



Appeal Decision

Site visit made on 5 November 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025.

Appeal Ref: APP/X1165/W/25/3368343

Land off St Mary's Road, St Mary's Road, Brixham TQ5 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Westcountry Land Enterprises (South West) Ltd against the decision of Torbay Council.
 - The application Ref is P/2023/0553.
 - The development proposed is Detailed Application for the Demolition of Existing Industrial Buildings and Erection of 28 Residential Dwellings (22 Open Market and 6 Affordable) together with Access, Estate Roads, Landscaping and Associated Infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for Detailed Application for the Demolition of Existing Industrial Buildings and Erection of 28 Residential Dwellings (22 Open Market and 6 Affordable) together with Access, Estate Roads, Landscaping and Associated Infrastructure at Land off St Mary's Road, St Mary's Road, Brixham TQ5 9QH in accordance with the terms of the application, Ref P/2023/0553, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs has been made by Westcountry Land Enterprises (South West) Ltd against Torbay Council. This application is the subject of a separate decision.

Preliminary Matters

3. Planning Practice Guidance (PPG) provides advice on validity requirements for applications and states that the application site should be edged clearly with a red line on the location plan. PPG also states that applicants, when providing an ownership certificate must confirm that an appropriate notice has been served on any other owners of the land to which the application relates.
4. During the course of the appeal the Council raised concern with two small parcels of land in terms of whether the correct certificates were served. The appellant has acknowledged that this was an oversight and has since rectified the situation by serving the correct notices and I am therefore satisfied that if planning permission was granted on the basis of the submitted red line plan and land ownership certificate there would be no risk of unfairness and possible prejudice.

5. In light of the amended red line plan, the appellant has submitted revised plans¹ with the appeal. The revised plans have only changed to reflect the new red line plan and has not resulted in any significant changes to the proposed scheme's impact. The appellant has also amended the proposed plans and elevations for units 1-7² to reflect changes to affordable housing. Accordingly, I am satisfied that no one would be prejudiced were my decision to have had regard to the revised plans.
6. As part of the appeal, the appellant has submitted two planning obligations pursuant to s106 of the Town and Country Planning Act (as amended) in the form of a unilateral undertaking. The original obligation dated 30th June 2025 was superseded on the basis of suggestions from the Council, as a result a new planning obligation was submitted with a number of changes to the wording. As such, I have not had regard to the original obligation dated 30th June 2025 in my decision. Instead, I have only had regard to the more recent planning obligation dated 11th September 2025.

Main Issues

7. The main issues are the effect of the proposed development on:
 - the character and appearance of the area including whether it would conserve and enhance the landscape and scenic beauty of the South Devon National Landscape,
 - the significance of a non-designated heritage asset and whether its effect on the settings of nearby Grade II listed buildings would harm their significance,
 - the living conditions of the occupiers of Nos 2 and 4 Springdale Close with regard to outlook,
 - the integrity of the South Hams SAC Sustenance Zone and South Hams SAC Berry Head Recreation Zone, and
 - whether the proposed development would secure adequate affordable housing provision.

Reasons

Character and appearance

8. The appeal site relates to two large parcels of brownfield land which contain several buildings within the two parcels of land which are separated by St Mary's Road. The appeal site contains a mixture of one, two and three storey period stone and render industrial buildings, with large areas of hardstanding and various additions to the buildings which have been added over time.

¹ 172-001A - Site Location and Block Plan, 172-002A - Existing Site Plan, 172-003K - Proposed Site Layout Plan and 172-012C - Proposed Highway Adoption Plan

² 172-020C - Units 1-7 Proposed Plans and 172-021C - Units 1-7 Proposed Elevations

9. Part of the appeal site is located within the South Devon National Landscape (the National Landscape). Paragraph 187 of the National Planning Policy Framework (the Framework) seeks to ensure that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 189 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes.
10. Policy SS8 of the Torbay Local Plan A landscape for success The Plan for Torbay: 2012 to 2030 (LP) outlines that the conservation of the landscape and scenic beauty, biodiversity and geodiversity of the National Landscape will be given great weight and afforded the highest status of protection.
11. The appeal site forms part of the entrance to the National Landscape, and the large, traditional stone buildings and industrial appearance stands out in the context of the sub-urban character of the surrounding area. The South Devon Area of Outstanding Natural Beauty Management Plan 2019 – 2024 identifies the special qualities of the National Landscape which include a landscape with a rich time depth and a wealth of historic features and cultural associations which the appeal site makes a positive contribution to.
12. The Council describe the appeal site as forming a gateway to the National Landscape. The appeal sites historic and industrial appearance makes a notable visual change from the rural and open surrounding on one side and residential surrounding on the other side, and I therefore find that the appeal site does act as a gateway to the National Landscape.
13. The development proposed would be modern and industrial in design but proposes to use similar materials, including salvaged materials from the demolition of the existing buildings on the site. I am satisfied that this could be further controlled by a suitably worded planning condition. In this regard, I consider that the proposed materials and industrial appearance would respect the existing character of the appeal site, retaining the existing positive aspects of the appeal buildings through the use of salvaged materials and would retain a distinct character when compared to the surrounding area. I therefore consider that the proposed development would not be harmful to the gateway of the National Landscape.
14. The Council raise concern with the proposed heights of the building and in this regard, I note that the proposed buildings would be greater in height than those currently on site. However, the height differences are generally marginal and in the context of the existing character and appearance of the appeal site which generally stands out within the wider street scene through the size and quantum of buildings within the appeal site, I do not consider the increase in heights to be harmful. The proposed development would still act as a gateway, and the overall footprint would be decreased through the removal of the various small buildings and bolt on extensions that are currently located within the site.
15. Notwithstanding the above, the total removal of the buildings located on the site would mean that some of the rich time depth and historic features, that forms one of the special qualities of the National Landscape would be lost and the proposed development would be harmful in this regard.

16. I therefore conclude that the proposed development would harm the character and appearance of the area and would not conserve and enhance the landscape and scenic beauty of the National Landscape. The proposal would be contrary to Policies DE1, SS3, SS8, SS10, SDB1, SDB3 and H1 of the LP, Policies BH5 of the Brixham Peninsula Neighbourhood Plan Policy Document 2012-2030 Protecting the Green and the Marine – Ensuring the Future Adopted -June 2019 (NP), Policy LAN/P1 of the South Devon Area of Outstanding Natural Beauty Management Plan 2019 – 2024 and Paragraph 189 of the Framework. Amongst other things, these seek to ensure the conservation of the landscape and scenic beauty, biodiversity and geodiversity of the National Landscape and that new development contributes to the local character and distinctiveness of the area.

Heritage

17. The main parties are in dispute as to whether the appeal buildings would constitute a non-designated heritage asset.
18. In this regard, the buildings are constructed from traditional stone and have a part industrial and part agricultural appearance which appear to date back to the 18th century. The buildings generally reflect the stylistic influences of its period, with simple elevations and the use of traditional stone, with features such as stone boundary walls and agricultural buildings being present. The northern group of buildings have some retained architectural features such as segmental arches with voussoirs, keystones and stonework. The wider site also provides physical evidence of the historical and post-medieval uses as well as the evolution over time.
19. I therefore consider that, in accordance with the relevant advice in the PPG³, the appeal buildings have a degree of heritage significance meriting consideration in planning decisions such that they should be considered as a non-designated heritage asset.
20. The proposed development would result in the total demolition and therefore complete loss of the non-designated heritage asset. Consequently, the scale of harm to the asset would be substantial.
21. Nos 1, 2 and 3 St Mary's Road are Grade II listed and are a block of three houses. Their significance is derived from being some of the earliest surviving structures within the area, possibly 17th Century. Given the above, I find that the setting of each of these buildings, insofar as it relates to this appeal, to be primarily associated with their immediate roadside location which allows for more extensive views of the houses.
22. The proposed development would result in the total loss of the non-designated heritage asset and its replacement with modern dwellings. However, the development would utilise salvaged materials to maintain an element of the historic fabric of the existing buildings and would be of a scale appropriate to the site. The proposed development would also result in the removal of many of the unsympathetic aspects of the appeal site and tidy up the boundaries resulting in more open views towards Nos 1, 2 and 3, allowing their significance to be further appreciated, therefore preserving the setting of these listed buildings.

³ Paragraph 18a-039-20190723

23. I therefore conclude that as the setting of Nos 1, 2 and 3 would be preserved their significance would be unharmed, and there would be no conflict with Policy SS10 of the LP, Policy BE1 of the NP and Paragraphs 212, 213 and 214 of the Framework. Amongst other things, these seek to ensure that developments sustain and enhance buildings and other features which make an important contribution to Torbay's built and natural setting and heritage.
24. Notwithstanding the above, the total loss of the buildings within the appeal site would result in substantial harm to the non-designated heritage asset which I will consider further later in this decision.

Living conditions of neighbouring occupiers

25. Nos 4 and 6 Springdale Close are a pair of semi-detached bungalows and their frontages face towards the appeal site, and in particular where units 16-25 are proposed to be sited. Springdale Close is a sloping road and the bungalows are set below the existing buildings located on the appeal site.
26. Nos 4 and 6 already have views towards the existing buildings within the site and while I note the appellant considers this view is of dilapidated buildings, I find that the existing buildings within this area are predominantly unassuming. The key view is the overgrown boundary as well as the buildings stonework and corrugated roofs above this vegetation.
27. The proposed development within view of Nos 4 and 6 would be taller than the existing buildings, however, due to the separation distance from the road, footway and proposed gardens, the change would not be overbearing for the occupiers of these dwellings.
28. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of Nos 4 and 6 Springdale Close with regard to outlook. I find no conflict with Policy DE3 of the LP and Paragraph 135 of the Framework which amongst other things, seek to ensure that development does not unduly impact upon the amenity of neighbouring uses and create places with a high standard of amenity for existing users.

SACs

29. The appeal scheme proposes dwellings on a site that lies within the South Hams SAC Sustenance Zone and South Hams SAC Berry Head Recreation Zone.
30. The Conservation of Habitat and Species Regulations 2017 require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other projects, the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

31. The development site lies within the South Hams SAC Sustenance Zone for greater horseshoe bats (GHBs). The survey work found that there was no suitable habitat for foraging, and no linear commuting features present on site for the GHB. The site is dominated by hardstanding, and the surrounding area is predominantly urbanised. I am mindful of the comments received from the Council's Ecologist that the proposed development would not lead to the loss, damage, or disturbance to GHB foraging habitat within a sustenance zone. Nor would it lead to the loss, damage or disturbance to a pinch point or an existing mitigation feature. For these reasons, I am satisfied that the proposed development would not result in any likely significant effects on the South Hams SAC Sustenance Zone.
32. The South Hams SAC consists of a series of sites within Devon, which together comprise of approximately 130ha of designated sites. Policy NC1 of the LP requires that all development which creates recreational pressure upon the Annex I habitats (European dry heath, semi-natural grasslands and scrubland facies on calcareous substrates) at the Berry Head to Sharkham Point Component of the South Hams SAC must pay a contribution towards mitigating the impact of increased visitor pressure.
33. This approach has been developed and agreed with Natural England for the LP and concluded that as long as new developments provide the contributions to deliver the required mitigation measures, there will be no adverse effect upon the integrity of the European site as a result of increased recreational pressures impacting the Annex I habitats, and the conservation objectives would be sustained.
34. The appellant has provided a signed unilateral undertaking (UU) with the appeal which amongst other things, secures contributions towards mitigating the impact of increased visitor pressure in accordance with the Councils Planning Contributions and Affordable Housing Supplementary Planning Document December 2022 (Contributions SPD).
35. I am satisfied that the UU would enable the expedient delivery of mitigation sufficient to address the likely recreational effects of the development. I therefore find that, in light of this mitigation, the proposal would not result in an adverse effect on the integrity of the South Hams SAC. There is thus compliance with Policies NC1, SS7 and SS8 of the LP, Policy E8 of the NP and guidance contained within the Contributions SPD so far as these require that contributions will be secured towards mitigation measures.

Whether the proposed development would secure adequate affordable housing

36. The appellant has provided a signed UU with the appeal that secures six units for affordable housing. I am satisfied that the wording of the UU adequately secures affordable housing provision in accordance with guidance contained within the Contributions SPD.
37. I therefore conclude that the proposed development would secure adequate affordable housing, and I find no conflict with Policy H2 of the LP and guidance contained within the Contributions SPD which require that the provision of affordable housing is secured.

Other Matters

38. I note that some concern has been raised in regard to a parcel of land which sits behind Orchard House. The particular concerns relate to its intended use and future maintenance; however, the plans show this to be a landscaped area that will be enhanced with new tree planting. I am satisfied further details of this landscaping and future maintenance will be secured by appropriately worded conditions.
39. Concern has been raised on the impact of the proposed development on NHS services, however, there is little evidence to support this, and I am mindful that the appeal site is allocated for housing and as such demand on NHS services would have been taken into account at the time of allocation.
40. I note concern in relation to other local facilities, including schools which are claimed to be oversubscribed. While I have little information to demonstrate this, the appeal sites allocation would have taken these matters into account, and it would also be CIL liable with payments going towards amongst other things, education and infrastructure.
41. The Council have found that the proposed development would not harm highway safety, would provide adequate car parking spaces, would not harm the privacy of neighbouring occupiers and can be carried out without harming trees, and while I am mindful of the concerns raised by residents, I have no conclusive reasons to come to a different view from the Council.
42. I am also satisfied that any risks associated with potential contamination from asbestos within the buildings and previous mining activities can be adequately controlled through the use of suitably worded planning conditions.

Heritage and Planning Balance

43. I have found that the scale of harm as a result of the total loss of the non-designated heritage asset to be substantial. Furthermore, I have found harm to the National Landscape through the loss of rich time depth and historic features.
44. Paragraph 216 of the Framework states that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This balance will be referred to as the heritage balance.
45. A second balance (the planning balance) is found in section 38(6) of the Planning and Compulsory Purchase Act 2004, which says development should be in accordance with the development plan unless material considerations indicate otherwise.
46. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The Council is only able to demonstrate a 1.72 year supply which represents a substantial undersupply. The proposed development of 28 units would make a notable contribution to addressing this undersupply and is therefore a benefit that attracts significant weight. The proposal also includes the provision of affordable housing which I also attribute significant weight to.

47. The appeal site is allocated for housing through Policy BH3 of the NP along with reference to demolition of the buildings within the site. While the number of proposed houses exceeds the amount allocated, this is not significant and as such, it is clear that housing is considered to be acceptable on the appeal site. There is also no dispute that the appeal site is brownfield and therefore, both of these matters attract substantial weight in favour of the proposed scheme.
48. Notwithstanding the historic features outlined, while the larger of the buildings retain much of their historical character, many of the small buildings and later additions are generally unsympathetic and in a poor condition and the sites lack of use for some time has resulted in vandalism.
49. One of the Council's main concerns is that the appeal scheme is not heritage led and instead that the buildings would be demolished in their entirety to facilitate the proposed development. The evidence before me outlines the issues that are present for converting the existing buildings, including the presence of asbestos and the existing structural condition of the buildings presents numerous complications for retention and conversion. The Council does not seek to dispute this information. Any reuse for the buildings is therefore uncertain, meaning they could well remain in their current dilapidated state.
50. The proposed development has been designed to reflect the historical significance of the appeal site, and the proposed dwellings would use stonework that reflects that which was used in the existing buildings, with aspects of the design appearing industrial, maintaining the gateway that the appeal site provides.
51. Turning first to the heritage balance, taking a balanced judgement, demolishing the existing buildings and replacing it with the proposal would not result in any specific harm that would not be outweighed by the benefits of proposed development which include the provision of a notable contribution of housing. I therefore find no conflict with Policy SS10 of the Local Plan, Policy BE1 of the Neighbourhood Plan and the guidance contained within the Framework, namely Paragraphs 213, 214 and 215. Amongst other things, these seek to ensure that the impact on vistas and views of Torbay's historic features and areas which form part of the visual and tourist appeal of Torbay is not harmed.
52. Moving on to the planning balance, paragraph 11d) of the Framework states that where the policies which are most important for determining the proposal are out-of-date (including situations where the Local Planning Authority cannot demonstrate a necessary housing land supply) permission should be granted unless (i) the application of policies in the Framework provide a strong reason for refusing the development proposed or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
53. While I have identified harm to the National Landscape, the harm is limited to the loss of its historic time depth and while I attribute great weight to conserving and enhancing landscape and scenic beauty in National Landscapes, it would not provide a strong reason for refusing the proposed development. Paragraph 11d(i) of the Framework therefore does not apply.

- 54. I have already established that the development of 28 units would make a notable contribution to addressing the Council's substantial undersupply, which along with the provision of affordable housing attracts significant weight in favour of the proposed scheme. The sites allocation and use of brownfield land attracts further weight in favour of the development.
- 55. Consequently, when assessed against the Policies in the Framework when taken as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Conditions

- 56. Condition 1 is the standard condition that relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Conditions 3, 4, 5 and 6 require the submission and implementation of a Construction Method Statement, Landscape and Ecological Management Plan, Construction Ecological Environmental Management Plan and Construction Traffic Management Plan which are to ensure that construction works take place in an acceptable manner in order to protect the living conditions of neighbouring occupiers, highway safety and biodiversity.
- 57. Condition 7 is required in order to deal with the risks associated with contamination of the site including any remediation that may be required in order to minimise contamination risks to future users of the site and surrounding land. Condition 8 requires a repeat survey for badgers in order to ensure that wildlife is protected. Condition 9 requires a programme of historic building recording and analysis in order to record the historic value of the appeal buildings.
- 58. Condition 10 requires details of an energy strategy to ensure that the proposed development is constructed in a sustainable way. Condition 11 requires details showing the western boundary fence of the northern parcel of the site will not exceed a height of 600mm in the interests of highway safety. Condition 12 requires that the construction of the proposed development take place within 6 months of the demolition of the existing buildings in order to protect the character and appearance of the area.
- 59. Condition 13 and 14 require details of materials to be used within the proposed development to protect the character and appearance of the area. Condition 15 requires the outdoor amenity spaces to be implemented and maintained thereafter in order to ensure adequate living conditions for future occupiers. Condition 16 seeks to ensure that the drainage details and drainage strategy are implemented and maintained thereafter in the interests of managing flood risk and climate change. Condition 17 requires that the proposed development is designed to Secured by Design standards in order to reduce crime for future occupiers.
- 60. Condition 18 requires that the mitigation measures outlined within the ecology report are carried out in the interests of protected species. Conditions 19, 20 and 21 requires soft landscaping to be carried out in accordance with the submitted details, submission of hard landscaping details and boundary treatment in order to protect the character and appearance of the area and living conditions of neighbouring occupiers. Conditions 22, 23 and 24 require a Road Safety Audit to be submitted and approved, streets proposed for adoption and details of maintenance, should a S38 agreement not be made with the highway authority in the interests of highway safety.

61. Conditions 25 and 26 are required in order to ensure provision is made for refuse and recycling as well as a Waste Management Plan in order to ensure that future occupiers have adequate refuse and recycling facilities. Condition 27 and 28 are required in order to ensure that facilities for cycle storage and parking are available as well as sufficient parking provision for future occupiers in order to ensure alternative means of transport and in the interests of highway safety. Condition 29 prevents the installation of external lighting in order to protect bats.
62. I have not imposed a condition restricting vegetation clearance or demolition works during the bird nesting season, nor have I imposed a condition requiring a S278 agreement to be entered with the highway authority as these matters are covered by separate legislation and would therefore not meet the tests outlined in PPG. I have also not imposed a condition requiring electric vehicle charging points as this is a building regulation requirement.
63. It has not been demonstrated why permitted development rights should be removed for means of enclosure and in any case, such means of enclosure would be secured and controlled by other conditions. For these reasons, and the limited scope within the appeal site for further means of enclosure within the future, I have not found it exceptionally necessary to remove these permitted development rights.

Conclusion

64. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos:

172-001A – Site Location and Block Plan
172-003 K – Proposed Site Plan
172-005 B – Proposed Waste Management Plan
172-010 A – Proposed Street Elevations
172-011 C – Proposed Site Sections
172-012 C – Highway Adoption Plan
172-020 C – Units 1-7 – Proposed Plans
172-021 C – Units 1-7 – Proposed Elevations
172-022 B – Unit 08 – Proposed Plans
172-023 B – Unit 08 – Proposed Elevations
172-024 B – Unit 09 & 10 – Proposed Plans
172-025 B – Unit 09 & 10 – Proposed Elevations
172-026 B – Units 11, 12, 13 – Proposed Plans
172-027 B – Units 11, 12, 13 – Proposed Elevations
172-028 B – Units 14 & 15 – Proposed Plans
172-029 B – Units 14 & 15 – Proposed Elevations
172-030 D – Units 16-25 – Proposed Plans
172-031 B – Units 16-25 – Proposed Elevations
172-032 C – Units 25-28 – Proposed Plans
172-033 C – Units 26-28 – Proposed Elevations
172-034 A – Carport – Proposed Plans
172-035 A – Carport – Proposed Elevations
172-036 – Bike Store – Proposed Plan & Elevations

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - e) Wheel washing facilities.
 - f) Measures to control the emission of dust and dirt during construction.
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works, with priority given to reuse of building materials on site wherever practicable.
 - h) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - i) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - j) Procedures for maintaining good neighbour relations including complaint management.
 - k) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
4. No development shall take place, including any works of demolition or vegetation clearance works until a Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.
All post-construction site management shall be undertaken in accordance with the LEMP.

5. Prior to the commencement of development, a Construction Ecological Environmental Management Plan (CEEMP) concerning the site shall be submitted to and approved in writing by the Local Planning Authority. The CEEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities and identification of stages of works.
 - b) Identification of "biodiversity protection zones".
 - c) Details of working hours; Details of all plant and machinery to be used during site clearance and construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM); Details of temporary lighting used in construction of for security reasons.
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.
 - g) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - i) Use of protective fences, exclusion barriers and warning signs.
 - j) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

6. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan. The Construction Traffic Management Plan shall include details of:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k) Phasing Plan
7. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. Site investigation scheme, based on the information gained in the desk study to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and risk assessment (1) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification report on completion of the works set out in (2) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.
8. Prior to the commencement of development, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the Local Planning Authority.
9. Prior to the commencement of development, an appropriate programme of historic building recording and analysis shall have been secured and implemented in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

10. Prior to the commencement of development, details of an energy strategy relating to the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- How the building orientation has been designed to maximise solar gain
- Where large south facing glazing and external louvered shading are to be used
- How the layout of the units promotes natural ventilation
- How U values are to be achieved including materials involved
- The position and specification of PV and solar thermal panels
- The position of water butts / rainwater harvesting systems
- Explanation of how landscape shading and cooling has been considered and will be achieved
- How the development will allow for future connection to a district heating network

The development shall be carried out in accordance with the approved details and shall be retained thereafter.

11. Prior to the commencement of the development, a drawing shall be submitted to the Local Planning Authority demonstrating that the western boundary fence of the northern parcel of the site will not exceed a height of 600mm.

12. The construction works shall be commenced within 6 months of the demolition of the buildings (or such longer time where justification for the required timescales has been submitted to and agreed in writing with the Local Planning Authority).

13. Notwithstanding the approved plans, prior to installation of each element detailed below, the following detail shall be submitted to and approved in writing by the Local Planning Authority.

- i. Stone type and colour
- ii. Cladding type and colour
- iii. Details of any external decoration
- iv. Door and window frames details including materials, to a scale between 1:1 and 1:20
- v. Reveal depths
- vi. Window cill details - materials and colour
- vii. Details of all external rainwater goods
- viii. Details of the location and colour of all meter boxes
- ix. Details and location of any render joints
- x. Details of any fascias and/or bargeboards
- xi. Details of any external plant such as air source heat pumps etc.
- xii. Details for making good the boundary walls where sections are to be removed
- xiii. Details of the roofing slate, including a hard sample

Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

14. No development above damp proof course level shall take place until details of the proposed cladding materials (walls and roof) and openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development. All sections of new stone wall shall be constructed of natural stone laid on its natural bed and lime mortar. A sample panel shall be provided on site and agreed in writing by the Local Planning Authority prior to the construction of any new sections of wall.
15. The development hereby approved shall not be occupied or brought into use until the outdoor amenity spaces detailed on the plan referenced "Proposed Layout" (plan reference '172-003J (Site Plan)' received 27/09/2024) has been provided in full. These outdoor amenity spaces shall thereafter be maintained and retained for the use of the development's occupiers for the life of the development.
16. The development shall proceed in full accordance with the approved drainage details and drainage strategy and shall be fully implemented prior to the occupation of the development hereby approved. The drainage system shall then be maintained at all times thereafter to serve the development.
17. Prior to the first use of the development hereby approved, 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 shall be fully installed prior to the first use of the development and shall be permanently retained thereafter.
18. The development hereby approved shall be carried out in accordance with the mitigation measures, recommendations and enhancement measures set out in the approved ecology report '12264_R08a_RR', received 22/06/2023. The enhancement measures shall be implemented in full prior to the first use of the development. The approved enhancements shall thereafter be retained for the life of the development.
19. All 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 (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of a similar size and the same species. All hard landscaping works shall be permanently retained thereafter in accordance with the approved details.

20. Notwithstanding the approved plans, no occupation shall commence until the hard landscaping has been implemented in accordance with a scheme that has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a) Surfacing materials, including access roadways, drives, parking, turning, patios and paths
- b) Drainage details for any impermeable surfaces, including soakaway position, size, and specification, and
- c) A detailed programme of implementation.

All hard landscaping works shall be permanently retained thereafter in accordance with the approved details.

21. Notwithstanding the approved plans and details, prior to the first occupation of the development hereby approved, a scheme of boundary treatment shall be fully installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, the approved boundary treatment shall be maintained and retained for the life of the development.

22. Prior to the first use of the development hereby approved, a Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority, detailing the proposed measures for ensuring pedestrian and other road-user safety along the public highway around the site. The approved measures shall be implemented in full prior to the first use of the development.

23. 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.

24. Unless 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.
- h) The ongoing maintenance and management of street lighting and surface water drainage systems.
- i) An action plan which specifically covers road maintenance and management of access where potholes or subsidence arise.

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
- j) 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.

25. Notwithstanding the approved plans, prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.
26. Prior to the first occupation of the development a Waste Management Plan for the building, setting out recycling and waste collections methods which follow the waste hierarchy to ensure locally established recycling targets at the that time are met, together with measures to review and respond to evolving targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved Waste Management Plan shall be implemented prior to the first occupation of the building and maintained at all times thereafter as a working document and strategy for the lifetime of the development.
27. Notwithstanding the approved plans and details, prior to the first occupation of the development hereby permitted details of the proposed bicycle storage facilities for the dwellinghouses and flatted developments [2no. bicycle spaces per dwellinghouse and 1no. per flat] shall be submitted and agreed in writing by the Local Planning Authority. The bicycle storage facilities shall be provided in accordance with the approved details prior to first occupation and maintained and retained as such for the lifetime of the development.
28. The development hereby approved shall not be occupied or brought into use until the parking spaces and manoeuvring area detailed on the plan reference "Proposed Layout" (plan reference '172-003J (Site Plan)' received 27/09/2024) have been provided. These elements shall thereafter be retained for the use of the associated residential units for the life of the development.
29. No external lighting shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained operated in accordance with the approved details.