inquiries are all now quite historic, with the most recent instance being the 1997 Local Plan Inquiry report. The earlier appeals would have been determined on the basis of the particular form of development then proposed and of the circumstances in effect at that time. The 1992 appeal sought permission for 134 units, which is a much higher density than currently proposed. Since the 1990s there have been considerable changes both to the physical context of the site, as described in the appellants' evidence, and in the policy context, against which the current appeal must be determined. By far the most important of these are the priority given by the NPPF to securing a significant boost in the supply of housing, and the balance of considerations when an up-to-date supply is not in place.

34. However, it is noteworthy that while the 1997 Inspector endorsed previous views on the potential harmful effects of development of the site, and for those

[4] Appellants' viewpoint 7

reasons opposed its allocation, he also rejected its inclusion within the Green Belt, because he envisaged that the land might be required to meet future development needs. This is very much the situation faced in the current appeal.

35. The Council does not seek dismissal of the appeal on grounds of prematurity. However, concern was expressed at the Inquiry on behalf of some local residents that approval of the appeal proposal would be premature in the light of the emerging Local Plan and would potentially invalidate consultation to date. The NPPF policy is that weight to be given to emerging plans is subject to the stage of their preparation and the extent to which there are unresolved objections. The planning guidance advises that refusal on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. The latest round of public consultation shows that the Council is itself considering some change to the proposals for the area east of the railway line. The scale of the appeal proposal would not be so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development.

36. To conclude on this issue, I consider that development of the appeal site would have an urbanising effect, notwithstanding the site's existing 'urban fringe' character. There would be harm arising from the loss of the open green land at the edge of the built-up area, particularly as appreciated by people passing along Dinting Road and on the footpath through the site, but there would be potential for mitigation in the final layout and landscaping of the development. The development of the site alone would not result in the closure of the gap between Hadfield and Glossop, as perceived from Dinting Road. In longer views, there would be some harmful effects on the landscape arising from the extension of the built-up area, despite the mitigation offered by proposed planting, but the gap between settlements would remain and the quality of the National Park would not be significantly affected.

Location and accessibility

37. There is no dispute that saved LP Policy TR1, which seeks to reduce the need to travel and to widen transport choices, is up to date and consistent with the NPPF, which encourages patterns of growth that make the fullest possible use of public transport, walking and cycling. The first reason for refusal of the application cites conflict with Policy TR1 because the site's location is seen as unsustainable owing to its distance to local services.

38. The site is immediately adjacent to Dinting railway station, which offers frequent services to central Manchester, some 30 minutes away. The submitted Transport Assessment shows that public transport access to other centres, such as Ashton-Under-Lyne, can be achieved within 30-60 minutes. This good level of access to the employment, shopping and leisure opportunities offered by those centres must carry considerable weight in any assessment of the site's accessibility by sustainable modes of travel.

39. In addition to the regular train services to the centres of Glossop and Hadfield, the site is also served by bus services on Dinting Road and somewhat further away on Newshaw Lane. The latter stop would be slightly beyond the recommended walking distance from parts of the site, but as a closer alternative would be available, this would not be unacceptable. The appellants'

proposed relocation of the Dinting Road stops to the west side of the station, which can be secured by a planning condition, would greatly enhance their attractiveness to potential residents, without compromising interchange with rail services. Despite some shortcomings in terms of quality of facilities, frequency of some services and distance from the Newshaw Lane stops, taken as a whole this level of provision would allow reasonably good access to the facilities at local town centres.

40. The Council's greatest concern appears to relate to journeys on foot, with particular emphasis on the poor quality of many footpaths relied upon in the appellants' calculations of distances. On the evidence of my visits to the area, I accept that many of these routes are far from ideal in terms of gradient, paving, lighting and personal safety. These paths are used at present and could be by future residents in appropriate circumstances, but their use would not be essential. I note that the vast majority of local destinations assessed under the Council's 'Safe and Suitable' criteria would lie within 2000m of the centre of the site. In particular, I note that all schools and colleges would fall well within that limit, which is recommended by the Institution of Highways and Transportation[5]. Whilst both larger supermarkets would lie just outside that limit, the site would have access to a local convenience store, public house and takeaways within 1000m, at Green Lane.

41. I conclude on this issue that the site, being at the edge of the urban area, would not have ideal access to some local facilities. But an overall assessment of its accessibility shows that it would have considerable advantages in terms of its closeness to the railway station and the availability of public transport options. The proposal would allow residents a choice of transport and would offer sustainable access to jobs and services. The submission of a full Travel Plan, which forms part of the S106 agreement, would allow measures to promote use of non-car modes of travel and detailed targets to be agreed. With that support there would be no significant conflict with LP Policy TR1 or with the guidance of the NPPF.

Other issues

42. The former farmhouse immediately to the north of the site was previously included on the statutory list of buildings of architectural or historic interest, and, despite alteration, continues to display a degree of heritage value. The appeal site forms part of the building's immediate setting, and as open land provides some evidence of its former use. However, there is no suggestion that the heritage significance of the farmhouse would be substantially harmed by the proposal, which could be designed to maintain views of the building, particularly from the public footpath. This reflects the conclusions of the 1992 appeal, when the building was still formally listed.

43. The application was accompanied by a Protected Species Ecological Report which confirmed the site's generally low ecological value, and endorsed the recommendations for potential biodiversity enhancement set out in an earlier report. The Report's conclusions were based on the premise that the retention of mature trees and the provision of the buffer zone along the eastern boundary would ensure sufficient protection for bats using the fringes of the site. The Derbyshire Wildlife Trust, as adviser to the Council, accepted that in those circumstances a detailed bat survey was not required. Expert evidence

[5] Institution of Highways and Transportation: Guidelines for Providing for Journeys on Foot 2000, Tab3.2

was given to the Inquiry that this was in accordance with Natural England Standing Advice and that no issue of licensing would arise, subject to the imposition of suitable conditions, to include compliance with the submitted Parameters Plan, the protection of trees and the implementation of enhancements. On that basis, I am satisfied that there would be no adverse effect on protected species.

Conditions

44. A schedule of conditions discussed between the two main parties to the appeal was provided on the opening day of the Inquiry. A revised schedule, indicating a broad measure of agreement, was later provided and this forms the basis of the schedule annexed to this decision. Subject to some amendment in the interests of precision and enforceability, I consider that the undisputed conditions would all be reasonable and necessary and would comply with the requirements of the NPPF and the planning practice guidance.

45. In addition to standard conditions on the submission of reserved matters and the commencement of development, a specific condition is required to ensure that the final form of development is controlled by adherence to the parameters of the Design and Access Statement and the site areas set out on the Parameters Plan, in order to protect the landscape infrastructure and ecological value of the site. Control of phasing is required to ensure adequate standards of living conditions during construction.

46. The group of conditions on Access and Highways are needed in the interests of highway safety and to promote a choice of sustainable modes of travel. Those on Flooding and Drainage are needed to minimise flood risk and to ensure the site is properly drained by sustainable methods, while those on Contamination are required to ensure the health and safety of future users of the site. A Construction Method Statement is needed to protect the living conditions of nearby residents and the safety of the highways near the site.

47. The arrangements for archaeological investigation and analysis are required to ensure that the site's heritage value is preserved. The set of conditions headed Ecology are needed to ensure that the site's ecological value would be preserved and enhanced. As I have earlier concluded that adherence to the Parameters Plan would provide sufficient protection for bats around the site, the condition requiring bat activity surveys sought by the Council would not be justified. Protection of existing trees is required to ensure their value for nature conservation and landscape quality is preserved.

48. The Sustainability Statement submitted with the application sets out a range of measures in the design and construction of the scheme to achieve a minimum 10% reduction in energy consumption and Code for Sustainable Homes Level 3 or better. The NPPF strongly supports local initiatives to move towards a low carbon future. In the absence of an adopted development plan policy to reflect this, the Council's proposed condition seeking achievement of a higher Code level would not be justified.

Planning agreement

49. The planning agreement concluded between the Council and the landowners allows for 30% of the dwellings on the site to be provided as affordable housing, for the timing of their provision and transfer to a registered provider,

and for the means of allocation of future tenancies. Payments would be made to the Council as contributions towards the provision and maintenance of off-site open space or allotments and towards play provision at the nearby Newshaw Road facility. There would be a commitment to submit a Travel Plan for approval to Derbyshire County Council as highway authority, which would parallel the submission to the Council as planning authority secured by condition, and a payment towards monitoring costs.

50. I am satisfied that each of these covenants would comply with the tests set out in the NPPF and with the advice of the planning practice guidance. The obligation can be fully taken into account in support of the appeal proposal.

Balance of considerations

51. The NPPF seeks to boost significantly the supply of housing. There is no dispute that the Council's five year supply is lacking. Recent evidence on the objective assessment of housing need for the emerging Local Plan suggests that the future housing requirement is likely to be greater than that set out in the now cancelled Regional Strategy. The contribution to meeting the considerable shortfall in supply lends substantial weight in support of the proposal.

52. The provision of 28 units of affordable housing would also help to address an identified need, and is a consideration of positive weight, even if the level of proposed provision would not exceed the requirements of development plan policy.

53. There would thus be clear evidence of the social dimension of sustainable development. The economic dimension would be illustrated by the employment generated during construction, by the addition to the local economy of the spending power of future residents and by the relatively modest financial gains of the New Homes Bonus. These economic factors add moderate weight in support of the proposal.

54. In environmental terms, the site would be well placed to avail residents of sustainable transport for longer trips, although less so for access on foot. The currently green and open character of the site at the urban edge would be replaced by development. This would alter the character of this edge of Hadfield but, importantly, would not alone result in the loss of the gap between settlements. The expansion of the built-up area would have some adverse effect on the pattern of open and developed land in both short and long distance views.

55. The adverse effects of development could be at least partly mitigated by successful landscape infrastructure and detailed design and layout, secured at the reserved matters stage. There would also be some enhancement of water features and opportunity for other biodiversity improvements on a site that lacks ecological interest. On balance, any environmental harm remaining after mitigation would not significantly and demonstrably outweigh the benefits of development. In accordance with the NPPF, the proposal must be regarded as sustainable development to which the presumption in favour applies.

56. I therefore conclude that the appeal should be allowed and outline planning permission granted subject to conditions.

Brendan Lyons INSPECTOR

Annex

Appeal Ref: APP/H1033/A/13/2204114

Land at Dinting Road and Shaw Lane, Glossop, Derbyshire SK13 7UU

Schedule of conditions Nos.1-24

1. Details of the layout, scale, appearance and landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development is commenced 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 three years from the date of this permission.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4. The reserved matters application(s) shall follow the general parameters of layout, scale, appearance and landscape set out in the Design and Access Statement and illustrated on the Indicative Masterplan (ref 1832/03 Rev C) and the Parameters Plan (ref TAG8 Rev A). In particular the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure adjacent to the watercourse and ephemeral pond along the north-west boundary and adjacent to the eastern boundary, as identified on the Parameters Plan.

5. No development shall take place until a scheme outlining the phasing of development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing scheme.

Access and Highways

6. No building operations shall take place (other than site clearance), until space has been provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with detailed designs that have been submitted to and approved in writing by the local planning authority. The space shall be maintained throughout the contract period in accordance with the approved details, free from any impediment to its designated use.

7. No building operations shall take place (other than those to be carried out under Condition 6 above), until a new estate street junction has been formed to Dinting Road in accordance with plan ref SCP/12155/F01 Rev B, laid out, constructed to base course level and provided with 2.4m x 46m and 2.4m x 64m visibility splays to the east and west respectively, the area in advance of the sightlines being levelled and not to be included in any other plot or subdivision of the site and to be maintained thereafter free of obstruction taller than 600mm above the level of the adjoining carriageway.

8. No development shall take place until details of the footway fronting the site on Dinting Road, as shown on plan ref SCP/12155/F01 Rev B, have been

submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the footway has been constructed in accordance with the approved details.

9. No development shall take place until a scheme to relocate and upgrade two bus stops on Dinting Road has been submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the bus stops have been relocated and upgraded in accordance with the approved scheme.

10. No dwelling hereby permitted shall be occupied until the new estate streets between each respective plot and the existing public highway have been laid out in accordance with details approved as part of any reserved matters application.

11. No dwelling hereby permitted shall be occupied until a full Travel Plan has been submitted to and approved in writing by the local planning authority. The measures set out in the approved plan shall be implemented thereafter. Monitoring reports shall be submitted to the local planning authority for approval annually, on each anniversary of the date of this permission, for a period of five years from first occupation of the development.

Flooding and Drainage

12. No development shall take place until a surface water drainage scheme for the site based on Sustainable Urban Drainage principles and the Flood Risk Assessment by Peak Associates (ref 12118b dated December 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall not increase the amount and frequency of water entering the existing ephemeral pond and shall include:

    a) Details of volumetric run-off control as per CIRIA SUDS Manual C697 with the rate set at Qbar if no infiltration is provided;

    b) Details of exceedence event up to 1 in 100 year including climate change allowance;

    c) Details of how the scheme shall be maintained and managed after completion.

    No dwelling hereby permitted shall be occupied until the scheme has been implemented in accordance with the approved details and with the timing/phasing arrangements embodied within the scheme.

13. No development shall take place until a scheme for the provision of an undeveloped buffer zone alongside the watercourse has been submitted to and approved in writing by the local planning authority. The scheme shall include:

    a) Plans showing the extent of the buffer;

    b) Details of planting;

    c) A management plan showing how the buffer zone shall be protected during development and maintained and protected after completion.

The development shall be carried out in accordance with the approved scheme and the buffer zone shall thereafter be managed and maintained in accordance with the approved management plan.

14. No development shall take place until a scheme for the foul drainage of the site has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Contamination

15. No development shall take place until the following components of a scheme to deal with the risks of potential contamination of the site has each been submitted to and approved in writing by the local planning authority:

    a) A preliminary risk assessment which has identified:

        - All previous uses of the site;
        - Potential contaminants associated with those uses;
        - a conceptual model indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination;

    b) A site investigation scheme, based on a) to provide information for a detailed assessment of the risk to all receptors, including those off-site;

    c) The results of the site investigation and detailed risk assessment referred to in b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

    d) A verification plan providing details of the data that will be collected in order to demonstrate that the works in the remediation strategy set out in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

    The scheme shall be implemented as approved.

16. No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include details of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and the reporting of this to the local planning authority. The long-term monitoring and management plan shall be implemented as approved.

17. If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the

local planning authority, detailing how this contamination shall be dealt with. The remediation strategy shall be implemented as approved.

18. No development shall take place until monitoring of the site for the presence of ground/landfill gas and a subsequent risk assessment have been carried out in accordance with a scheme that has been submitted to and agreed in writing by the local planning authority. The results of the monitoring and the risk assessment shall be forwarded to the local planning authority as soon as they are available. If the presence of ground/landfill gas is confirmed of there is evidence that migration of ground/landfill gas is likely to occur, development shall not be commenced until remedial measures have been taken to control and manage the gas and to monitor the effectiveness of the measures. All such measures shall be agreed in writing by the local planning authority before the commencement of development.

Amenity

19. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. All construction work shall be undertaken in accordance with the approved Construction Method Statement, which shall include the following details:

    a) The method and duration of any pile driving operations (expected starting date and completion date);

    b) The hours of work, which shall not exceed the following:

        - Construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday.

        - Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays.

    c) The arrangements for prior notification to the occupiers of potentially affected properties.

    d) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

    e) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase.

    f) Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site.

    g) Erection and maintenance of security hoarding and fencing.

Archaeology

20. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority, and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and:

    a) The programme and methodology of site investigation and recording;

    b) The programme for post-investigation assessment;

    c) Provision to be made for analysis of the site investigation and recording;

    d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;

    e) Provision to be made for archive deposition of the analysis and records of the site investigation;

    f) Nomination of a competent person or persons/organisation to undertake the works.

    The development shall not be occupied until the site investigation and post-investigation assessment have been completed in accordance with the approved written scheme of investigation, and the provision to be made for analysis, publication and dissemination of results and archive deposition have been secured.

Ecology

21. No development shall take place until a scheme for the protection and enhancement of the ephemeral pond has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

22. No development or other operations shall take place until an ecological enhancement and management plan has been submitted to and approved in writing by the local planning authority. The management plan shall be based on the submitted Report of Enhancement Measures by Arbtech (December 2012). The approved management plan shall be implemented and subsequently maintained in accordance with the approved details.

23. No tree/shrub clearance work shall be carried out between 1 March and 31 August inclusive in any year, unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Trees

24. No development or other operations shall commence until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to the site has been submitted to and approved in writing by the local planning authority. The development

shall be carried out in accordance with the approved Statement and protection scheme, and in particular:

a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the local planning authority;

b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the local planning authority;

c) No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the submitted/approved protection scheme are in place;

d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site within any area designated as being fenced off or otherwise protected in the submitted/approved protection scheme;

e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development hereby permitted and shall not be moved or repositioned, without the prior written approval of the local planning authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Thea Osmund-Smith of Counsel	Instructed by Nicola de Bruin, Solicitor, High Peak Borough Council
She called:	
Robert White BSc Hons MRTPI MIEMA CEnv	Director, White Peak Planning Limited
Hilary Senior	Policy Officer High Peak Borough Council

FOR THE APPELLANT:

Paul G Tucker QC	Instructed by John Coxon, Principal Planning Consultant, Emery Planning Partnership
He called:	
David Hackett BSc(Hons) MLD PhD CMIEEM CEnv	Director, Solum Environmental Limited
William Booker BSc(Hons)	Director, SCP Transportation and Highway Consultants
David Appleton NDH MA MLI MIEMA	Director, The Appleton Group
John Coxon BSc(Hons) MPlan MRTPI	Principal Planning Consultant, Emery Planning Partnership

INTERESTED PERSONS:

Roger Hargreaves	Local Resident
Graham Proctor	Local Resident

DOCUMENTS

1 Council's letter of notification of the Inquiry and list of those notified
2 Highways technical note
3 Derbyshire County Council e-mail dated 13 January 2014
4 Plan and photographs of views of the site from Mottram
5 Opening submissions on behalf of the Appellant
6 Opening statement on behalf of High Peak Borough Council
7 Signed S106 Agreement
8 Draft schedule of conditions
9 Proposed Access plan ref SCP/12155/FO1
10 Responses to consultation on emerging Local Plan Policy S5
11 Appellants' photographs from Mottram viewpoint
12 Supplementary evidence of David Appleton
13 Extract from Guidelines for Landscape and Visual Appraisal- Second edition
14 Proposed Access plan ref SCP/12155/FO1 Rev B
15 Train and bus timetables

16 Response to Inspector's questions by Mr Booker
17 Plan of locations for site visit
18 Amended draft schedule of conditions
19 Statement by Mr Hargreaves on behalf of the Save Shaw Fields Group
20 Topographical survey plan
21 Final draft schedule of conditions
22 Letter from Linden Myers Solicitors, dated 16 January 2014
23 Closing statement on behalf of High Peak Borough Council
24 Closing submissions on behalf of the Appellant