
Appeal Decision

Site visit made on 2 July 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/X1165/W/23/3323427

Land to the north of Totnes Road, Collaton St Mary, Paignton TQ4 7PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions imposed on the approval of reserved matters or details pursuant to a previous planning permission.
- The appeal is made by Taylor Wimpey (Exeter) against the decision of Torbay Council.
- The application Ref is P/2022/1357.
- The application sought planning permission for up to 73 dwellings (including market and affordable housing) with all matters reserved except access arrangements to be provided directly onto Totnes Road via an access junction without complying with conditions attached to the approval of reserved matters on 20 March 2023 pursuant to planning permission Ref P/2019/0604, dated 25 November 2020.
- The conditions in dispute are Nos 9, 11, 12, 13, and 14 which state that:
9: *'Notwithstanding materials referenced within approved plans prior to their installation the following shall be submitted to and approved in writing by the Local Planning Authority:*
 - i. *A revised stone sample that responds adequately to local character and distinctiveness*
 - ii. *A revised roof and tile hanging materials that respond adequately to local character and distinctiveness and demonstrates accordance with Neighbourhood Plan aspirations for natural materials and demonstrates accordance with climate change aspirations.*

The development shall proceed in full accordance with the details approved pursuant to this condition and all other materials shall accord with the materials schedule detailed and approved.

Each building shall be externally finished in full accordance with the approved materials schedule for that building.'

11: *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015, Article 3, Schedule 2, Part 1, Classes A to F, and Part 2, or any Order amending or revoking said Order;*

- i. *No enlargements, improvements or other alterations shall take place to dwellings within the application site, and no outbuildings shall be erected within the garden areas of these dwelling houses, with the exception of one ancillary structure each up to 10 cubic metres in volume,*
- ii. *No additional means of hard surfacing shall be provided forward of the principal building line of each dwelling hereby approved, and*
- iii. *No alternative means of enclosures shall be erected within the site.*

The development shall accord with the above unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.'

12: *'Construction of the internal roads and footpaths within the development shall be in accordance with the Torbay Highways Design Guide for new developments in operation at the time of construction. Roads serving each phase of development shall be*

completed to adoptable standards prior to the first use of each phase and made available for public use and always maintained as such thereafter.'

13: *'No development relating to the creation of the roads shall be commenced until either the roads are subject to a completed agreement under section 38 Highways Act 1980 or full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. Unless the roads are subject to a completed agreement under section 38 Highways Act 1980 the development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.'*

14: *'Unless the roads are subject to a completed agreement under section 38 Highways Act 1980 no works shall be carried out for the formation or construction of any road unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management Scheme to secure the effective management and maintenance of the road and refuse collection throughout the lifetime of the development.*

Where it is proposed that the estate roads shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for;

- a) Setting up a company or other entity to be responsible for the on-going management and maintenance of the road and refuse collection (the "Management Body").*
- b) How the company and the future management and maintenance of the road and refuse collection is to be financed including initial capital investment with subsequent funding.*
- c) The rights for and obligations on the Management Company to manage and maintain the road and collect refuse*
- d) Arrangements for the management and collection of refuse and waste from the dwellings.*
- e) A road management and maintenance and refuse collection schedule.*
- f) How refuse and waste will be managed on site including the location of individual and communal refuse and waste collection facilities and the locations where refuse and waste is to be transferred off-site.*
- g) Confirmation from the relevant waste collection company that they have agreed to collect the refuse and waste from the development in accordance with the approved details.*

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

No dwelling shall be occupied unless it connects directly to a road (including a footway and carriageway) which is:

- a) Adopted by the highway authority as a highway maintainable at the public expense or*
- b) Subject to an agreement with the highway authority under section 38 of the Highways Act 1980 for the adoption of the road; or*
- c) Subject to a Private Road Management Scheme where the Management Body has been established and is responsible for the management and maintenance of the road and the collection of waste and refuse from the date of occupation of the dwelling.*

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense shall be permanently maintained to an adoptable standard and retained and made available for public use or the lifetime of the development'

- The reasons given for the conditions are:

9: 'To secure an appropriate form of development in accordance with Policy DE1 of the Torbay Local Plan 2012-2030, Policies PNP1 and PNP1(c) of the Paignton Neighbourhood Plan and the NPPF.'

11: 'In interests of visual character, local amenity and biodiversity, considering the sensitivity of this sloping site and the extent and importance of landscaping in the public domain, in accordance with Policies DE1, DE3, SS8, SS9 and SS11 of the Torbay Local Plan 2012-2030, Policy PNP1(c) of the Paignton Neighbourhood Plan and the NPPF, having regard to the particular design and layout of the dwellings.'

12: 'To secure an acceptable residential environment and to ensure highway safety is not impaired, in accordance with Policies SS11, TA1, TA2 and DE1 of the Torbay Local Plan 2012-2030.'

13: 'In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.'

14: 'In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policies DE1, SS11, TA1 and TA2 of the Torbay Local Plan 2012-2030.'

Decision

1. The appeal is allowed, and planning permission is granted for Variation/Removal of Conditions relating to application P/2021/1180 (Reserved Matters for 73 dwellings). Variation of Condition 9 (Amend to materials as previously submitted), Removal of Conditions 11 (Permitted Development), 12 (Highway Standards), 13 (Adoptable Streets) and 14 (Road Management/Maintenance) at Land to the north of Totnes Road, Collaton St Mary, TQ4 7PY in accordance with the terms of the application, Ref P/2022/1357, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by R Harrison of Taylor Wimpey (Exeter) against Torbay Council. The application is the subject of a separate decision.

Preliminary Matters

3. At my visit I saw that work at the site has commenced in the form of highways work to form the access.

Background and Main Issues

4. Outline planning permission was granted¹ at the site in 2020 for up to 73 dwellings. The Council approved a subsequent reserved matters application². The appellant submitted a further application³ to seek to vary some of the conditions that the Council imposed. This appeal follows the Council's refusal of that application.
5. The main issue is therefore whether the disputed conditions are necessary in the interests of the character and appearance of the area, living conditions, ecology, and highway safety.

¹ Council Ref P/2019/0604, Planning Inspectorate Ref APP/X1165/W/20/3250977

² Council Ref P/2021/1180

³ Council Ref P/2022/1357

Reasons

Condition 9: Materials

6. A materials schedule was submitted with the reserved matters application, and it is cross referenced to one of the approved plans. The Council took issue with the proposed stone and material for roof and tile hanging and imposed condition 9 to require the submission of alternative details.
7. Bekstone Yates Grey is the proposed facing material for a group of dwellings in the northwest corner of the site. The materials would be used on inward facing elevations for the small number of buildings, that would face over an area of open space. This stone would differ from the distinctive local red sandstone used on the Church, Old Vicarage, Old School and Hall. This small group of historic buildings is distinctive and highly characterful; however, it is somewhat detached from the appeal site owing to the undeveloped intervening land and the modern school building that stands between.
8. Views are possible from the top of the Churchyard across to the appeal site, where the new dwellings would be seen in the context of this group of historic red stone buildings. From this perspective, the proposed stone would be difficult to discern given that it is used for such a small area. Furthermore, the stone proposed has tones of earthy browns and reds, thus making a basic reference to the local red stone. The stone proposed would define the northern farmstead cluster character area. In other respects, and in particular in terms of the more immediate site context on the south side of Totnes Road, many of the buildings are rendered or brick. In any case, the material relates to a small portion of the development that would be difficult to view from outside the site. Taking these matters together I am satisfied that this material would be acceptable.
9. The disputed roof covering would cover the whole site and would therefore be much more prominent in the surrounding area including in views from Totnes Road and more distant views from the Churchyard. When viewed from a distance the colour would be broadly appropriate for an area where slate is the dominant roofing material. However, the proposed material is plain and unrefined, with a uniform and bland appearance. From close up its unrefined square edge would be prominent, especially when looking up from street level, and it would appear a rather basic material, lacking the finesse and high quality of a natural slate.
10. However, such materials are already found throughout the area. Tonally the material would be correct for the area, and its bland appearance would otherwise be offset by a variety of facing materials and an integrated landscaping proposal, which will significantly soften the development's impact as it matures. When considered in the round I find that use of these materials would not materially diminish the approved development.
11. In summary, I find that condition 9 is not necessary. The materials as specified on plan no. 9986/PL05 Rev C are acceptable. The substitute condition suggested by the appellant is necessary, to provide an opportunity for alternative materials to be agreed in the case of supply issues, to avoid delay to the development. This would accord with Policies SS10, SS11, HE1 and DE1 of the Torbay Local Plan 2012 to 2030 (TLP) and Policies PNP1a, PNP1c and PNP24 of the Paignton Neighbourhood Plan to 2030 (PNP). Amongst other

things these Policies seek to ensure that development proposals sustain and enhance historic assets including through development within their setting; and are well designed to value local landscape and character and develop a sense of place and identity.

Condition 11: Permitted Development

12. Although not a blanket removal of permitted development rights, future owners/occupiers would need to apply for planning permission to extend any dwelling, erect an outbuilding greater than 10 m³, lay additional hard surfacing or form additional means of enclosure. The appeal site is sloping; however, the development would be low density, and dwellings would sit in generous plots with comfortable distances between rear elevations. Furthermore, all the dwellings across the northeast and northwest boundary of the site would be without rearward neighbours. There is therefore no inherent issue with the design or layout that means that extensions would be likely to harm the living conditions of nearby neighbours, or that extensions or outbuildings would leave plots without adequate outdoor space.
13. Most frontage areas would be small and difficult to utilise for additional parking. Providing the proposed landscaping is carried out to a high standard so that plants establish well to become an asset to the front of each dwelling, it is reasonable to assume that future owners or occupiers would seek to retain the approved arrangements. If occasional frontage areas are paved over at a future date the extent of overall landscaping would be sufficient mitigation to ensure that the overall appearance of the development would not be significantly harmed.
14. Rear boundaries would be well defined and rear gardens would provide secure areas for play and appropriate privacy. It would be unlikely that enclosing front areas would be desirable for future occupiers, given their small size.
15. The Council also suggests that the extra level of control secured by the condition is necessary to safeguard the ecological interest of the area. This only relates to part of the site – namely plots 45-73 that face out towards the bat/ecology corridor at the rear that forms the northeast and northwest site boundary. Restricting the erection of extensions and outbuildings at the rear of these properties would allow the Council to control the level of outward and external lighting at the rear, to protect the habitat quality of the bat/ecology corridor.
16. As to whether such a condition should have been imposed on the outline planning permission, I am satisfied that it is reasonable to consider whether it would be necessary at the reserved matters stage when a thorough assessment of the detailed design can be made.
17. In summary, condition 11 should be amended so that it only restricts permitted development rights for extensions and outbuildings for plots 45-73. This would be necessary to safeguard the habitat value of the bat/ecology corridor and would accord with Policies NC1 of the TLP and PNP1c of the PNP, which seek to ensure that development proposals conserve and enhance biodiversity.

Condition 12: Highways Construction and Phasing

18. Condition 12 has two parts. Firstly, it seeks to ensure that the internal roads and footpaths are constructed in accordance with the Torbay Highways Design

Guide (THDG), and secondly, that each phase shall be served by roads that are completed to an adoptable standard before brought into use. The condition also seeks to ensure that the roads are made available for public use and maintained as such thereafter.

19. It is not clear from the submissions why the internal roads need to adhere to the THDG or whether this would require any modification. However detailed highways plans were approved as part of the reserved matters, and it would not be appropriate to require adherence to the THDG if that means design revisions would be necessary. I do not therefore consider this aspect of the condition to be reasonable.
20. However, a condition to ensure that roads are constructed to adoptable standards to serve each phase of the development before it is brought into use is entirely reasonable. Such provision ensures that the development will function, and an acceptable residential environment is achieved. Furthermore, the condition ensures that the development is publicly accessible and thus secures against a gated community.
21. Securing timings, so that dwellings are not completed without sufficient highways provision, is necessary and reasonable. Using a condition to ensure that the internal roads are for public use is also a necessary and reasonable requirement to enable accessibility and allow access to the development for those who live nearby.
22. In summary, condition 12 should be varied to remove references to the THDG, but the phasing requirement and public accessibility aspects of the condition are still necessary, in accordance with Policies SS11, TA1 and TA2 of the TLP, which seek to ensure that development proposals are accessible.

Condition 13: Highway Construction Details

23. This condition requires that either the roads are constructed in accordance with a Section 38⁴ agreement (S.38), or full details are submitted to and approved in writing by the Local Planning Authority. It is unclear what additional details the Council requires over and above the detailed highways plans that have already been approved; and the Planning Practice Guidance (PPG) states that a condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity.
24. However, this condition does not necessarily require the re-submission of details or place an extra burden on the developer as it gives a choice as to which procedure could be followed. Furthermore, the appellant has indicated that a S.38 has already been entered into; therefore, no further action is required in respect of this condition. Despite this, the condition still serves a necessary purpose by allowing an alternative means for details of the roads to be agreed without being adopted as public highway.
25. In summary, this condition should be retained, in accordance with Policies SS11, TA1 and TA2 of the TLP, which seek to ensure that development proposals are accessible.

⁴ Highways Act 1980

Condition 14: Road Maintenance Plan

26. Similarly, this condition provides for maintenance of the roads in the case where a S.38 agreement is not entered into. Again, as a S.38 agreement has been entered into, the condition does not require the submission of any further details, but still serves a necessary purpose by requiring details of maintenance to be submitted if the roads are not adopted.
27. The second part of the condition ensures that no dwelling is occupied until it connects directly to a road which is constructed to an appropriate standard. As discussed above, this is necessary to ensure that the development is accessible and functional. The condition also secures public accessibility to the roads.
28. Regarding conditions 12-14, the appellant submits that access was not a reserved matter. However, layout was; and this can cover routes within the site and measures to ensure they are constructed to an appropriate standard, maintained, and publicly accessible.
29. The last part of the condition is unclear. It appears to seek to ensure that if roads are not adopted, they shall be maintained to an appropriate standard and made available for public use for the lifetime of the development. However, it could be misconstrued to also cover those parts of the development that will remain as private driveways. I shall add additional wording to clarify that this should relate to those roads that might be covered by a road maintenance plan or private road access scheme, thereby excluding private driveways.
30. The appellant further submits that informative 04 negates the need for condition 14 because if the developer does not enter into a S.38 agreement the Highway Authority intends to serve an Advance Payments Code notice to ensure that the roads are constructed to adoptable standards. There is however no guarantee that the Highway Authority would take this course of action, and if it did not, future residents of the development may have to meet the costs that would arise if the roads are not completed to a satisfactory standard.
31. The condition is therefore necessary, however the second part mirrors condition 12. Therefore, condition 12 should be deleted and condition 14 retained. This would accord with Policies SS11, TA1 and TA2 of the TLP, which seek to ensure that development proposals are accessible.

Other Matters

32. I note the comments before me relating to the Council's housing supply position and the many benefits associated with the development including the delivery of affordable homes. The Council has already consented the reserved matters application, and my decision follows that by issuing a further grant of reserved matters with amended conditions that will not make the development harder to bring forward and in any case, at my visit I saw that work had commenced at the site.
33. I note that the Council did not impose similar conditions when it approved a reserved matters application at the Yalberton Road site⁵. Details before me relating to this case are however limited and insufficient to cause me to reach a different conclusion on the main issues of this appeal.

⁵ Council Ref P/2019/0173

Conditions and Conclusion

34. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting one of the disputed conditions and substituting others.
35. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. If some have in fact been discharged, that is a matter which can be addressed by the parties.
36. The numbers of the conditions I shall impose differ from those used by the Council, as the Council's decision notice had two conditions numbered 1.
37. I shall substitute condition 9 with condition 10, using the wording suggested by the appellant. This clarifies the material details, and also provides for the situation where there may be supply issues with the materials specified.
38. I shall substitute condition 11 with condition 12, to only restrict permitted development rights for extensions and outbuildings for the plots that back onto the bat/ecology corridor at the rear of the site.
39. I shall delete condition 12 as this condition is not necessary.
40. I shall retain conditions 13 and 14 for the reasons given.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) **9986 PL25** - (Version - **A (Garages)**) - Date on plan: 23/07/2021 - Proposed Elevations received 18.10.2021
- 4244 Lighting Impact Assessment** - (Version - **0.2**) - Date on plan: 10/02/2022 - Environmental Assessment received 04.03.2022
- 220210_P311_GHS** - (Version - **Bat Monitoring**) - Date on plan: 10/02/2022 - Ecological Assessment received 04.03.2022
- P2021-1180-3** - (Version - **(Energy & Sustainability)**) - Date on plan: 13/12/2021 - Environmental Assessment received 04.03.2022
- 1747-0501** - (Version - **P5 (Drainage layout 2)**) - Date on plan: 04/12/2022 - Supporting Information received 05.12.2022
- 9986-PL03** - (Version - **E (Site Plan)**) - Date on plan: 30/11/2022 - Proposed Layout received 15.12.2022
- 1747-OSK01** - (Version - **P2 (Basin water levels)**) - Date on plan: 08/12/2022 - Proposed Sections received 08.12.2022
- 1747_0130** - (Version - **P3 (Manhole areas plan)**) - Date on plan: 23/11/2022 - Supporting Information received 05.12.2022
- 1747-0500** - (Version - **P6 (Drainage layout 1)**) - Date on plan: 04/12/2022 - Supporting Information received 05.12.2022
- 1747-0502** - (Version - **P5 (Drainage layout 3)**) - Date on plan: 04/12/2022 - Supporting Information received 05.12.2022
- 1747-0503** - (Version - **P6 (Drainage layout 4)**) - Date on plan: 04/12/2022 - Supporting Information received 05.12.2022
- 1747-0603** - (Version - **P7 (Drainage Sheet 4)**) - Date on plan: 05/12/2022 - Supporting Information received 05.12.2022
- 9986 PL06** - (Version - **C (Affordable Housing)**) - Date on plan: 19/10/2022 - Proposed Layout received 24.10.2022
- 9986 PL04** - (Version - **C (Boundaries)**) - Date on plan: 19/10/2022 - Proposed Layout received 24.10.2022
- 9986 PL05** - (Version - **C (Materials)**) - Date on plan: 19/10/2022 - Proposed Layout received 24.10.2022
- 9986 PL09** - (Version - **C (Car Parking)**) - Date on plan: 19/10/2022 - Proposed Layout received 24.10.2022
- 9986 PL20** - (Version - **B (Site)**) - Date on plan: 14/10/2022 - Proposed Sections received 24.10.2022
- 9986 PL30** - (Version - **B (House NA32)**) - Date on plan: 15/10/2022 - Proposed Various received 24.10.2022
- 9986 PL31** - (Version - **B (House NA32)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
- 9986 PL32** - (Version - **B (House NA32)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
- 9986 PL33** - (Version - **B (House NT31)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
- 9986 PL34** - (Version - **B (House NT31)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
- 9986 PL35** - (Version - **B (House PT35N)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
- 9986 PL37** - (Version - **B (House NA44)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
- 9986 PL39** - (Version - **B (House NA44)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022

9986 PL40 - (Version - **B (House NA45)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL42 - (Version - **B (House NA45)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL43 - (Version - **B (House NT41)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL44 - (Version - **B (House NT42)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL45 - (Version - **B (House NT42)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL46 - (Version - **B (House NB51)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL48 - (Version - **B (House H13)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL49 - (Version - **B (House NA20)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL50 - (Version - **B (House NA20)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL51 - (Version - **B (House NA30)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL27 - (Version - **B (Carports)**) - Date on plan: 21/10/2022 - Proposed Elevations received 24.10.2022
9986 PL52 - (Version - **B (House NA30)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL53 - (Version - **B (House NA30)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL54 - (Version - **B (House NA42)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL55 - (Version - **A (House NA32)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL56 - (Version - **A (House NA32)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL57 - (Version - **A (House NA32)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL58 - (Version - **A (House NA44)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL59 - (Version - **A (House NA45)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL60 - (Version - **A (House NA45)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL61 - (Version - **A (House NA51)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL62 - (Version - **A (House NA41)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL63 - (Version - **A (House NA42)**) - Date on plan: 15/09/2022 - Proposed Various received 24.10.2022
9986 PL64 - (Version - **B (House NA30)**) - Date on plan: 21/10/2022 - Proposed Various received 24.10.2022
220209_P311_TN01_TP - (Version - **01 Biodiversity Statemen**) - Date on plan: 19/10/2022 - Ecological Assessment received 24.10.2022
1747 0600 - (Version - **P7 (External Works 1)**) - Date on plan: 30/09/2022 - Proposed Survey Drawing received 24.10.2022

220215_P311_CecoMP - (Version - **01 (Biodiversity)**) - Date on plan: 19/10/2022 - Environmental Assessment received 24.10.2022
P2021-1180-2 - (Version - **(Revised Enhancement Pla)**) - Date on plan: 19/10/2022 - Ecological Assessment received 24.10.2022
220215_P311_LEMP - (Version - **01**) - Date on plan: 14/10/2022 - Proposed Layout received 24.10.2022
1747 0601 - (Version - **P7 (External Works 2)**) - Date on plan: 30/09/2022 - Proposed Survey Drawing received 24.10.2022
1747 0602 - (Version - **P7 (External Works 3)**) - Date on plan: 30/09/2022 - Proposed Survey Drawing received 24.10.2022
1747 0610 - (Version - **P3 (Construction Details)**) - Date on plan: 21/09/2022 - Proposed Survey Drawing received 24.10.2022
1747 0700 - (Version - **P3 (Engineering Layout 1)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0701 - (Version - **P3 (Engineering Layout 2)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0702 - (Version - **P3 (Engineering Layout 3)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0703 - (Version - **P4 (Engineering Layout 4)**) - Date on plan: 20/10/2022 - Proposed Layout received 24.10.2022
1747 0710 - (Version - **P3 (Sec 38 278 Layout 1)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0711 - (Version - **P3 (Sec 38 278 Layout 2)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0712 - (Version - **P3 (Sec 38 278 Layout 3)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0713 - (Version - **P4 (Sec 38 278 Layout 4)**) - Date on plan: 20/10/2022 - Proposed Layout received 24.10.2022
1747 0720 - (Version - **P3 (Surfacing Layout 1)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0721 - (Version - **P3 (Surfacing Layout 2)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0722 - (Version - **P3 (Surfacing Layout 3)**) - Date on plan: 21/09/2022 - Proposed Layout received 24.10.2022
1747 0723 - (Version - **P4 (Surfacing Layout 4)**) - Date on plan: 20/10/2022 - Proposed Layout received 24.10.2022
1747 0730 - (Version - **P2 (Highway Long 1)**) - Date on plan: 21/09/2022 - Proposed Sections received 24.10.2022
1747 0731 - (Version - **P2 (Highway Long 2)**) - Date on plan: 21/09/2022 - Proposed Sections received 24.10.2022
1747 0750 - (Version - **P2 (Sec 38 278 Construct)**) - Date on plan: 21/09/2022 - Specification received 24.10.2022
1747 0790 - (Version - **P3 (Foot-Cycleway Link)**) - Date on plan: 21/09/2022 - Proposed Survey Drawing received 24.10.2022
CSA-2417-04 - (Version - **LEMP**) - Date on plan: 14/05/2021 - Environmental Assessment received 24.10.2022
CSA-2417-125 - (Version - **C (Hard Landscape 1)**) - Date on plan: 25/10/2022 - Proposed Landscape received 24.10.2022
CSA-2417-127 - (Version - **C (Hard Landscape 3)**) - Date on plan: 25/10/2022 - Proposed Landscape received 24.10.2022
CSA-2417-126 - (Version - **C (Hard Landscape 2)**) - Date on plan: 25/10/2022 - Proposed Layout received 24.10.2022

CSA-2417-128 - (Version - **C (Hard Landscape 4)**) - Date on plan: 25/10/2022 - Proposed Landscape received 24.10.2022

CSA-2417-134 - (Version - **C (Play Area)**) - Date on plan: 25/10/2022 - Proposed Landscape received 24.10.2022

CSA-2417-135 - (Version - **E (Masterplan)**) - Date on plan: 25/10/2022 - Proposed Landscape received 24.10.2022

4244 Lighting Strategy - Date on plan: 12/10/2022 - Supporting Information received 24.10.2022

4244-LB-EX-XX-DR-E-7080-41 P01 - (Version - **P01 (Lighting)**) - Date on plan: 12/10/2022 - Proposed Survey Drawing received 24.10.2022

9986 PL01 - Date on plan: 01/07/2021 - OS Map/Site Location received 24.10.2022

CSA-2417-132 - (Version - **D (Soft Landscape 4)**) - Date on plan: 18/11/2022 - Proposed Landscape received 21.11.2022

CSA-2417-129 - (Version - **D (Soft Landscape 1)**) - Date on plan: 18/11/2022 - Proposed Landscape received 21.11.2022

CSA-2417-130 - (Version - **D (Soft Landscape 2)**) - Date on plan: 18/11/2022 - Proposed Landscape received 21.11.2022

CSA-2417-131 - (Version - **D (Soft Landscape 3)**) - Date on plan: 18/11/2022 - Proposed Landscape received 21.11.2022

CSA-2417-133 - (Version - **D (Soft Landscape 5)**) - Date on plan: 18/11/2022 - Proposed Landscape received 21.11.2022

- 2) Notwithstanding wording within the submitted and approved Energy and Sustainability Statement all dwellings shall have the following installed prior to their first occupation, unless an alternative schedule of provision is submitted and approved in writing by the Local Planning Authority that demonstrates that their installation within identified dwelling/s is not feasible.
1. A Waste Water Heat Recovery (WWHR) system.
 2. A Flue Gas Heat Recovery (FGHR) system.
 3. A High-efficiency combination boiler.
- 3) Prior to the commencement of development above Damp Proof Course level details of the location and arrangement of on-site renewable energy generation, demonstrated to achieve no less than 20% of subsequent in-use requirement, in accordance with the submitted and approved Energy and Sustainability Statement, shall be submitted to and approved in writing by the Local Planning Authority.

The proposals shall as far as practicable demonstrate the following:

- (a) Be sited so as to minimise its effect on the external appearance of any building;
- (b) Be sited so as to minimise its effect on the amenity of the area.
- (c) Be detailed so as not to protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope, and would be no higher than the highest part of the roof

The solar equipment approved within each dwelling plot shall be implemented in full and operational prior to the first occupation of the building and maintained thereafter.

- 4) Prior to the first occupation of Units 8-11 details of waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

The waste storage facilities approved for each unit shall be implemented in full and operational prior to the first occupation of the unit and maintained thereafter.

- 5) Prior to the first occupation of each plot identified below plans identifying the form and location of secure cycle parking (2 per dwelling and 1 per apartment) shall be submitted to and approved in writing by the Local Planning Authority.

Plots 3, 4, 5-16, 22, 29-32, 34, 35, 40-44, 46-50, 54-56, 63-67.

The approved facilities shall be provided and made available for use prior to the occupation of the plot to which it relates and retained at all times thereafter.

- 6) Prior to the first occupation of each dwelling (or apartment) the parking facilities identified for that dwelling (or apartment) shall be completed and made available for such purposes. The parking facilities for each dwelling (or apartment) shall thereafter be retained for such purposes.
- 7) Prior to the first occupation of each dwelling 1 Electric Vehicle Charging Point will be provided adjacent to a corresponding private parking bay for the dwelling. The facility shall be completed and made operational and available for use prior to the first occupation of each dwelling and maintained operational and available at all times thereafter.
- 8) The equipped play area and areas of public open space delivered as part of the scheme shall be maintained as approved and be available for use by the public at all times in perpetuity, except for short term essential maintenance purposes.
- 9) Development shall be carried out in accordance with the actions set out in the submitted and approved Biodiversity Statement and Lighting Impact Assessment. External lighting within the site shall at all times strictly accord with the details approved with no additional or amended lighting within the site.
- 10) Should any materials specified on approved drawing no. 9986/PL05 Rev C require changing prior to their use, details of alternatives shall be submitted to and approved in writing by the Local Planning Authority.
- 11) All meter boxes, where practicable, shall be sited away from the principal elevation of each dwelling. All meter boxes shall be coloured to assimilate with the host material in which they are set.
- 12) Notwithstanding the provisions 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), no

development permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken on plots 45-73 (that is those plots that share a boundary with the bat/ecology corridor as shown on plan no. 9986 PL05 Rev C).

- 13) No development relating to the creation of the roads shall be commenced until either the roads are subject to a completed agreement under section 38 Highways Act 1980 or full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. Unless the roads are subject to a completed agreement under section 38 Highways Act 1980 the development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.
- 14) Unless the roads are subject to a completed agreement under section 38 Highways Act 1980 no works shall be carried out for the formation or construction of any road unless the local planning authority has approved a Road Maintenance Plan for that road including the arrangements for either adoption by the highway authority or the implementation of a Private Road Management Scheme to secure the effective management and maintenance of the road and refuse collection throughout the lifetime of the development.

Where it is proposed that the estate roads shall be privately maintained no works shall be carried out above ground level until a Private Road Management Scheme has been submitted to and approved in writing by the local planning authority and which shall provide for;

- (a) Setting up a company or other entity to be responsible for the on-going management and maintenance of the road and refuse collection (the "Management Body").
- (b) How the company and the future management and maintenance of the road and refuse collection is to be financed including initial capital investment with subsequent funding.
- (c) The rights for and obligations on the Management Company to manage and maintain the road and collect refuse
- (d) Arrangements for the management and collection of refuse and waste from the dwellings.
- (e) A road management and maintenance and refuse collection schedule.
- (f) How refuse and waste will be managed on site including the location of individual and communal refuse and waste collection facilities and the locations where refuse and waste is to be transferred off-site.
- (g) Confirmation from the relevant waste collection company that they have agreed to collect the refuse and waste from the development in accordance with the approved details.

The development shall be carried out in accordance with the Road Maintenance Plan and the Private Road Access Scheme which shall thereafter be fully complied with and implemented.

No dwelling shall be occupied unless it connects directly to a road (including a footway and carriageway) which is:

- (a) Adopted by the highway authority as a highway maintainable at the public expense or
- (b) Subject to an agreement with the highway authority under section 38 of the Highways Act 1980 for the adoption of the road; or
- (c) Subject to a Private Road Management Scheme where the Management Body has been established and is responsible for the management and maintenance of the road and the collection of waste and refuse from the date of occupation of the dwelling.

Any roads (including carriageways and footways) which do not form part of the highway maintainable at the public expense that are subject to the Road Maintenance Plan or Private Road Access Scheme shall be permanently maintained to an adoptable standard and retained and made available for public use or the lifetime of the development

- 15) Prior to the first use of the development evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the design of the development meets Secured by Design standards as far as practicable. The approved measures for each dwelling/plot shall be implemented in full prior to the first occupation of each dwelling/plot.
- 16) Notwithstanding details on the plans hereby approved prior to layout out of the pedestrian "school" link to the northeast boundary the precise location and detailed finish shall be submitted to and approved in writing by the Local Planning Authority.

The approved link shall be implemented in full within a timeline agreed pursuant to this condition and maintained for such purposes thereafter. The detail and timeline shall be submitted and approved prior to the occupation of the 50th dwelling.

- 17) Notwithstanding layout detail on other approved plans the layout and arrangement of Plot 33, together with the adjacent road and footpath arrangement, shall be strictly in accordance with the layout detailed on plan 9986-PL03e, submitted on 15.12.2022. All other matters, such as levels, shall accord with the plans hereby approved for this plot.