

**Appeal Ref: APP/Y1138/W/22/3313401 - Land at Hartnolls Farm, Tiverton: Proposed Planning Conditions**

| Proposed Conditions  | Appellant's Comments | LPA Comments                                       |
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| <b>LPA Proposed Conditions</b>   |                      |  |
| <p><b>1. Reserved matters:</b><br/>                     Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the local planning authority before any development on the relevant phase begins and the development shall be carried out as approved.</p> <p>REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).</p> | Agree                | Standard Outline Condition                         |
| <p><b>2. Timings:</b><br/>                     The first application for approval of reserved matters shall be made to the Local Planning Authority no later than 3 years from the date of this permission.</p> <p>REASON: Required to be imposed pursuant to Section 91 and 92 of the Town and Country Planning Act 1990 amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>  | Agree                | Standard Time Limit Condition                      |
| <p><b>3. Timings:</b><br/>                     Development of each phase shall be begun before the expiry of 2 years from the date of approval of the final reserved matters for that phase.</p> <p>REASON: To comply with s92 of the Town and Country Planning Act 1990 amended by Section 51 of the Planning and Compulsory Purchase Act 2004</p>  | Agree                | Standard time limit adapted for phased development |

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| <p><b>4. Phasing Plan:</b><br/> As part of the first application for the approval of reserved matters, a detailed Phasing Strategy <u>consistent with the provisions of condition 21</u>, covering the whole site, shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall specify the proposed timing for the delivery of the areas of public open space/green infrastructure, including all roads and pedestrian and cycle routes on each phase, as well as the construction programme for the housing (including self or custom build housing) and other built elements of the development, and illustrate how these would be delivered. The development shall be implemented in accordance with the approved details, unless superseded by a subsequent strategy approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure the development is carried out in appropriate phases and to ensure the promotion of sustainable modes of transport and the delivery of a mixed use development.</p> | <p>Agree</p> |  |
| <p><b>5. Design Code – residential development and open space:</b><br/> Prior to the submission of any reserved matters application in relation to any phase of residential development or open space a Masterplan and Design Code for those parts of the site shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall be formulated broadly in accordance with the Illustrative Masterplan Dwg no. DE_425_SK11 REV D and shall include the following details:</p> <p>(a)The identification of “key character generators” that are drawn from distinctive character of the local area such as settlement form, building materials and details. This could include other site features, existing landscape or emerging elements of the masterplan. This may be presented as a character analysis and precedent studies;</p>   | <p>Agree</p> |  |

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| <p>(b) Character areas plan and set of principles for each area within the neighbourhood which may be based on the submitted Design and Access Statement;</p> <p>(c) The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking including connection into the existing pedestrian and cycleway routes. These details shall include and take account of design principles to be agreed with the local planning authority in respect of crossing points of bat commuting routes in relation to the road network;</p> <p>(d) The proposed layout use and function of all open space within the development;</p> <p>(e) The approach to and design principles applied to car parking (on street and offstreet);</p> <p>(f) Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings, key frontages and key groups;</p> <p>(g) The design approach for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment;</p> <p>(h) Servicing, including utilities, design for the storage and collection of waste and recyclable materials;</p> <p>(i) External materials, to include a palette of wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods;</p> <p>(j) The design principles that will be applied to the development to encourage security and community safety;</p> |  |  |
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**Commented [DS1]:** I have checked the Ecological Assessment (dated 19/11/20, paragraph 5.15) and, consistent with my answer, the only reference in that report is to the use of existing hedgerows by common species of bat i.e. there is no identified bat commuting route for rare species. Accordingly I think the matter is a hedgerow retention point as part of agreeing details of landscaping and layout and no particular express provision is required. The highlighted words could be deleted?

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| <p>(k) The design principles for the incorporation of a Sustainable Urban Drainage System (SUDS) throughout the development; and,</p> <p>REASON: This is an outline planning permission which will be developed in multiple phases. Compliance with the approved parameters and design guide is required to deliver a coherent approved vision, in accordance with design guidance as detailed in National Planning Guidance.</p>  |              |  |
| <p><b>6. Design Code – Employment Land:</b><br/> Prior to the submission of any reserved matters application in relation to any phase of Employment Land development, a Masterplan and Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall be formulated broadly in accordance with the submitted Design and Access Statement, Illustrative Masterplan Dwg no. DE_425_SK11 REV D and shall include the following details:</p> <p>(a) The identification of “key character generators” that are drawn from distinctive character of the local area such as building materials and details. This could include other site features, existing landscape or emerging elements of the masterplan. This may be presented as a character analysis and precedent studies;</p> <p>(b) The proposed movement network delineating the streets and pedestrian and cycleway connections, setting out the approach to the treatment of non-vehicular routes and car and cycle parking including connection into the existing pedestrian and cycleway routes. These details shall include and take account of design principles to be agreed with the local planning authority in respect of crossing points of bat commuting routes in relation to the road network;</p> | <p>Agree</p> |  |

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| <p>(c) The proposed layout use and function of all open space within the development;</p> <p>(d) The approach to and design principles applied to car parking (on street and offstreet);</p> <p>(e) Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings, key frontages and key groups;</p> <p>(f) The design approach for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture;</p> <p>(g) Servicing, including utilities, design for the storage and collection of waste and recyclable materials;</p> <p>(h) External materials, to include a palette of wall and roof finishes, windows, doors and rainwater goods;</p> <p>(i) The design principles that will be applied to the development to encourage security and community safety;</p> <p>(j) The design principles for the incorporation of a Sustainable Urban Drainage System (SUDS) throughout the development.</p> <p>REASON: This is an outline planning permission which will be developed in multiple phases. Compliance with the approved parameters and design guide is required to deliver a coherent approved vision, in accordance with design guidance as detailed in National Planning Guidance.</p> |              |  |
| <p><b>7. Carbon reduction – energy, waste and water</b></p> <p>Details of carbon reduction measures, EV charging points and secure cycle storage shall be submitted with each reserved matters application " the Carbon Reduction Plan" that includes buildings. The development shall proceed and be retained in accordance with the approved details.</p> <p>REASON: In the interests of reducing carbon emissions</p>  | <p>Agree</p> |  |

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| <p><b>8. Archaeology</b><br/> No development shall take place on a phase of the development until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) for that phase which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure, in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development</p> | <p>See ASoCG on this matter</p> |  |
| <p><b>9. Accordance with PEA and BNG report</b><br/> The development shall be carried out in accordance with the preliminary ecological report (Engain, 19th November 2020) and the Biodiversity Net Gain Report (Engain, February 17th 2023).</p> <p>REASON: In the interests of ecology and BNG</p>  | <p>Agree</p>                    |  |
| <p><b>10. Construction Environmental Management Plan – Biodiversity.</b><br/> No development shall take place on any phase of the development until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority for that phase.<br/> The CEMP shall accord with the specification in BS42020: Biodiversity and subsequent applications and shall include the following:</p>  | <p>Agree</p>                    |  |

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| <p>a) Risk assessment of potentially damaging construction activities;</p> <p>b) Identification of biodiversity protection zones;</p> <p>c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs;</p> <p>e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken;</p> <p>f) Responsible persons and lines of communication; and,</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.</p> <p>The CEMP shall follow the bat mitigation measures and management requirements as set out within the supporting documents submitted at outline stage.</p> <p>REASON: for the protection and enhancement of biodiversity including legally protected species.</p> |              |  |
| <p><b>11. SuDS - Biodiversity</b></p> <p>Prior to or as part of the reserved matters a detailed Sustainable Drainage Scheme (SuDS) specifically detailing biodiversity shall be submitted to and approved in writing by the Local Planning Authority which includes a long-term monitoring and maintenance strategy for both during and post construction (water quality and management regime); a timetable of monitoring; details of the options for contingency action should the monitoring indicate inadequate quality of the water leaving the SuDS system and entering the SSSI; any necessary contingency measures.</p>  | <p>Agree</p> |  |

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| <p>On completion of the monitoring specified in the approved plan a final report demonstrating that any/all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of biodiversity and the nearby SSSI.</p>   |              |  |
| <p><b>12. Landscape and Ecological Management Plan (LEMP)</b></p> <p>No development shall take place on any phase of the development until a Landscape and Ecology Implementation and Management Plan (LEMP) for that phase has been submitted to and approved in writing by the local planning authority. The LEMP shall include a timetable for implementation of the landscaping and ecology work and details of the management regime. The LEMP shall be implemented in accordance with the approved details.</p> <p>REASON: for the protection and enhancement of biodiversity including legally protected species</p>   | <p>Agree</p> |  |
| <p><del><b>13. Submission of Scheme, Implementation, Verification, Reporting Unexpected Contamination.</b></del></p> <p><del>Unless otherwise agreed by the local planning authority, development on any phase of the development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with in respect of that phase of the development. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until section 4 of this condition has been complied with in relation to that contamination.</del></p> | <p>Agree</p> |  |



**~~Section 1. Site Characterisation~~**

~~An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.~~

~~The written report is subject to the approval in writing of the local planning authority.~~

~~The report of the findings must include:~~

~~(i) a survey of the extent, scale and nature of contamination;~~

~~(ii) an assessment of the potential risks to:~~

~~~ human health~~

~~~ property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes~~

~~~ adjoining land~~

~~~ groundwaters and surface waters~~

~~~ ecological systems~~

~~~ archaeological sites and ancient monuments;~~

~~(iii) an appraisal of remedial options, and proposal of the preferred option(s).~~

~~This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.~~

**~~Section 2. Submission of Remediation Scheme~~**

~~A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and is subject to the approval in writing of the local planning authority.~~

~~The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.~~

~~**Section 3. Implementation of Approved Remediation Scheme**~~

~~The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any phase of the development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.~~

~~**Section 4. Reporting of Unexpected Contamination** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with section 3.~~

~~REASON: In the interests of pollution control.~~

**14. 13. Construction Environmental Management Plan – CEMP: Construction.**

Agree

No development shall take place on any phase of the development until a Construction Environment Management Plan (CEMP) regarding the prevention of disturbance/nuisance caused by noise, vibration and dust to sensitive properties has been submitted to and approved in writing by the local planning authority for that phase.

The approved CEMP shall be implemented on approval and complied with at all times.

The CEMP may be reviewed and updated subject to approval by the Local Planning Authority. The document should note the anticipated sources of noise, vibration and dust and the respective control measures that will be implemented to minimise any impact on nearby residents. The document should include, but not be limited to, the following:

- The identification of particularly intrusive construction practices i.e. piling and the subsequent control measures that will be implemented;
- The type of plant to be used;
- The arrangements for movement and storage of construction materials and waste;
- An overview of the phasing of operations and the expected timescales for each aspect of construction;
- The layout of the site (including the location of any material stores, generators, pumps, silos, site office, staff car parks, etc);
- Details of an appropriate site layout and system of work to prevent, as far as reasonably practicable, reduce the need for vehicles to reverse and emit a warning noise;
- The arrangements to be implemented for effective communication with the local community regarding forthcoming, potentially intrusive, works; and,

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| <ul style="list-style-type: none"><li>· The methodology to be followed in respect to the proposed noise monitoring regime. The document should identify the monitoring locations, the frequency of monitoring, the recording requirements, relevant trigger levels and the remedial action that would be taken should the trigger levels be exceeded.</li></ul> <p>The document should make particular reference to any works that are to be carried out in areas closest to the existing residential noise sensitive properties.</p> <p>In general the following would be expected:</p> <ul style="list-style-type: none"><li>· The location of static noise sources including generators/pumps etc. should be sited away from noise sensitive premises;</li><li>· Solid full height fencing at any boundaries between the site and neighbouring properties, businesses and residential homes;</li><li>· Boundary and on-site noise, dust (distinct from PM10/2.5) and where appropriate, vibration levels should be monitored regularly. The schemes and methods of measurement should be agreed prior to commencement of site works. In respect to this noise and vibration impact may be assessed with reference to British Standard BS5288 (Code of practice for noise and vibration control on construction and open sites) and BS 6472 (Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting);</li><li>· The plant and techniques to be employed on that site should be reviewed to ensure that they are the least intrusive available for the required purpose. In respect to this regard should be had to BS5288 (Code of practice for noise and vibration control on construction and open sites);</li></ul> <p>During the construction phase the hours of operation should be strictly limited to:</p> <ul style="list-style-type: none"><li>· 08:00 to 18:00 Monday to Friday</li><li>· 08:00 to 13:00 Saturday</li><li>· At no time on Sundays and Bank Holidays</li></ul> |  |  |
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| <p>If generators or pumps required operating outside of these hours, the site boundary sound level should be 5db below the background at that time. This work should be programmed, the LPA and the neighbouring properties need to be informed of this prior to work taking place. Boundary and on-site noise levels should be monitored regularly. A method of noise measurement should be agreed prior to commencement of site works. This site is in a noise-sensitive area, the plant and activities to be employed on that site should be reviewed to ensure that they are the quietest available for the required purpose.</p> <p>REASON: In the interests of public protection.</p> |       |  |
| <p><b>15.14. Noise mitigation</b><br/>The recommendations for noise mitigation included in Chapter 12 of the Environmental Statement submitted by PCL Planning dated October 2022 shall be implemented prior to first occupation of the dwellings and maintained throughout the life of the site.</p> <p>REASON: to protect the amenity of future occupiers from excessive noise.</p>   | Agree |  |
| <p><b>16.15. Plant, air conditioning and ventilation equipment</b> Any reserved matters application that requires plant, air conditioning or ventilation equipment shall provide full details of the measures and equipment proposed. The development shall thereafter be carried out in accordance with the approved details.</p> <p>REASON: In the interests of noise and odour management.</p>   | Agree |  |

**17.16. Surface water drainage**

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Level 2 Flood Risk Assessment & Sustainable Urban Drainage Strategy, Land At Hartnoll farm, Halberton, Tiverton, 529/FRA2 v2 23.06.21

(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system including ecological management plan.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Agree

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| <p><b>18.17. Highway infrastructure</b></p> <p>The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.</p> <p>REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.</p> | <p>Agree</p> |  |
| <p><b>19.18. Off-Site Highway Works</b></p> <p>No development shall take place on site until the off-site highway works as shown on drawing no. 48582/5501/SK02 Rev H have been constructed and made available for use.</p> <p>REASON: To minimise the impact of the development on the highway network.</p>   | <p>Agree</p> |  |
| <p><b>20.19. Tiverton Town Centre</b></p> <p>The employment use hereby approved shall be limited to a maximum of 500sqm of retail, leisure and office floorspace.</p> <p>REASON: In the interests of the viability and vitality of Tiverton Town Centre.</p>   | <p>Agree</p> |  |

| <b>Appellant Proposed Conditions</b>  |  |  |
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| <p><b>21.20.</b> CHP Connection</p> <p>(a) No development shall take place within the business park extension nor shall the 100<sup>th</sup> dwelling be occupied until pipework to facilitate a CHP connection from the Red Linhay Farm anaerobic digester to the boundary of the land forming the business park extension has been installed ready for use</p> <p>(b) Not to occupy any individual building within the business park extension until such building is connected to any capable of receiving CHP from the CHP connection</p> <p>Reason<br/>In order to ensure that the new business premises are able to receive a heat and power supply from the existing Red Linhay Farm AD.</p> |  | Agree  |
| <p><b>22.21.</b> Link Road Provision</p> <p>Details of layout submitted pursuant to condition 1 of this permission shall include details of the proposed road connection between the approved point of access shown on drawing (ref 48582/5501/sk02 H) and Manley Lane (in broad accordance the alignment shown on drawing no (ref DE425, Rev D). No dwellings shall be occupied until the road connection to Manley Lane is completed in accordance with those approved details.</p> <p>Reason<br/>In order to ensure that a road connection between Post Hill and Manley Lane is provided.</p>  |  | Not required by the LPA. Inclusion depends on whether the Inspector determines that the link road is necessary |