
Appeal Decision

Site visit made on 6 July 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2020

Appeal Ref: APP/Y1138/W/19/3238707

Land west of Siskin Chase, Colebrooke Lane, Cullompton, Devon, EX15 1UD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against Mid Devon District Council.
 - The application Ref. 19/00118/MOUT, is dated 11 January 2019.
 - The development proposed is the development of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane.
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Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane. The permission is granted in accordance with the terms of the application Ref. 19/00118/MOUT, dated 11 January 2019 and subject to the conditions in the attached Schedule.

Preliminary Matters

2. All matters of detail, other than the means of access, have been reserved for subsequent consideration.
3. The Council has informed me that had it determined the application it would have refused permission for the following reason:

The tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, taken as a whole. In considering this application, the LPA are of the view that the proposed point of access from Siskin Chase is not considered suitable for the additional increase in traffic anticipated from the proposed development of 105 dwellings. Siskin Chase is a cul-de-sac which was designed to accommodate those vehicles attracted to the housing it currently serves and incorporates features to narrow the road such as a chicane. The increase in car ownership since the development was built has led to an increasing number of vehicles being parked on the public highway. The use of Siskin Chase as the sole access to the proposed development of 105 new dwellings is not considered acceptable and would lead to conflict between existing and proposed residents and would interrupt the free flow of vehicles, particularly emergency vehicles. In the opinion of the LPA this identified harm significantly and demonstrably

outweighs the benefits of the proposal when assessed against the policies in the NPPF, taken as a whole and is considered to be contrary to policies COR1 and COR9 of the Local Plan Part 1 (Core Strategy) and policy DM2 of the Local Plan Part 3 (Development Management).

4. The appellant has submitted two (mutually exclusive¹) planning obligations (unilateral undertakings – UU1 and UU2) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). These include: provision for some of the proposed dwellings to comprise affordable housing (up to 20% in UU1 and up to 35% in UU2); the transfer of an area of land to facilitate a possible future link road to the north of the site (UU1 and UU2), the submission of a Travel Plan (UU1 and UU2) and; financial contributions towards the cost of educational infrastructure (UU2), improvements to air quality (UU2), public open space (UU1 and UU2) and a town centre relief road (UU1). There is dispute between the main parties regarding aspects of UU1 and UU2.
5. A Statement of Common Ground (SCG), agreed between the appellant and Devon County Council as the Highway Authority (HA), has been submitted. Amongst other things, the appellant and the HA agree that: the appeal site is in a sustainable location with access to a range of local facilities by walking and cycling and has access to frequent local bus services; a safe and suitable access to the site could be achieved for all users, with the sole vehicular access from Siskin Chase; the development impacts could be accommodated on the surrounding highway network without any significant impacts on the network (in terms of capacity and congestion), or on highway safety with no off-site highway works required; the proposal complies with paragraph 108 of the National Planning Policy Framework (the Framework) and there would be no unacceptable impact on road safety or any severe residual cumulative impact on the highway network as required by paragraph 109 of the Framework.
6. The appeal site forms part of the extensive settings of the Grade I listed Parish Church of St. Andrew and the Cullompton Conservation Area. I agree with the findings within the appellant's Heritage Statement that the proposed development would not harm the significance of these or any other heritage assets. The proposals would preserve the setting of the listed church and preserve the character and appearance of the conservation area.
7. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

8. The two main issues are: firstly, the likely impact upon the free flow of traffic along Siskin Chase and the potential for parking conflict with existing residents and; secondly, whether the submitted UUs meet the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework (the Framework).

Reasons

Planning Policy

9. The development plan includes the Mid Devon Core Strategy (CS), adopted in 2007, the Allocations and Infrastructure Development Plan Document (AIDP),

¹ The UUs include clauses specifying that only one should be enforceable in the event of the appeal succeeding.

adopted in 2010 and the Local Plan Part 3 Development Management Policies (DMP), adopted in 2013.

10. The Council has issued a position statement. Amongst other things, this states that notwithstanding that a 5 year (housing) supply requirement has been met CS policies COR3 (housing needs), COR17 (villages) and COR18 (countryside) are not consistent with the relevant policies in the Framework and should be accorded limited weight and the tilted balance applies to the determination of planning applications for proposed housing development.
11. The most relevant development plan policies to the determination of this appeal are: CS policies COR1 (sustainable communities), COR9 (access) and COR14 (Cullompton), DMP policy DM2 (design) and AIDP policy AL/CU/20 (a contingency site² for residential development at Colebrook).
12. The development plan is currently being reviewed. The Inspector's Report³ (IR) on the Examination of the Mid Devon Local Plan Review 2013-2033 (LPR) was received by the Council in June 2020. The LPR has reached an advanced stage and can be given considerable weight. The most relevant LPR policy to the determination of this appeal is CU21 (land at Colebrook⁴). The main modifications of the IR include removing the contingency status of policy CU21.
13. The Cullompton Neighbourhood Plan has yet to reach the stage where it can be given any material weight. It is not relied upon by the LPA.

Free-Flow of Traffic/Parking Conflict

14. This 4.9 ha appeal site lies to the north of Colebrooke Lane and to the west of the local distributor road at Swallow Way and the residential estate road (a cul-de-sac) at Siskin Chase. These roads have footways and street lighting and are subject to 30 mph speed restrictions. A section of the carriageway along Siskin Chase reduces in width (about 3.55m) to the west of the junction with Linnet Dene (also a cul-de-sac) to form a pinch-point/chicane feature.
15. From the representations made to me, as well as those made to the Council at 'application stage', and from what I saw during my visit⁵, some limited on-street parking occurs along sections of Siskin Chase and neighbouring estate roads. I saw 1 van parked in the turning head between 7 and 8 Siskin Chase⁶ and several other vehicles parked nearby on this road. This was similar to what I observed along other sections of neighbouring estate roads. At the time of my visit, traffic flows and speeds along Siskin Chase were low. As to be expected, these were greater along Swallow Way but the flows were light and the drivers of most vehicles appeared to be observing the speed limit.
16. The proposed development would be served from an extension of the estate road between 7 and 8 Siskin Chase. At about 5.6m wide, this new section of carriageway would meet the minimum carriageway width requirement set out in the HA's Residential and Commercial Estates – Design Guide. Moreover, it

² This comprises the appeal site.

³ This includes main modifications to enable the LPR to provide an appropriate basis for the planning of the District.

⁴ The appeal site.

⁵ I arrived in Siskin Chase at about 07:30 hours. It is reasonable to assume that most residents would still be at home at this time, especially as not all COVID-19 lockdown measures had been lifted. I stayed in the area for some time, during which I noted traffic flows, speeds and the parking situation along the local highway network.

⁶ The evidence submitted to me shows that on occasion other vehicles are parked in this turning facility.

would exceed the 4.8m width carriageway requirement in Manual for Streets that is deemed sufficient for a car and heavy goods vehicle to pass. 1.8m wide footways would also be provided on either side of the new carriageway.

17. A pedestrian access into the appeal site would also be created to the north west of 12 Siskin Chase and a secondary pedestrian/cycle connection⁷ would be made from Colebrooke Lane. The proposal satisfies the requirement of AIDP policy AL/CU/20 and LPR policy CU21 for the provision of two points of access from Siskin Chase as part of the development of this 4.9 ha site for housing.
18. The proposal would increase traffic flows along the local highway network, including Siskin Chase and Swallow Way. The appellant's Transport Assessment (TA) includes: an interrogation of Personal Injury Collision data; a response to a stage 1 Road Safety Audit of the proposals; an assessment of traffic flows and the capacity of the local highway network (including junctions) to accommodate traffic generated by the development and; the effect upon the Cullompton Air Quality Management Area⁸ (AQMA). The TA demonstrates that there are unlikely to be any significant transport/highways impacts. This is unchallenged by the HA or the Council's Environmental Health Officers and the application was recommended for approval by the Council's planning officers.
19. The proposed means of access would be likely to reduce the capacity for on-street parking along Siskin Chase and, in turn, an increase in demand for on-street parking elsewhere within the street and some neighbouring cul-de-sacs. This could be annoying/frustrating to some existing residents who in future may have to park further away from their properties. However, turning heads that form part of the highway are not intended to be used for the parking of vehicles and whilst these may provide convenient on-street parking for some residents this could result in difficulties for others who need to use such areas for the safe manoeuvring of their vehicles. Some on-street parking capacity could also become available along sections of the new carriageway. Moreover, as noted by the Council's planning officers in their report of 15 January 2020, there are no rights for anyone to park on/obstruct the public highway.
20. Given the predicted traffic flows⁹ from the proposed development, drivers of vehicles waiting at the pinch point in Siskin Chase whilst oncoming traffic passes are unlikely to be seriously inconvenienced. There is nothing to demonstrate that there would be any significant interruption to the free-flow of traffic along Siskin Chase or Swallow Way, or any harmful increase in congestion.
21. Those living alongside the appeal site, as well as members of the Town Council (TC) and some District Councillors, will be very familiar with local traffic conditions (including on-street parking) and the local highway network. I have visited and driven through Cullompton on numerous occasions but am mindful that my most recent visit represents only a snapshot in time. However, the appellant's detailed highways evidence has been prepared by an expert and has been carefully considered by the HA which is very familiar with the local highway network (including on-street parking and congestion). It is also reasonable to assume that the Council's planning officer is familiar with the local highway network/conditions.

⁷ This would also serve as an emergency vehicle access into the site and a temporary construction access.

⁸ The application was accompanied by a separate detailed Air Quality Assessment.

⁹ Set out in the TA and unchallenged by the HA or the District Council.

22. Whilst I do not set aside lightly the concerns of some residents or the TC, there is no technical or other cogent evidence to justify taking a contrary stance to the findings of the TA, the contents of the SCG or the recommendation of the Council's planning officer on this issue. Moreover, in guiding the development of the appeal site the Council, via its own local planning policies, has specified that access should be onto Siskin Chase. The development plan and LPR are 'silent' on any requirement to provide alternative access to another highway. The LPR would have been the opportunity to do so if highway circumstances had materially changed since the adoption of AIDP policy AL/CU/20 in 2010.
23. Although the Council is concerned that an increasing number of vehicles are being parked on the highway, it has not submitted anything of substance to justify departing from its planning policies for the development of this 4.9 ha site or to outweigh the appellant's compelling argument on highway matters.
24. I conclude on the first main issue that the proposed development would be unlikely to have any significant adverse impact upon the free flow of traffic along Siskin Chase or result in any significant parking conflict with existing residents. The proposal accords with the provisions of CS policy COR9, DM policy DM2, AIDP policy AL/CU/20(b), LPR (IR) policy CU21(c) and (g) and the thrust of CS policy COR14.

Unilateral Undertakings

25. A financial viability assessment¹⁰ has been submitted on behalf of the appellant in an attempt to substantiate its argument that the development could not support the scale/extent of planning obligations¹¹ that have been sought by the Council. The appellant has argued that permission should be granted pursuant to UU1 but has informed me that it has made no statement to support the proposed financial contribution towards the cost of the town centre relief road.

Obligations that appear to be undisputed (UU1 and UU2)

26. The obligation to transfer a small area of land to the north of the appeal site (adjoining Cullompton Rugby Club) to either the District or County Council would limit the risk of any future housing development on this land being stifled by access constraints should it be required to assist in maintaining a future supply of housing land within the district. Although the intentions behind this obligation may be laudable, it is not necessary for the purpose of making the appeal scheme acceptable in planning terms. It does not therefore satisfy the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework. I am unable therefore take it into account in determining the appeal.
27. In major developments such as the appeal scheme, Travel Plans (TP) are important in assisting residents making informed choices about sustainable modes of transport, as well as monitoring progress. This has important

¹⁰ This tested five scenarios, three of which (0% affordable housing + £1.8m S106 contributions; 28% affordable housing + £318,015 S106 contributions or; 20% affordable housing + £660,030 S106 contributions) were found to be "reasonably viable". However, on behalf of the appellant, I have been informed that the total sum that would potentially satisfy the relevant tests for financial contributions is between £851,753.75 and £889,922.75.

¹¹ On 15 January 2020, the Council, having considered the viability assessment, resolved to secure a package of obligations that included provision for up to 20% affordable housing and a financial contribution of £787,500 towards the cost of the Cullompton Town Centre Relief Road. The Council has informed me that these are its two "priority obligations." It has also informed me that if this financial contribution does not meet the relevant tests for planning obligations other financial contributions e.g. educational infrastructure, would be required.

benefits in terms of reducing the need to travel by car, tackling climate change and improving air quality. The need for a TP is recognised within the TA and LPR (IR) policy CU21 (g).

28. The submission, implementation and monitoring of a TP would be necessary to make the development acceptable in planning terms. It would be directly related to the development and fairly and reasonably related in scale and kind. This obligation therefore satisfies the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework. Whilst I have taken it into account, the Framework advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The TA recommended that this matter be dealt with by way of a condition. It is unclear why it has been included as part of the UUs rather than a planning condition.
29. Some residents of the proposed development would be likely to require access to areas of public open space and/or an equipped play area. To avoid any unacceptable increase on existing facilities and to ensure residents have safe and convenient access to open space, it would be necessary for the proposed development to include such facilities and provision for its maintenance. In this regard, national and local planning policies recognise the importance of promoting healthy and safe communities, including open space.
30. The proposed open space provisions of the UUs would be directly related to the development and fairly and reasonably related in scale and kind. These obligations satisfy the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework. I have therefore taken them into account in determining the appeal.
31. In order to help meet the housing needs of the local community and to assist in providing mixed, balanced and inclusive communities, it would be necessary for the proposed development to include an element of affordable housing and for this to be managed by a registered provider. In this regard, the development plan requires 35% affordable housing provision and the LPR specifies 28% provision from 100 dwellings on the appeal site.

Obligations Specific to UU1

32. Having considered the appellant's viability appraisal, the Council accepts that 20% affordable housing provision is fair and reasonable given the development costs for this site. Affordable housing up to this level would be at odds with the provisions of AIDP policy AL/CU/20(a) and LPR (IR) policy CU21(a).
33. Amongst other things, the Framework advises that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment. In this regard, there have been many economic and other planning related changes since the requirement for 35% affordable housing provision on the appeal site was adopted by the Council in 2010.
34. As already noted, one of the scenarios tested on behalf of the appellant demonstrated that affordable housing provision at 28% with some section 106 financial contributions would be viable. An argument for providing less than 28% affordable housing provision, which would be below what is stipulated in the very recent LPR (IR), would be unconvincing. Confidence in the planning system is also likely to be undermined if policies that have recently been

publicly examined and found appropriate (subject to recommended modification) are set aside from the outset.

35. As affordable housing is one of the Council's priority obligations I disagree that 20% provision on the appeal site would be fairly and reasonably related in scale and kind to the development. I am unable therefore to take this obligation into account. As a consequence, UU1 would fail to secure the necessary amount of affordable housing to make the development acceptable in planning terms. The absence of adequate affordable housing provision would render the proposal in conflict with AIDP policy AL/CU/20(a), LPR (IR) policy CU21(a) and the provisions of the Framework aimed at meeting local housing needs and assisting in providing mixed, balanced and inclusive communities. This weighs heavily against granting planning permission.
36. As noted within the LPR (IR) and the recommended modifications to policy CU21, as well as the SCG with the HA, the development of the appeal site is no longer dependent on the completion of the Cullompton Town Centre Relief Road. The contribution of £7,500 per dwelling in UU1 towards the cost of this road is not therefore necessary for the purpose of making the appeal scheme acceptable in planning terms. This obligation does not satisfy the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework. I cannot therefore take it into account in determining the appeal.
37. The Council has informed me that in addition to highway safety and congestion issues, financial contributions towards the cost of the Cullompton Town Centre Relief Road would be necessary to mitigate poor air quality within the AQMA. Be that it may, this is a separate issue to funding the construction of the road and an Air Quality Contribution forms part of UU2 which I shall address below.

Obligations Specific to UU2

38. The provision of up 35% affordable housing on the appeal site would accord with the provisions of AIDP policy AL/CU/20(a). If this quantum of affordable housing were to be provided it would exceed the requirement of LPR (IR) policy CU21(a). However, there is an acute need for affordable housing within the district and a figure in excess of 28% would satisfy the relevant tests for a planning obligation.
39. The definitions of affordable housing and the proposed tenure split (75% affordable rent and 25% shared ownership), as well as the triggers for providing such housing within UU2 would also satisfy the relevant tests. This affordable housing obligation would meet the objectives of national and local planning policies for providing mixed and balanced communities. I have therefore taken it into account in determining this appeal.
40. UU2 also includes provision for financial contributions towards the cost of educational infrastructure (£250/qualifying dwelling for Early Years and sound formulae for calculating contributions for primary and secondary education). Some residents of the proposed dwellings would almost certainly attend local educational establishments and increase the pressure on such infrastructure.
41. Devon County Council, as Education Authority, has advised that additional capacity/resources would be required to accommodate those children from the development that would be likely to require Early Years education, as well as

local primary and secondary school provision. Financial contributions towards the cost of accommodating residents would therefore be necessary to safeguard the quality of local educational infrastructure.

42. The County Council has identified cost formulae, based on Department for Education build rates and extension rates for calculating the necessary financial contributions arising from the proposed development. The education contributions set out in UU2 would ensure there was no harm to the quality of local educational infrastructure. This obligation would accord with the relevant tests and I have taken it into account in determining the appeal.
43. The Air Quality Contribution in UU2 amounts to £40,169. (There is separate provision for electricity cabling for electric vehicle charging.) This has been calculated based on methodology provided by Defra's 'Air quality cost guidance' and 'Air quality damage cost appraisal toolkit' with deductions/dwelling based upon the costs of cabling to enable the future installation of electric vehicle charging points and a Travel Plan. This would be necessary to mitigate the risk of a deterioration in air quality within the AQMA. Whilst it would be substantially less than the figure sought by the Council it would be fairly and reasonably related in scale and kind to the proposed development. It (and the provision for electric cabling) satisfies the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework. I have therefore take it into account.
44. The Council has argued that the proposed development should also include financial contributions towards the maintenance/provision/improvement of a bus service (£135,000) and the cost of maintaining service delivery to the Royal Devon and Exeter NHS Foundation Trust (£1,457.32/dwelling). However, it appears that the Council agreed not to pursue these matters at its meeting in January 2020 and they do not form part of its Regulation 122 CIL Compliance Statement submitted in support of the Council's 'reason for refusal'. Furthermore, it has not been demonstrated that these contributions would accord with the relevant tests for obligations. The viability appraisal also indicates that if they were to be included as part of the package of proposed contributions the development would not be viable.
45. I conclude on the second main issue that some aspects of UU1 (Travel Plan, and public open space provision) and all of UU2 meet the tests set out within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework (the Framework).

Other Matters

46. The proposed development would add to the choice and supply of housing within the district and would assist in helping to meet the housing needs of the local community. It would be well-related to services and facilities, including public transport, and would help support the construction industry, including employment. A proportion of new household expenditure is also likely to be spent in local shops and services, helping to sustain existing services in Cullompton. The landscaping details that would form part of the reserved could also result in net gains to biodiversity. These matters add considerable weight to the case for granting planning permission and outweigh the limited adverse landscape and visual impacts of the proposed development.

47. I note the concerns of some residents regarding flooding. However, neither the Council nor those with responsibility for advising on the likely increase risk of flooding have raised land drainage objections. A planning condition could be attached to an approval requiring details of the proposed drainage arrangements, thereby limiting any increase in flood risk.
48. I note the findings made by other Inspectors in the various appeal decisions that have been drawn to my attention on other sites, including those at Uffculme¹², Cullompton¹³ and Silverton¹⁴. However, no two sites/cases are the same and the main issues in these other appeals are different to the ones that I have identified in the case before me. I have determined this appeal on its own merits and these other decisions do not set a precedent that I must follow.

Planning Conditions

49. In addition to the 'standard' conditions requiring the submission/approval of the reserved matters and the commencement of development, in the interests of certainty a condition would be necessary specifying the approved plans. For the same reason and to safeguard the character and appearance of the area, as well as safeguarding nature conservation interests, a condition would be necessary specifying the submission of important information as part of the reserved matters.
50. A pre-commencement condition would be necessary to ensure satisfactory drainage arrangements were in place to serve the development. For concision, I have modified the conditions that have been suggested regarding this matter. Pre-commencement conditions would also be necessary to safeguard any archaeological interests and to safeguard public health in the event of any land contamination being discovered within the site.
51. Landscaping is a reserved matter and the submission of finished floor levels, as part of the suggested condition for a Construction Environmental Management Plan (CEMP), would duplicate other conditions and would be unnecessary.
52. A pre-commencement condition requiring a CEMP would be necessary to limit the disruption to neighbouring residents, avoid damage/danger on the local highway network and to safeguard nature conservation interests. I have modified the suggested condition to prevent unnecessary duplication, as well as placing a limit on the height which topsoil should be stored so as to avoid damaging this important material. It would also be necessary for the CEMP to incorporate the appellant's specified ecological mitigation works.
53. In the interests of certainty and to ensure safe and satisfactory access for residents, a condition would be necessary requiring the submission and approval of the detailed highway works before any of the new dwellings are occupied. To ensure construction traffic is directed away from neighbouring estate roads a pre-commencement condition would be required to secure the proposed construction access onto Colebrooke Lane. In the interests of pedestrian and cycle linkage/use and to allow emergency access, it would be necessary to ensure that this link is retained thereafter for such purposes.

¹² APP/Y1138/W/15/3025120

¹³ APP/Y1138/W/17/3184498

¹⁴ APP/Y1138/W/20/3244550

54. Conditions to the above effect would accord with the provisions of paragraph 55 of the Framework. I note that having considered the LPA's suggested conditions the appellant is content with the pre-commencement conditions.

Overall Conclusion

55. With UU2 in place (i.e. obligations that include up to 35% affordable housing provision), the appeal scheme would secure the necessary economic, social and environmental objectives so as to amount to sustainable development. There would be no unacceptable impact on highway safety interests and the residual impacts on the road network would not be severe. The proposal would accord with the most relevant local and national planning policies, including CS policy COR1. Given all of the above, I conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING 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 commences 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 decision.
3. The development hereby permitted shall take place not later than two 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: 1:2,500 scale site location plan (ref. P17-0169 04 Rev A); 1:500 scale access arrangement (ref. 173040_G_02 Rev C); 1:250 scale north pedestrian access arrangement (ref. 173040_G_06); 1:250 scale Siskin Chase road access arrangement (ref. 173040_G_07) and; 1:500 scale southern pedestrian access arrangement (ref. 173040_G_08 Rev A).
5. The details required by condition 1 above shall include the following: existing and proposed site levels; finished floor levels; boundary treatments; the materials to be used on the external walls and roofs of the buildings; details of all areas of public open space, allotments and green infrastructure; details of all boundary trees and hedgerows to be retained and measures to protect these features during the construction phase, including engineering details and any electric vehicle charging points within root protection areas and; the works of ecological mitigation, compensation and enhancement set out within the EAD Ecology Ecological Impact Assessment dated December 2018.
6. Development shall not begin until details of the proposed drainage works, including the design of the proposed surface water drainage systems and the arrangements for adopting, managing, maintaining and inspecting permanent surface water drainage systems, as well as the means of disposing of foul sewage from the site have been submitted to and approved in writing by

the Local Planning Authority. The development shall be undertaken in accordance with the approved details/works/arrangements. No dwelling shall be occupied until the approved means of disposing of foul sewage have been provided.

7. Development shall not begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the approved scheme, or such details as may be subsequently agreed in writing by the LPA.
8. Development shall not begin until a site investigation and risk assessment has been carried out to determine the nature and extent of any land contamination that may be present within the site and the likely impact on receptors. A full report of the investigation and risk assessment shall be submitted to the Local Planning Authority (LPA) for approval in writing. No work shall proceed on site until either the LPA gives written consent for the development to commence or the requirements of condition 10 below are met.
9. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition 8 above, the developer shall submit a remediation statement together with a timescale for the completion of the required works for approval in writing by the Local Planning Authority.
10. Following the completion of any works required by condition 9 above, a remediation validation report shall be submitted to the Local Planning Authority (LPA) for approval in writing. No dwelling shall be occupied on those parts of the site affected by any land contamination until the validation report has been approved in writing by the LPA.
11. No development shall begin until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP shall include:
 - A. the timetable of the works and a phasing plan;
 - B. daily hours of construction;
 - C. any road closure;
 - D. hours during which delivery and construction traffic shall travel to and from the site, with such vehicular movements restricted to between the hours of 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays, with no such vehicular movements on Sundays or Bank/Public Holidays unless agreed in writing by the LPA;
 - E. the number and size of vehicles likely to be visiting the site in connection with the construction phase(s) and the frequency of their visits;
 - F. the proposed route of construction traffic, including the temporary use of an access from Colebrooke Lane;
 - G. the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored and confirmation that no topsoil will be stored over 2 metres in height;
 - H. areas where delivery vehicles and construction traffic will load or unload and confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading, unless otherwise agreed in

writing by the LPA;

- I. areas for the parking of vehicles used by site operatives, contractors and sub-contractors working at the site;
- J. the means of enclosure during construction works;
- K. details of wheel washing facilities and measures to prevent mud, water and other materials and liquids being deposited on the public highway;
- L. photographic evidence of the condition of the adjacent public highway network prior to the commencement of works;
- M. the steps and procedures to be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from site preparation, groundwork and the construction phases;
- N. measures to protect nature conservation interests, as set out in within the Ecological Impact Assessment by EAD Ecology dated December 2018 and the Technical Note dated 11 March 2019 also from EAD Ecology.

The development shall be undertaken in accordance with the approved CEMP.

- 12. No dwelling shall be occupied until details of the proposed estate roads, cycleways, footways, footpaths, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture have been provided and laid out in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 13. No development shall take place until details of the layout and means of constructing the temporary construction access from Colebrooke Lane have been submitted to and approved in writing by the Local Planning Authority. Construction works shall proceed utilising the approved temporary access. Upon completion of the development this access onto Colebrooke Lane shall be retained as a secondary pedestrian/cycle connection to and from the development, as well as for use as an emergency vehicular access.