



Appeal Decision

Site visit made on 12 June 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/Q1153/W/22/3292611

Land at Plymouth Road, Tavistock, Devon PL19 9DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
 - The appeal is made by Baker Estates Limited against the decision of West Devon Borough Council.
 - The application Ref 0723/21/FUL, dated 19 February 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as (1) full application for the erection of 44 residential dwellings, formation of accesses, associated open space, landscaping and infrastructure; and (2) outline application for 0.76ha of commercial land (Use Class E(g) – formerly B1), with means of access to be determined.
-

Decisions

1. The appeal is allowed and:
 - (a) planning permission is granted for the erection of 44 residential dwellings, formation of accesses, associated public open space, landscaping and infrastructure; and
 - (b) outline planning permission is granted for 0.76ha of commercial land (Use Class E(g));at, Land at Plymouth Road, Tavistock, Devon PL19 9DS, in accordance with the terms of the application, Ref 0723/21/FUL, dated 19 February 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The appeal concerns a 'hybrid' application within which planning permission is sought for the residential component of the scheme, and outline planning permission for the commercial component. The 2 components of the scheme would occupy separate parts of the site but would share a common point of access off the A386.
3. All matters apart from access are reserved in relation to the outline commercial component of the scheme. Insofar as limited details of the layout and potential scale of the development have been provided, these are clearly marked indicative.
4. During the course of the Council's determination of the application the number of proposed dwellings was reduced from 45 to 44. This is reflected in the description of development in the banner heading, and in my decision above.
5. Two Unilateral Undertakings (UUs) dated 25 April 2023 have been submitted. UU1 is made in favour of the Borough Council and contains obligations in relation to matters administered by it, and UU2 is made in favour of the County

Council and does likewise. I shall return to these documents as necessary below.

6. I have modified the description of development in my decision above, omitting superfluous wording.
7. An application for costs was made by Baker Estates Limited against West Devon Borough Council. This application is the subject of a separate Decision.

Main Issue

8. The main issue is whether the failure of the scheme to make provision for affordable housing would be acceptable on balance.

Reasons

Background

9. The site forms part of a larger area of land allocated under Policy TTV17 of the Plymouth and South West Devon Joint Local Plan (the JLP) for a mixed-use development containing 'in the order of' 300 homes and 18,600m² of employment space. Outline planning permission for mixed use development has already been granted for much of the remainder of the allocated area (the Linden scheme). Within this context it is agreed between the main parties that the composition of residential and commercial space provided by the appeal scheme would be broadly in line with the requirements of Policy TTV17.
10. The above agreement is notwithstanding a suggestion within the supporting text of Policy TTV17 that the part of the allocated area occupied by the appeal site would be 'principally' suitable for employment use. This is on account of the mix already approved in relation to the Linden scheme, and given that the deliverability of commercial space within the latter is acknowledged to be in doubt. Though it is variously suggested within the submissions that the site should be solely developed for commercial use, or that a commercial use is not essential given the provision of floorspace elsewhere, this does not alter the validity of the appeal scheme's response to Policy TTV17.
11. The Council has resolved to approve an alternative scheme for the site which has been submitted by the same applicant but within which an extra care facility would be provided instead of commercial space (the alternative scheme). Though the provision of an extra care facility is listed as an objective for Tavistock within Spatial Priority SP5 of the JLP, it is not listed as a required component of the mixed-use development described within Policy TTV17. This implies that its provision was anticipated elsewhere. It is somewhat less clear where else commercial uses could be provided if not on the allocated site. Again therefore, the fact that the Council favours the alternative scheme has little bearing on the validity of the appeal scheme's response to Policy TTV17.
12. Policy TTV17 is silent in relation to the provision of affordable housing. However, Policy DEV8 of the JLP sets out the broader requirement for 30% provision on site, or off-site via payment of a contribution. This reflects broader sustainability objectives set out within Policy SPT2 of the JLP, which include the provision of a good mix of housing types and tenures. Though the Council have also cited Policy TTV2 of the JLP within this context, its focus is more specifically on 'rural communities', whereas Tavistock is classified as a 'main town'.

13. Whilst the proposed dwelling sizes broadly align with needs as set out in the Strategic Housing Market Needs Assessment (SHMNA), the scheme would make no contribution towards the provision of affordable housing on grounds of non-viability. Here the supporting text of Policy DEV8 indicates that further regard should therefore be had to Policy DEL1, which in turn states that robust evidence is required. Such evidence has indeed been submitted by the appellant and reviewed by the Council, and the parties are agreed that a contribution towards affordable housing cannot be provided. Policy DEL1 goes on to state that in such circumstances the Council will have regard to the overall economic, social and environmental benefits of a development, and whether, on balance, a relaxation is justified. This is therefore the sole issue in dispute.

Assessment

14. As established above, the scheme would deliver a mix of uses compliant with Policy TTV17, thus helping to deliver the site allocation. Delivery of the allocation would furthermore help to enhance the vibrancy and sustainability of Tavistock in line with Spatial Priority SP5 of the JLP.
15. Within this context the development would provide new homes, helping to both meet the broader need to significantly boost the supply of housing, and catering for a range of household sizes. It would also provide commercial floorspace, and a source of future employment, providing long term economic benefits in addition to the short term benefits associated with the construction phase of the development. Though the environmental impacts of developing a greenfield site containing notable hedge banks can at best be mitigated, achievement of the social and economic benefits outlined above clearly forms the rationale underpinning the allocation of the site. In this regard, the role that the development would play in helping the Council to fulfil its objectives for planned growth attract significant weight.
16. The Council's expressed preference for the alternative scheme reflects the potential for the extra care facility within it to include an affordable component. However, though the alternative scheme is therefore held to demonstrate that affordable housing could be provided on site, the appellant states that this would be subject of external funding. It would also be unlikely to deliver the same level of economic benefit as the commercial use provided by the appeal scheme. Here it remains the case that the appeal scheme would provide a more direct response to the requirements of the site allocation. That being so, the fact it cannot provide a contribution towards affordable housing does not diminish the weight I have attached to the benefits outlined above.
17. At appeal the Council has additionally sought to question the type of dwellings proposed, noting that detached units would attract higher values. Whilst thus implying broader conflict with Policy DEV 8, the Council has stated that this is not intended. Moreover, the provision of detached dwellings does not alter the scheme's positive performance against the SHMNA noted above. The higher values asserted have also clearly not had a sufficiently positive effect on scheme viability to enable payment of a contribution. As such, I again see no reason to alter the weight I have attached to the benefits outlined above.
18. Interested parties have challenged the ability of the scheme to provide the level of commercial floorspace indicatively stated, and thus the level of economic benefit it would deliver. Whilst the Council do not appear to share

this view, the issue ultimately falls to be resolved within the context of the reserved matters. It otherwise remains the case that the appeal scheme would deliver 0.76ha of commercial land. Again therefore I see no reason to alter the weight I have attached to the benefits of the scheme above.

19. In view of my finding above, I conclude that a relaxation of the requirements of Policy DEV8 to make provision for affordable housing are justified by the benefits of the appeal scheme. The appeal scheme thus complies with the development plan taken as a whole.

Other Matters

Habitats sites

20. The site is located within the zone of influence of the Tamar Estuaries Complex Special Protection Area and the Plymouth Sound and Estuaries Special Area of Conservation (the habitats sites). Due to the increase in population that the proposed developments would support, and the likely related increase in use of the habitats sites for recreational purposes, potentially significant in-combination effects on their integrity cannot be excluded. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) an Appropriate Assessment is therefore required.
21. The designation of the habitats sites relates to the range of priority habitats and species, including the range of birds, that they support. Conservation objectives seek to maintain or restore integrity, including that of qualifying features. As increased use of the habitats sites for recreational purposes could cause degradation and disturbance, it would be at odds with these conservation objectives.
22. The Council's mitigation strategy is set out within the Plymouth Sound and Estuaries Recreation Mitigation and Management Scheme 2019 (the RMS). Insofar as this has been produced in cooperation with Natural England, and embodies its advice in relation to mitigation, I have not sought further comment. Mitigation is achieved by proportionate funding of Site Access Management and Monitoring measures through developer contributions.
23. UU1 contains an obligation which secures the required contribution. On the above basis, I find that the obligation passes the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework (collectively 'the tests'). That being so, I am able to conclude that the scheme would not adversely affect the integrity of the habitats sites.

Other obligations

24. UU1 additionally secures contributions towards healthcare, in line with Policy DEV30 of the JLP and locally adopted methodology; allotment provision, in line with Policy DEV5 of the JLP as supported by Plymouth and South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document 2020 (the SPD), and the related Developer Contributions Evidence Base 2022 (CEB); and sports and recreation provision, in line with Policy DEV30 of the JLP, the SPD and CEB. All thus serve to mitigate the increased demand that new occupants of the development would place on local services and facilities.

25. Further obligations secure the provision and future management of open space, and marketing of the commercial element of the scheme, each in order to help ensure their delivery. Finally, UU1 contains an obligation securing an off-site biodiversity enhancement scheme sufficient to achieve overall compliance with the requirements of Policy DEV26 of the JLP as supported by the SPD.
26. UU2 secures the implementation of off-site highways works, together with a related contribution towards a traffic regulation order, each necessary help satisfactorily integrate the development within the local highways network. It additionally secures a contribution towards local education provision, again helping to mitigate the demands placed by future occupants on local services, in line with Policy DEV30 of the JLP and locally adopted methodology. Finally, a contribution is secured towards a rail reinstatement scheme, in line with the requirements of Policies TTV3 and TTV17, and calculated on a proportionate basis. This would ultimately help to better connect the settlement, thus mitigating the environmental effects of strategic growth as delivered by the allocation.
27. I find that all the above meet the tests.

Conditions

28. I have set out the conditions relating to the full and outline permissions within separate lists at the end of the decision. For sake of brevity I have considered the conditions together below. Reference below will either be made to the full permission (FP) or the outline permission (OP).
29. Conditions (1) and (2) imposed on the FP, and Conditions (1) to (4) imposed on the OP are standard conditions setting out the time period for commencement, identifying the approved plans, and, on relation to the OP, the time limit for submission of the reserved matters. These are imposed for sake of certainty.
30. Conditions (3) and (4) imposed on the FP, and Conditions (8) and (9) imposed on the OP address identified contamination of the site, securing remedial works where required in the interests of health and safety. A pre-commencement condition is required given that risks will arise from the outset of works.
31. Condition (5) imposed on the FP, and Condition (10) imposed on the OP secure provision of a Construction and Environmental Management Plan as recommended by the submitted Ecological Impact Assessment. I have employed a standard wording. This is in the interests of safeguarding biodiversity, and is required pre-commencement given that impacts will arise from this point onwards.
32. Condition (6) imposed on the FP, and Condition (11) imposed on the OP secure a finalised drainage scheme. This is in the interests of ensuring that site is properly drained, avoiding off site impacts, and is required pre-commencement given that measures will be required to be taken from the outset.
33. Condition (7) imposed on the FP, and Condition (12) imposed on the OP secure provision of a Construction Management Plan. In imposing this condition I have clarified requirements, and removed those applicable to offsite matters whose enforceability is open to question. The condition is required in the interests of general amenity and highway safety, and required pre-commencement given that impacts will arise from this point onwards.

34. Condition (8) imposed on the FP secures compliance with measures outlined within the submitted Energy and Sustainability Statement. This matter is also addressed within Condition (7) imposed on the OP, in relation to which a similar statement will be required to be submitted at reserved matters stage. The conditions are imposed in the interests of sustainability, in line with local policy.
35. Condition (9) imposed on the FP secures provision of sample panels displaying use of external materials and finishes. This is in order to ensure high quality of design.
36. Condition (10) imposed on the FP and Condition (13) imposed on the OP secure provision of a Landscape and Ecological Management Plan, as recommended by the Ecological Impact Assessment. I have again used a standard wording. This is in the interests of the safeguarding biodiversity on site over the long term.
37. Condition (11) imposed on the FP secures provision of parking and turning spaces in the interests of ensuring that the development caters for the demand it will generate from the point of occupation. Whilst the suggested condition of which this formed part also sought to secure provision of the wider road infrastructure, I have no reason to believe that this would not be provided. A similar condition proposed in relation to the OP falls within the scope of the reserved matters.
38. Condition (12) imposed on the FP, and Condition (6) imposed on the OP each secure details of waste management. Whilst Condition (12) contains an implementation clause, implementation can be addressed at reserved matters stage in relation to the OP. The conditions are imposed in the interests of amenity.
39. Condition (13) imposed on the FP secures implementation of submitted soft landscaping scheme and measures to ensure that it becomes established, again in the interests of amenity.
40. Condition (14) imposed on the FP and Condition (5) imposed on the OP each secure provision of a lighting scheme in the interests of amenity and bats. Whilst Condition (14) contains an implementation clause, implementation can again be addressed at reserved matters stage in relation to the OP.
41. Condition (14) imposed on the OP sets out noise control measures in the interests of safeguarding the living conditions of occupants of neighbouring dwellings.
42. Condition (15) imposed on the OP restricts the uses within Class E to which the commercial development can be put. This reflects the requirements of Policy TTV17, which was drafted in relation to the now expired Use Class B1, and is imposed in the interests of sustaining the intended commercial use of the development.
43. Other conditions have also been proposed. However, insofar as these relate to the implementation and timing of highways works, this is secured by the submitted UUs. There is also no need to impose conditions securing provision of electric vehicle charging points as the matter is now addressed by the Building Regulations.

44. Whilst a condition requiring an Employment and Skills Plan has been requested, it has not been explained what such a plan would comprise, and why it is necessary. A requirement to provide superfast broadband also lacks detailed justification. Finally, whilst a condition has been proposed in relation to maintenance of visibility splays, it is unclear where responsibility would lie given that the splays partly fall offsite. I have not therefore imposed these conditions.

Conclusion

45. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

(a) Full planning permission

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) Unless modified in compliance with the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans: PRT-BSL-CU-XX-DR-A-1501-DF-B; PRT-BSL-CU-XX-DR-A-1502-PL-C; PRT-BSL-CU-XX-DR-A-1503-PL-C; PRT-BSL-CU-XX-DR-A-1504-PL-C; PRT-BSL-CU-XX-DR-A-1506-PL-D; PRT-BSL-CU-XX-DR-A-1507-PL-C; PRT-BSL-CU-XX-DR-A-1508-PL-C; PRT-BSL-ZZ-XX-DR-A-4001-PL-A; PRT-BSL-ZZ-XX-A-4002-PL-A; PRT-BSL-MP-ZZ-ZZ-DR-A-5001-PL-A; PRT-BSL-ZZ-ZZ-DR-A-5004-PL; PRT-BSL-SG1-XX-DR-A-2501-PL; PRT-BSL-DG1-GF-DR-A-2501-PL; CAL-BSL-DG2-XX-DR-A-2501-PL-A; PRT-BSL-DG3-XX-DR-A-2501-DF; PRT-BSL-AC1-XX-DR-A-2501-PL; PRT-BSL-B1-ZZ-DR-A-3001-PL; PRT-BSL-B1-XX-DR-A-4001-PL; PRT-BSL-D1-ZZ-DR-A-3001-PL; PRT-BSL-D1-XX-DR-A-4001-PL; PRT-BSL-D2-ZZ-DR-A-3001-PL; PRT-BSL-D2-XX-DR-A-4001-PL; PRT-BSL-D3-ZZ-DR-A-3001-PL; PRT-BSL-D3-XX-DR-A-4001-PL; PRT-BSL-E1-XX-DR-A-4001-PL; PRT-BSL-E1-ZZ-DR-A-3001-PL; PRT-BSL-H1-ZZ-DR-A-3001-PL; PRT-BSL-H1-XX-DR-A-4001-PL; PRT-BSL-H2-ZZ-DR-A-3001-PL; PRT-BSL-H2-XX-DR-A-4001-PL; PRT-BSL-H3-ZZ-DR-A-3001-PL; PRT-BSL-H3-XX-DR-A-4001-PL; PRT-BSL-L1-ZZ-DR-A-3001-DF-C; PRT-BSL-L1-XX-DR-A-4001-PL-C; PRT-BSL-L2-ZZ-DR-A-3001-PL-B; PRT-BSL-L2-XX-DR-A-4001-PL-B; PRT-BSL-L3-ZZ-DR-A-3001-PL-A; PRT-BSL-L3-XX-DR-A-4001-PL; PRT-BSL-L4-ZZ-DR-A-3001-PL; PRT-BSL-L4-XX-DR-A-4001-PL-A; PRT-BSL-P1-ZZ-DR-A-3001-PL-B; PRT-BSL-P1-XX-DR-A-4001-PL-B; PRT-BSL-P2-ZZ-DR-A-3001-PL; PRT-BSL-P2-XX-DR-A-4001-PL; PRT-BSL-P3-ZZ-DR-A-3001-PL; PRT-BSL-P3-XX-DR-A-4001-PL; PRT-BSL-R4-ZZ-DR-A-3001-PL; PRT-BSL-R4-XX-DR-A-4001-PL; PRT-BSL-V1-ZZ-DR-A-3001-PL; PRT-BSL-V1-XX-DR-A-4001-PL; 12508/P12; 12508/P13; 12508/P14 Rev E; 12508/P15 Rev B; 12508/P16 Rev A;

12508/P19 Rev A; 12508/P20 Rev A; 2508/P23 Rev A; 2101 Rev D;
2102 Rev D; 2201 Rev A; 2301 Rev A; 1004 Rev E; 1005 Rev D; 1006 Rev C.

- 3) The development hereby permitted shall not commence until a scheme addressing the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of:
- a) a revised preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources; pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, 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 set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall then be implemented as approved.

- 4) Any contamination that is found during construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall be directly informed by the submitted Ecological Impact Assessment dated November 2021, and tree protection plan ref. 05311.TPP Rev B 29.07.21. The CEMP shall include the following details:
- a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) revised mitigation statements;
 - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - e) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
 - f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
 - g) responsible persons and lines of communication; and

- h) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

The development shall then proceed in accordance with the approved CEMP.

- 6) Notwithstanding the submitted details, the development hereby permitted shall not commence until a drainage scheme which shall include:

- a) a detailed drainage design based upon the submitted Flood Risk Assessment and Drainage Strategy Rev 02;
- b) details of the management of surface water and silt runoff from the site during construction works;
- c) details of arrangements for the adoption and maintenance of the permanent surface water drainage system; and
- d) a timetable for implementation;

has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.

- 7) The development hereby permitted shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be informed by and fully compatible with the approved CEMP and tree protection plan, and shall include:

- a) the days and hours when works shall take place on site;
- b) the hours and days on which deliveries and other servicing shall take place;
- c) identification of the location(s) in which plant, building materials and waste will be stored;
- d) identification of the location(s) in which delivery vehicles and construction traffic will access the site and load or unload;
- e) identification of the location(s) in which site operatives and visitors will park;
- f) details of waste management measures;
- g) details of the means of enclosure of and/or boundary hoarding around the site;
- h) details of measures to be taken to avoid soil and debris being spread onto the adjacent highway;
- i) dust suppression measures; and
- j) noise controls.

The development shall then proceed in accordance with the approved CMP.

- 8) The development hereby permitted shall incorporate the measures recommended within the Energy and Sustainability Statement dated September 2020.
- 9) Prior to development hereby permitted proceeding above slab level, sample panels of a size sufficient to clearly illustrate each of the materials/finishes to be used for external building surfaces shall be erected on site, and approved in writing by the Local Planning Authority. The development shall then be carried out as approved, with the sample panels retained on site and kept available for inspection until the development is completed.
- 10) Prior to the first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be informed by the

Ecological Impact Assessment dated November 2021 and shall include the following details:

- a) a description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

- 11) Prior to the first occupation of the dwellings hereby permitted, the related parking and turning spaces shown on the approved plans shall be fully constructed and made available for the parking and turning of vehicles. The parking and turning spaces shall thereafter be retained and kept available for such uses at all times.
- 12) Prior to the first occupation of the dwellings hereby permitted details of the way in which refuse and recycling will be stored and managed within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
- 13) Implementation of the soft landscaping scheme shown on the approved plans shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings hereby permitted or the completion of the development, whichever is soonest. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same or similar size and species.
- 14) No external lighting shall be installed in relation to the development hereby permitted until a lighting strategy, whose purpose will be to demonstrate how the design, specification and operation of external lighting will minimise its impacts on both the occupants of dwellings and bats, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed, and thereafter operated in accordance with the approved strategy.

(b) Outline planning permission

- 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) To the extent that it details the site access, the development hereby permitted shall be carried out in accordance with the following approved plan:
2102 Rev D.
- 5) Details to be submitted in relation to the reserved matter of appearance shall include a lighting strategy whose purpose will be to demonstrate how the design, specification and operation of external lighting will minimise its impacts on the occupants of nearby dwellings and biodiversity.
- 6) Details to be submitted in relation to the reserved matters of layout and appearance shall include a refuse and recycling strategy whose purpose will be demonstrate how refuse and recycling will be stored and managed.
- 7) Prior to or in relation to details to submitted in relation to the first of the reserved matters an Energy and Sustainability Statement shall be submitted to approved in writing by the Local Planning Authority. The statement shall explain how the design and construction of the development will support the objectives of delivering low carbon development set out within Policy DEV32 of the JLP.
- 8) The development hereby permitted shall not commence until a scheme that includes the following components addressing the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
 - a) a revised preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources; pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, 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 set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall then be implemented as approved.

- 9) Any contamination that is found during construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and

approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

- 10) The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall be directly informed by the submitted Ecological Impact Assessment dated November 2021. The CEMP shall include the following details:
- a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) revised mitigation method statements;
 - d) a revised tree protection plan;
 - e) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - f) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
 - g) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
 - h) responsible persons and lines of communication; and
 - i) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

The development shall then proceed in accordance with the approved CEMP.

- 11) The development hereby permitted shall not commence until a drainage scheme which shall include:
- e) a detailed drainage design based upon the submitted Flood Risk Assessment and Drainage Strategy Rev 02;
 - f) details of the management of surface water and silt runoff from the site during construction works;
 - g) details of arrangements for the adoption and maintenance of the permanent surface water drainage system; and
 - h) a timetable for implementation;

has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.

- 12) The development hereby permitted shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall be informed by and fully compatible with the approved CEMP and tree protection plan, and shall include:
- a) the days and hours when works shall take place on site;
 - b) the hours and days on which deliveries and other servicing shall take place;
 - c) identification of the location(s) in which plant, building materials and waste will be stored;
 - d) identification of the location(s) in which delivery vehicles and construction traffic will access the site and load or unload;

- e) identification of the location(s) in which site operatives and visitors will park;
- f) details of waste management measures;
- g) details of the means of enclosure of and/or boundary hoarding around the site;
- h) details of measures to be taken to avoid soil and debris being spread onto the adjacent highway;
- i) dust suppression measures; and
- j) noise controls.

The development shall then proceed in accordance with the approved CMP.

- 13) Prior to the first use of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be informed by the submitted Ecological Impact Assessment dated November 2021, and shall include the following details:
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) identification of the body or organization responsible for implementation of the LEMP;
 - h) ongoing monitoring and remedial measures; and
 - i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

- 14) Any noise generated by plant to be installed as part of the development hereby permitted shall not at any time exceed Noise Rating Curve 35, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide, as measured at the boundary of the nearest residential property.
- 15) Notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) use of the development hereby permitted shall be restricted to uses within Class E(g) only, and no other use, without the express permission of the Local Planning Authority.