



Appeal Decision

Site visit made on 5 September 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/N1160/W/23/3318761

21 Mutley Road, Plymouth PL3 4SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant technical details consent.
 - The appeal is made by Mr N Bishop against the decision of Plymouth City Council.
 - The application Ref 22/00848/FUL, dated 14 May 2022, sought consent pursuant to permission in principle Ref 19/01646/PIP, granted on 22 October 2020.
 - The application was refused by notice dated 12 December 2022.
 - The development proposed is technical details pursuant to permission in principle (19/01646/PIP) for 4no. terraced dwellings and associated works.
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Decision

1. The appeal is allowed and technical details consent is granted for technical details pursuant to permission in principle (19/01646/PIP) for 4no. terraced dwellings and associated works at 21 Mutley Road, Plymouth PL3 4SB in accordance with the terms of the application, Ref 22/00848/FUL, dated 14 May 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr N Bishop against Plymouth City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for Technical Details Consent following the grant of Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the Permission in Principle stage. I have determined this appeal on that basis.
4. The site falls within the 10km Zone of Influence for new residents having a recreational impact on the Tamar European Marine Site, comprising the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). I will return to this below.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Mannamead Conservation Area,

- the effect of the proposal on highway safety, with particular regard to the provision of off-street car parking,
- the effect of the proposal on the living conditions of neighbouring occupiers at No's 14-22 Mutley Road, with particular regard to privacy,
- whether the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to the provision of outdoor space,
- the effect of the proposal on trees and biodiversity, and
- the effect of the development on nationally and internationally protected sites.

Reasons

Character and Appearance

6. The site is at the edge of, but within, the Mannamead Conservation Area (CA). The CA mainly comprises residential streets bisected by Mannamead Road that runs through the wider area from north to south. There are three different character areas within the CA; the regularly arranged substantial semi-detached and terraced buildings that front Mannamead Road; the informal layout of large, detached villas to the east; and the terraces of dwellings arranged around parkland to the west. Across each of the areas the buildings share the architectural detailing of the period giving the CA a distinctive and cohesive character. The CA is also characterised by a high level of tree cover within gardens, along Mannamead Road and in the parks and on the streets to the west. The significance of the CA is derived from these common features.
7. The area immediately around the appeal site is characterised by high density terraced housing, mainly with render facing materials and traditional bay windows, with the appeal site comprising outdoor space associated with No.21 Mutley Road. The site comprises an access, sub-station, range of outbuildings and residential paraphernalia. The site frontage is overgrown and whilst the frontage planting and trees within the site provide some relief from the surrounding built form, the site has an unkempt appearance that does not make a significant contribution to the CA.
8. The proposal would continue the existing terrace following the established front and rear building lines to this side of the road. The dwellings are proposed of a similar width and height to others in the street with comparable sized gardens and a ridge line that steps up as the street level rises following the general pattern of the area. The proposed dwellings would be of a similar massing to the existing dwellings, albeit benefitting from garages and storage at the lower level as opposed to the adjoining terrace that is raised above, and set back behind, a retaining wall. Nonetheless, the proposed solid walls, lack of openings and steps to the main first floor entrance at street level suitably replicate the adjoining terrace and would give the appearance of upper floor accommodation raised above the street. As a result, the proposed massing of the dwellings adequately replicates the area.
9. Despite the inclusion of matching glazed lights above the entrance doors, fenestration proportions and use of stone walling at street level, the dwellings are proposed with a more modern design approach, mainly due to the use of

brick facing materials to the upper floors and the provision of contemporary glazed bay windows to the site frontage. However, I note the agreement from the appellant to the use of render to the upper floors and to the redesign of the bay windows to better replicate the render materials used in the street and the use of more traditional bay windows which form a strong part of the character of the area. Subject to these changes, which could be secured by condition should I be minded to allow the appeal, the proposed design of the dwellings would be sympathetic to the area and wider CA.

10. Accordingly, for the above reasons, the proposal would not cause harm to the character and appearance of the area or to the significance of the CA as a designated heritage asset. I have given great weight to the conservation of the heritage asset. The proposal would preserve the character and appearance of the CA as a whole in accordance with Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (1990 Act). I therefore find that the appeal proposal would accord with Policy DEV20 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (March 2019) (LP) and paragraph 130 of the National Planning Policy Framework (the Framework). Amongst other things, these require that development proposals meet good standards of design, contributing positively to the townscape, and protect and improve the quality of the built environment and ensure that developments are visually attractive and sympathetic to local character.

Highway Safety

11. Mutley Road is a residential street with dwellings and on-street parking to both sides of the road. I have been advised that on-street parking is in high demand.
12. The appeal proposal comprises four 4-bed dwellings. Each dwelling would be served by an integral garage with a further parking space off-street forward of the garages.
13. Table 30 of The Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document (July 2020) (SPD) details indicative car parking provision for new residential development. This indicates that for four-bedroom dwellings, three parking spaces per dwelling should be provided. However, paragraph 8.7 of the SPD clarifies that applications that propose a lower level of parking will be required to provide evidence to justify it and states that such justification could include the location of the site. Alongside ensuring the sufficient provision of car parking, Policy DEV29 of the LP promotes sustainable transport choices and the location of homes that can enable safe, secure walking, cycling and access to public transport.
14. In light of the location of the site close to a range of services and facilities including bus routes, and Policy DEV29 of the LP seeking to promote sustainable transport choices, two parking spaces per dwelling would strike an appropriate balance between providing spaces to serve the development without unacceptably increasing the demand for on-street parking and encouraging the use of other transport choices. It is noteworthy that the Local Highway Authority (LHA) also determined the provision of two parking spaces per dwelling to be appropriate and in accordance with Policy.

15. Concerns have been raised that the proposed garages would not be used for the parking of vehicles and that manoeuvrability into and out of the parking spaces may be hindered by the width of the road.
16. With regard to the use of the garages, given the high demand for on-street parking, it is likely that future occupiers would wish to use their garage rather than finding alternative on-street parking that may be some distance from the property out of sight. Moreover, if I were minded to allow the appeal, a condition could be imposed to ensure that the parking spaces be kept available for the parking of vehicles at all times.
17. Turning to accessibility to the parking spaces, I note that the LHA raise no concerns in this regard, and given the longer length of driveway proposed to the front of the dwellings and greater swept-path that would be created from an associated dropping of the kerb to the front of the appeal site, I concur. Moreover, I note that tracking plans have been submitted by the appellant demonstrating that suitable manoeuvres could take place without impacting upon the provision of existing on-street parking.
18. I appreciate the concerns raised from third parties regarding potential effects to the road and highway safety from and during construction works. However, if I were minded to allow the appeal, these matters could be adequately controlled and mitigated via conditions securing a Construction Traffic Management Plan and Highway Dilapidation Survey. Such conditions would ensure that the highway is not unreasonably obstructed or damaged without repair.
19. I have insufficient information before me to demonstrate that the additional vehicle movements from four dwellings would have an unreasonable impact upon pedestrian or highway safety or that the proposal would not be accessible to emergency vehicles. Pedestrian safety would be aided by the proposed 1.8m footway to the site frontage. It is noteworthy that the LHA raised no concerns in these regards.
20. In light of the above, I conclude that the proposal would not harm highway safety, with particular regard to the provision of off-street car parking. Accordingly, the appeal scheme would not therefore conflict with Policy DEV29 of the LP, paragraph 8.7 of the SPD or the Framework. Amongst other things, these require that development provides safe and satisfactory traffic movement and vehicular access to and within the site with development only prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

Living conditions of neighbouring occupiers

21. The site is located directly opposite No's 14-22 Mutley Road. These are two-storey dwellings set a lower level to the majority of the appeal site and its adjoining dwellings on the opposite side of the road. The proposed dwellings would continue the existing building line to this side of the road.
22. Paragraph 13.19 of the SPD states that a minimum of 21 metres should be provided between directly facing windows. The appeal proposal would be less than this. However, paragraph 13.18 of the SPD states that the levels of privacy expected from a residential environment will differ depending upon the

location. It goes on to state that within densely developed contexts such as a city, it is reasonable to assume that privacy might be less than in lower-density neighbourhoods and that other design solutions may be appropriate. This follows from Policy DE1 of the LP that states that unacceptable impacts will be judged against the level of amenity generally in the locality.

23. The site is located within the city where development is characterised by terraces of dwellings facing each other across a street at distances less than the recommended 21m. In light of this and the associated levels of existing mutual overlooking between existing dwellings, with the existing dwellings in the street positioned fairly close to the back of the pavement, the proposed distances between windows and relationships would not be significantly harmful and would follow the general level of privacy in the locality.
24. In light of the above, I conclude that the proposal would not harm the living conditions of neighbouring occupiers with particular regard to privacy. Accordingly, the appeal scheme would not therefore conflict with Policy DEV1 of the LP, paragraph 13.19 of the SPD or the Framework. Amongst other things, these require that new development proposals provide privacy for existing residents and a high standard of amenity for existing users.

Living conditions of future occupiers

25. The proposed dwellings would be served by usable outdoor areas accessed from the rear of the proposed dwellings. These are proposed to differ in size given the varying rear boundary positions. Some of the garden areas would contain and be partly overshadowed by retained and proposed trees.
26. Table 11 referenced in Paragraph 4.138 of the SPD sets out the minimum standard of provision for outdoor space. This requires a minimum of 50 square metres for a dwelling forming part of a terrace. Only one of the proposed outdoor spaces would meet this requirement. However, paragraph 4.140 of the SPD states that exceptions to the standards will be negotiated on a case-by-case basis taking into account, amongst other things, the proximity to local parks and whether the proposed site is within an older and more densely developed neighbourhood.
27. As the appeal site is located close to Mutley Park at the end of the road with the outdoor space comparable to the other terraced properties in the street, adequate usable outdoor space would be provided.
28. The Inspector dealing with the previous appeal on the site¹ found that the largest tree to the southern boundary had loose canopy allowing light to filter through and that the gardens would not be rendered unusable by the presence of trees. As this is still the situation, I have no reason to come to a different conclusion.
29. In light of the above, I conclude that the proposal would not harm the living conditions of future occupiers with particular regard to the provision of outdoor space. Accordingly, the appeal scheme would not therefore conflict with Policy DEV10 of the LP, paragraph 4.138 of the SPD or the Framework. Amongst other things, these require that housing developments provide sufficient external amenity space or private gardens with a high standard of amenity for future users.

¹ APP/N1160/W/20/3253648

Trees and Biodiversity

30. Tree Preservation Order (TPO) No.470 applies to two trees within the site, although the Lime tree forming part of this TPO benefits from permission to be felled subject to replacement planting.
31. The appeal proposal involves the felling of two groups of trees on the site, including the Lime Tree the subject of the TPO. However, as assessed within the previous appeal decision referenced above and arboricultural reports accompanying this appeal, it has a limited life and permission to be felled.
32. As part of the Permission in Principle consent, the Inspector considered the impact from development upon the trees on the site. The Inspector concluded that much of the tree cover has limited lifespan, has already been lopped or consented to be removed by previous permissions and that consequently the existing tree cover is unlikely to be viable in its current form. In addition, the Inspector stated that the existing high roadside boundary hedge/trees are not characteristic of Mutley Road with the provision of street trees more characteristic of the wider area. This is still the case and as a result the loss of the trees is acceptable subject to suitable replacement planting.
33. The planning application is supported by an Ecological Impact Assessment, Biodiversity Budget and Ecological Mitigation and Management Strategy. This details replacement tree planting and addresses Policy DEV26 of the LP, Paragraph 7.95 of the SPD that states that whilst it is not a policy requirement of non-major development to provide biodiversity net gain, it will be encouraged for all development.
34. The submitted reports indicate that the development would result in minor biodiversity improvements to the site. Compensation and enhancement measures include the provision of bird and bat boxes, the planting of 24 trees and provision of hedgehog holes to garden fences.
35. Whilst 24 trees on the site is less than the 37 trees required to accord with the Biodiversity Budget in the SPD, the site is not major development to which the requirement applies. Given this, given the provision of 24 trees includes 4 significant street trees, and the size of the site would be insufficient to cater for a further 13 trees, the proposal would adequately mitigate for the loss of trees on the site and result in appropriate biodiversity gain. I have insufficient evidence before me to demonstrate that the location of trees close to the re-located sub-station would cause any significant harm.
36. In light of the above, I conclude that the proposal would not result in unacceptable harm to trees and biodiversity. Accordingly, the appeal scheme would not therefore conflict with Policy DE26 of the LP, paragraph 7.95 of the SPD or paragraph 180 of the Framework. Amongst other things, these require that development support the protection, conservation, enhancement and restoration of biodiversity, provide net gains in biodiversity and to refuse planning permission unless adequate mitigation is provided.

Nationally and internationally protected sites

37. The site falls within the 12.3km zone of influence around the Tamar European Marine Site. The SAC and SPA are extensive areas of shallow inlets and bays, estuaries, mud and sand flats, salt meadows, reefs and subtidal sandbanks.

38. The SPA and SAC are protected via the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I am statutorily required to take appropriate steps to conserve biodiversity.
39. The SPA and SACs are designated in order to safeguard ecology and the habitat upon which various species are reliant, notably in this instance Allis Shad, Atlantic Salt Meadows, Avocet, Little Egret, Native Oyster and Smelt.
40. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings in combination with other development nearby, including within a wide zone of influence (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.
41. The avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of communications, marketing and awareness initiatives, preparation of codes of conduct for a variety of coastal activities, enhanced monitoring research and assessment, and via a delivery officer and management support. The contributions that individual schemes are expected to make in that context are established at a strategic level, such that a proportionate contribution is made in each instance funded by Community Infrastructure Levy (CIL) receipts. I have consulted with Natural England which has confirmed that the payment is sufficient to avoid adverse impacts on the SPA and SACs. As CIL receipts are collected via payment under the CIL Regulations, there is no need for a legal agreement to secure payment as part of this appeal.
42. The Plymouth Sound and Estuaries European Mitigation Site Recreation Mitigation and Management Scheme (November 2019) sets out the approach towards ecological mitigation and has been arrived at in conjunction between Plymouth City Council, South Hams District Council, West Dorset Borough Council, Cornwall Council, and in consultation with Natural England, the appropriate nature conservation body under Regulation 63(3). The approach has been formally adopted within the SPD that details the mitigation required per dwelling to be secured via the Community Infrastructure Levy as detailed within the Developer Contributions Evidence Base (April 2020). Consequently, subject to appropriate financial contributions being made via CIL, I am satisfied that likely significant effects to the ecological integrity of the SPA and SACs would be avoided.
43. In conclusion, I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the CIL receipts, the development would not have an adverse effect on nationally and internationally protected sites. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017. It would also accord with LP Policy DEV26 and the SPD which, amongst other things, seek to ensure that residential development within 12.3km of protected European and internationally protected sites provide mitigation and avoid harm arising on the Tamar European Marine Site SAC and SPA.

Other Matters

44. The provision of suitable disabled access to the dwellings is a matter covered by other legislation.
45. I have insufficient evidence before me to demonstrate that the proposal would be significantly harmful to air quality or drainage.
46. The planning application was supported by a Sustainability Statement detailing the proposals carbon reduction. If I were minded to allow the appeal, the measures contained within the Statement could be secured by condition.
47. I have had regard to the concerns from third parties regarding the number of applications and appeals at the site and to the lack of support from nearby occupiers to the proposal. However, I am required to determine the appeal before me on its merits and the lack of support from neighbouring occupiers do not outweigh my findings above.
48. The impact upon property prices and possible presence of a covenant on the land are not matters for my consideration as they relate to purely private interests and planning is concerned with land use.

Conditions

49. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
50. A pre-commencement condition is necessary to ensure that any contamination found within the site is appropriately dealt with in the interests of preventing pollution of the environment and the living conditions of existing and future occupiers. I have however amended the wording of the suggested condition in the interests of brevity.
51. In light of the narrowness of Mutley Road, and constrained nature of the site, pre-commencement conditions are necessary to ensure the submission of a Construction Traffic Management Plan, details of levels, drainage and finishes for roads and footways and for a highway dilapidation survey prior to the commencement of development. These would ensure suitable management of construction vehicles, access to the highway and retention of the road in a suitable condition in the interests of protecting highway safety.
52. A condition is necessary to ensure the provision of adequate surface water drainage in the interests of protecting the living conditions of nearby residents. I have however amended the suggested wording from the Council in the interests of brevity.
53. Pre-commencement conditions are necessary to secure agreement to an alternative design for the bay windows to the front of the dwellings and for the submission of suitable materials in the interests of protecting the character and appearance of the area. I have however amended the suggested wording from the Council in relation to the condition for materials to remove reference to the internal approval process as this level of details is not necessary.

54. A pre-commencement condition is necessary to ensure submission of external lighting, hedgehog mitigation and details of the management of the habitat pile in the interests of the protection and enhancement of ecology.
55. A condition is necessary to protect the trees on the site during construction and to ensure suitable replacement planning and landscaping within the site in the interests of protecting the character and appearance of the area. Given the small scale of the proposal, a further condition detailing the management of the planting within the site is not reasonable or necessary.
56. A condition is necessary to ensure that the car parking spaces are provided prior to first occupation, only used for the parking of vehicles and include EV Charging Points. This is in interests of highway safety and minimising carbon emissions.
57. A condition is necessary to ensure the storage of bins within the site except on collection days in the interests of protecting the living conditions of nearby occupiers and the character and appearance of the area.
58. Given the relationship of the rear of the site to existing residential dwelling, conditions are necessary to remove permitted development rights for enlargements and improvements to the dwellings and to ensure the obscure glazing of rooflights in the interests of protecting the living conditions of surrounding occupiers.
59. A condition is necessary to ensure compliance with the Sustainability Statement in the interests of reducing carbon emissions.
60. A further condition is suggested by the Council to ensure provision of adequate road access for construction vehicles but in light of the condition to secure submission and agreement of a Construction traffic Management Plan including details of parking, this condition is not necessary.

Conclusion

61. For the reasons given I conclude that the appeal should succeed.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - MRH-BPC-XX-XX-DR-C-0800_RevB_Drainage Strategy Plan
 - MRH-BPC-XX-XX-CA-C-2000_Rev-_Surface Water Calculations
 - MRH-BPC-XX-XX-DR-C-0900_Rev-_Drainage Construction Details (Sheet 1 of 2)
 - MRH-BPC-XX-XX-DR-C-0901_Rev-_DrainageConstructionDetails (Sheet 2 of 2)

- MRH-BPC-XX-XX-DR-C-1000_RevB_ImpermeableAreasPlan
 - MRH-BPC-XX-XX-DR-C-3000_RevB_VehicleTrackingPlan
 - MRH-BPC-01-ZZ-DR-A-0101-Location Plan-P02
 - MRH-BPC-01-ZZ-DR-A-0201-Site Plan - Existing-P02
 - MRH-BPC-01-ZZ-DR-A-0202-Site Plan - Proposed-P07
 - MRH-BPC-01-ZZ-DR-A-0301-GA Plan - Ground Floor-P07
 - MRH-BPC-01-ZZ-DR-A-0302-GA Plan - First Floor-P08
 - MRH-BPC-01-ZZ-DR-A-0303-GA Plan - Second & Third Floor-P08
 - MRH-BPC-01-ZZ-DR-A-0401-GA Elevations-P06
 - MRH-BPC-01-ZZ-DR-A-0501-GA Section 1-P05
 - MRH-BPC-01-ZZ-DR-A-0502-GA Cross Section Checks-P05
 - MRH-BPC-01-ZZ-DR-A-0503-GA Cross Section Checks-P05
 - MRH-BPC-01-ZZ-DR-A-0504-Site Section - Neighbouring Property-P04
 - MRH-BPC-XX-XX-DR-A-0506-Subwall types diagram-P01
 - MRC-JKT-XX-XX-R-L-Tree Survey and Constraints Plan
 - MRC-JKT-XX-XX-R-L-Tree Protection Plan & Arb Method Statement
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 4) No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.
- 5) The development hereby approved shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The said CTMP shall include a detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction

operation hours; routes being used by construction vehicles and contractors parking arrangements. The works shall be carried out strictly in accordance with the approved CTMP.

- 6) No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority which shall have been submitted to and been approved in writing by the Local Planning Authority. The survey shall assess the existing condition of all highway infrastructure which will be impacted upon through the construction activities associated with the development hereby approved. This shall include routes to and from the site being used by construction traffic.
- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8) Notwithstanding the submitted details, no development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include that the external walls will be painted render and provide details on the specification of the render. Development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the submitted details, no development shall take place until the following details relating to ecology have been submitted to and approved in writing by the Local Planning Authority:
 - Details on external lighting
 - Details of hedgehog mitigation measures
 - Details for management of habitat pileDevelopment shall be carried out in accordance with the approved details.
- 10) Notwithstanding the submitted details, no development shall take place until details of the design of the bay windows have been submitted to and

approved in writing by the Local Planning Authority. The details shall include the position, design and materials to be used for the bay window. Development shall be carried out in accordance with the approved details.

- 11) Prior to construction reaching damp proof course level details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby permitted and notice shall be given to the Local Planning Authority when the approved scheme has been completed.

The hard landscaping details shall include:

- Drawings identifying the arrangement of proposed hard landscape elements including: street furniture, boundary treatment materials, location, topography and (min 1:200 scale). Plans should include a specification of the hard landscape materials e.g. paving materials, street furniture and any boundary treatments/railings.
- Boundary treatment details (1:20 scale or as appropriate) including openings and hedgehog holes.

The soft landscaping scheme shall provide planting plans with written specifications including:

- Full soft landscape specification including (but not limited to); tree and plant species and size (to HTA standards), soil details, planting spec and establishment care, etc. This shall include a plan to show existing vegetation to be retained and safeguarded during construction.
- Drawings identifying the arrangement of proposed soft landscape elements and soil layouts (min 1:200 scale).
- Drawings identifying planting details (1:20 scale or as appropriate) such as tree pit details, hedge planting, typical planting details (not limited to species, size, density spacing, cultivation protection, methods of weed control). Plans should also include a planting schedule for reference, timeline of planting schedule and maintenance post-development.
- Details of the planting of 13 additional native standard trees on site to ensure that the development complies with the tree replacement guidance set out in the Supplementary Planning Document. The proposed planting shall include mature specimens to be planted along the southern boundary.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

- 12) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied. Thereafter, the parking spaces shall be kept available for the parking of vehicles at all times.

- 13) Refuse and recycling bins shall be stored within the site at all times apart from collection days.
- 14) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the provision of 1 standard electrical vehicle dedicated charging point per dwelling. The electrical vehicle charging points shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.
- 15) For the avoidance of doubt, and notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the rooflights to the rear of the terrace facing south and all windows serving a bathroom shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and shall at all times be restricted to opening a maximum of 100mm unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 16) Notwithstanding the provisions of Article 3 and Classes A, A, B, C and E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations shall be carried out to the dwelling hereby approved without the express consent in writing by the Local Planning Authority. This includes alterations to or insertion of windows and any alterations to the roof.
- 17) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. This should be in accordance with Table 28 of the SPD, detailing number of replacement trees needed based on trunk diameter of lost tree.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans

[Tree Protection Plan April 2022,TC181103- TPP.AMS-04.2022] and/or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

- 18) The development hereby approved shall accord with the details submitted in the Sustainability Statement (dated May 2022) unless otherwise approved in writing by the Local Planning Authority.
- 19) The development shall be carried out in accordance with the submitted arboricultural method statement and tree protection plan TC181103-TPP.AMS-04.2022 dated April 2022.
- 20) The development shall be carried out strictly in accordance with the submitted ecological impact assessment (EcIA), Biodiversity Budget & Ecological Mitigation and Enhancement Strategy (including CEMP & LEMP) (ref 210840 rev00 dated September 2021). This also includes the Mitigation and Opportunities Plan which details the provision of the ecological enhancements such as the bat, bird and invertebrate provisions in each residential unit, creation of a habitat pile and holes for small mammals within the garden fences.

*****END OF SCHEDULE*****