

DEVELOPMENT MANAGEMENT

APPEALS LIST 25TH JULY 2024

APPLICATION NUMBER & SITE ADDRESS	APPEAL REFERENCE & STATUS	OFFICER & PROCEDURE
DM/0046/22/TPO 24 Park Avenue Grimsby North East Lincolnshire DN32 0DQ	AP/020/22 INPROG	Paul Chaplin Fast Track
DM/0815/22/REM Land Field Head Road Laceby North East Lincolnshire DN37 7SS	AP/005/24 INPROG	Lauren Birkwood Informal Hearing
DM/0470/23/OUT Land Field Head Road Laceby North East Lincolnshire DN37 7SS	AP/006/24 INPROG	Lauren Birkwood Informal Hearing
DM/1070/22/OUT 3 Kingsfield Farm Main Road Barnoldby Le Beck North East Lincolnshire DN37 0SB	AP/007/24 INPROG	Bethany Loring Written Representation
DM/1011/23/FUL 162 Yarborough Road Grimsby North East Lincolnshire DN34 4DN	AP/009/24 INPROG	Owen Toop Written Representation

DM/1144/23/FUL	AP/010/24	Bethany Loring
Land South Of Anita Grove Waltham North East Lincolnshire	INPROG	Written Representation



Appeal Decisions

Hearing held on 5 June 2024

Site visit made on 5 June 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal A Ref: APP/B2002/W/24/3338917

Land at Field Head Road, Laceby, Lincolnshire DN37 7SS

Easting (x) 520877 Northing (y) 406383

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Bannister - Land Developers (Lincs) Ltd & Keigar Homes Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0470/23/OUT.
 - The application sought outline planning permission for '152 dwellings with means of access to be considered, including an emergency vehicular access onto Charles Avenue' without complying with a condition attached to outline planning permission Ref DM/1133/17/OUT, dated 5 August 2019.
 - The condition in dispute is No 5 which states: 'As detailed in the Odour Assessment (ADAS Ref: CEN4105 dated August 2016) a 30m buffer zone shall be created from the northern boundary into the site where no dwellings or gardens shall be located'.
 - The reason given for the condition is: 'In the interests of residential amenity in accordance with Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)'.
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Appeal B Ref: APP/B2002/W/24/3338934

Land at Field Head Road, Laceby, Lincolnshire DN37 7SS

Easting (x) 520877 Northing (y) 406383

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Bannister - Land Developers (Lincs) Ltd against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0815/22/REM.
 - The application sought 'Variation of Condition 1 (Approved Plans) to amend the layout and house types for plots 19 to 29, remove northern buffer zone and removal of Condition 9 (Air Quality Report)' attached to the reserved matters approval Ref DM/0692/22/REM, dated 31 March 2023.
 - The conditions in dispute are Nos 1 and 9 which state that: No 1 'The development shall be carried out in accordance with the following plans...' which are listed on the decision notice Ref DM/0692/22/REM.
No 9 'The development shall be carried out in full accordance with the Air Quality Assessment and Mitigation Report by Redmore Environmental ref:4943R1'.
 - The reasons given for the conditions are: No1 'For the avoidance of doubt and in the interests of proper planning'; No 9 'In the interests of sustainability in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)'.
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Decisions

1. Appeals **A** and **B** are allowed and planning permission is granted for 152 dwellings with means of access, including an emergency vehicular access onto Charles Avenue at Land at Field Head Road, Laceby, DN37 7SS in accordance with the terms of the applications, Refs DM/0470/23/OUT and DM/0815/22/REM, subject to the conditions in the attached schedule.

Procedural Matters

2. As set out above, there are two appeals on the site. The planning history of the site is relevant to the consideration of both proposals, and the matters under consideration are inextricably linked given that they relate to conditions on an outline planning permission and a subsequent reserved matters approval. Therefore, to avoid duplication I have dealt with appeals **A** and **B** together.
3. I explained at the hearing that if an appeal is allowed following an application under s73 of the Act, a new planning permission is created and the original permission remains extant and unaltered. I explained that if I was minded to allow both appeals **A** and **B**, given that they are interrelated, the logical approach would be to create a composite planning permission which takes into account all the requirements of the existing outline and reserved matters permissions. My decision and attached conditions reflect this approach.
4. It was confirmed by the main parties at the hearing that the Air Quality Assessment and Mitigation Report by Redmore Environmental ref:4943R1 does not relate to matters concerning the relationship between the appeal site and Hazeldene Farm. I have seen that it in fact relates to potential emissions associated with the construction and operation of the residential development on the appeals site. The appellant confirmed at the hearing that they are happy to meet the requirements of the mitigation scheme within this report. In the circumstances, Condition 9 under appeal **B** is no longer sought for removal and its reimposition is addressed under the conditions section below.

Background and Main Issue

5. The outline planning permission subject of appeal **A** granted planning permission for a development of 152 dwellings with means of access, including an emergency vehicular access onto Charles Avenue. The conditions on that permission included a requirement for a '30 metre buffer zone to be created from the northern boundary into the site where no dwellings or gardens shall be located' on the basis that this was required for air quality reasons for occupiers of the development having regard to the proximity of the development to Hazeldene Farm. Condition 1 of a subsequent reserved matters application, subject of Appeal **B**, included the approved layout drawings which showed the precise details of the buffer zone.
6. Taken together, the appeal proposals seek to remove the requirement for a buffer zone and for alterations to the layout, dwelling types and associated gardens at plots 19 – 29 within the development. Having regard to the

reason given for the buffer zone requirement on the outline planning permission, the main issue is:

- whether Condition No 5 of Appeal **A** and Condition No 1 of Appeal **B** are necessary to provide for acceptable living conditions for future occupiers of the development, with particular regard to air quality.

Reasons

7. As a result of the proposals under Appeals **A** and **B**, the rear elevations of the dwellings at plots 19 - 29 would sit closer to the development site's northern boundary with Hazeldene Farm. Furthermore, the rear boundary of the formal garden areas serving these plots would sit 10 metres (m) from the boundary with Hazeldene Farm as opposed to the 30m separation distance indicated on the previously approved layout drawings.
8. Condition 1 of the outline planning permission subject of Appeal **A** suggests that a 30m buffer zone had been detailed in the Odour Assessment (ADAS Ref: CEN4105 dated August 2016) (2016 Odour Assessment). The 2016 Odour Assessment considered two scenarios. The first scenario considered the odour effects associated with 150 pigs, which from what I heard at the hearing remains comparable to the existing situation at Hazeldene Farm. The second scenario was based on the modelled effects of 400 pigs if the farm were to operate at its maximum capacity. The maximum capacity of the farm has not been disputed by the Council or third-parties.
9. The highest predicted effects along the northern boundary identified in the 2016 Odour Assessment were 2.1 ouE/m³ (odour units) in the second worst-case scenario. At that time this effect was identified as being of 'moderate adverse significance'. At the hearing, the appellant's air quality consultant noted that this fell below 3 odour units which I was advised is usually the threshold for acceptable impacts. Furthermore, the odour contour map at Figure 5 of the 2016 Odour Assessment shows that even in the 400 pig scenario the modelled 3 odour units contour does not extend as far as the boundary with the appeal site.
10. The 2016 Odour Assessment confirmed that whilst there were no significant reasons why development could not be extended to the northern boundary, 'a narrow undeveloped buffer strip of approximately 10 to 30m would ensure that impact would be further mitigated and that impacts would then be negligible across the entire site'. This indicates that the buffer on the extant scheme was precautionary rather than a scientifically proven requirement that would be necessary to reduce odour units to within acceptable levels. Furthermore, no evidence has been advanced to demonstrate that planting within a buffer would reduce or disperse any odour.
11. At the hearing, I heard that the Institute of Air Quality Management (IAQM) guidance has since been updated in 2018. The appellant's air quality consultant explained that this downgraded the modelled effects in respect of pig and farm smells to within a 'moderately offensive' category. This was not disputed by the Council. The appellant's Review and Update of Odour Assessment (ADAS Ref: 444638 dated February 2022) (2022 Odour Assessment) applies the IAQM odour effects for 'Moderately Offensive Odours' to the previously modelled effects. In the first scenario, negligible

odour effects are now identified at all the receptor locations within the appeal site.

12. In the second scenario, applying the 2018 IAQM guidance, the significance of odour emissions within the appeal site are identified as negligible effects at all but 2 of the modelled receptor points on the appeal site. In those 2 cases 'slight adverse effects' are predicted. This is reduced from the 'moderate adverse' effects at those receptor points identified in the 2016 Odour Assessment. Given that the predicted effects are lower still on the basis of the updated IAQM guidance, this indicates that there is now even less justification for a 30m buffer strip.
13. In addition, the 2022 Odour Assessment includes three further 'Field Odour Sniff Surveys' carried out in December 2021 and January 2022 where negligible odour effects were observed. Concern was raised by those representing Hazelford Farm that the sniff tests were not conducted in the summer when manure is applied to the fields. I also heard that when the odour reports were undertaken, the fields were used for producing wheat and manure was ploughed in. However, I was advised that the fields are now grassed for use in silage and that manure is applied on top of the grass, including close to the boundary of the site subject of the appeals. The point was also made that manure also attracts flies.
14. The timing of the sniff surveys within the Odour Assessments would have been influenced by when they were commissioned. At the hearing, the appellants accepted that levels of odour tend to be higher during summer months and therefore outside the times when the sniff surveys were undertaken. However, I understand that the IAQM guidance suggests that more than one method of assessment is employed. In that regard, I was advised that the odour dispersion modelling in the Odour Assessments factors in conditions around the year including the summer. Furthermore, wind conditions are also factored in and my attention was drawn to the 'wind rose' in the 2016 report which identifies that there is a prevalence of south westerly winds in the immediate vicinity of the site. On that basis, the prevailing winds would more likely blow odours away from the development boundary.
15. Moreover, I heard nothing to suggest that manure is applied to the fields on more than an occasional basis in any calendar year. As the appellant pointed out, the size of the field also means that the spreading of the manure is unlikely to be a lengthy process and any odour associated with it would likely diminish within a day or two. Such processes could already take place in respect of the extant planning permission and as the Council acknowledged, there would not be a substantial difference in terms of the position of the houses on plots 19 – 29 on the revised layout when compared with the current permission.
16. Anecdotal evidence has been put to me in respect of odour from the farm being experienced from existing nearby residential properties. In this regard, I note that one of the receptor points in the Odour Assessments at St Peters Grove modelled higher odour concentrations than those modelled within the site subject of the appeals. Whether or not occupiers of existing properties would be more accepting of odour associated with the farm given established relationships is unclear. However, the evidence before me

suggests that the Council has not received any complaints in respect of odour emanating from the farm. The owners of Hazeldene Farm also confirmed at the hearing that they pride themselves on seeking to avoid complaints and that they take weather conditions into account when carrying out farming processes. I find no reason to doubt that this would continue to be the case. Therefore, there is no objective evidence to suggest that the development would lead to an increase in complaints.

17. Given the above, requirements for prospective purchasers to be made aware of the existence of the farm, for an easement of odour so that no future occupiers would be able to bring action or complain under statutory nuisance procedures and/or provisions for the owners of Hazeldene Farm to pursue recompense for any financial impacts on their business would not be justifiable. It was also common ground at the hearing between the main parties that a condition or legal obligation with such provisions would be difficult to monitor and enforce.
18. I am mindful that Paragraph 193 of the Framework sets out that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant or 'agent of change' should be required to provide suitable mitigation before the development is completed.
19. The Council's Environmental Health Officer (EHO) accepted the methodologies employed in the Odour Assessments in their comments on the respective applications that led to these appeals. The Council acknowledged this at the hearing and suggested that their concerns were more based on a feeling that air quality for occupiers of plots 19 – 29 could be unacceptable. However, I find the detailed technical evidence before me persuasive in this instance, and this indicates that there would not be significant adverse effects on the living conditions of occupiers of the development. Therefore, having regard to the Framework, mitigation is not required.
20. I am aware that an appeal was dismissed in 2016¹ for residential development at the site and the Inspector in that instance also considered the relationship of the site with the neighbouring farm. However, the Inspector found that the risk assessment before them in that particular instance did not comply with IAQM guidance. There was also locational conflict with the development plan at that time. In that regard, the previous policy restriction relating to proposals for occupied buildings within 400m of Intensive Livestock Units (ILUs) no longer forms part of the development plan. Moreover, the site was subsequently allocated for housing and now benefits from an extant planning permission for its development. These factors all indicate that the material considerations are not the same as those before the Inspector in 2016.
21. I conclude, Condition No 5 of Appeal **A** and Condition No 1 of Appeal **B** are not necessary to provide for acceptable living conditions for future occupiers of the development, with particular regard to air quality. In that regard, the revised layout plans under Appeal **B** would comply with the requirements for all development proposals to have regard to the impact

¹ Appeal Ref APP/B2002/W/15/3081086

upon neighbouring land uses by reason of air quality in Policy 5 (Development boundaries) of the North East Lincolnshire Local Plan (2018).

22. For the reasons set out, the proposals would also comply with Paragraphs 135, 180 and 193 of the Framework which amongst other things require that developments create places with a high standard of amenity for existing and future users, that decisions prevent new development from being put at unacceptable risk from air pollution and that new development can be integrated effectively with existing businesses.
23. Therefore, condition No 5 of the outline planning permission² is not reasonable or necessary and can be removed. The plans approved under condition No 1 of the reserved matters³ can be varied to incorporate the proposed revisions to plots 19 – 29.

Other Matters

24. Having regard to my findings under the main issue, while the 10m buffer shown on the revised plans with Appeal **B** is not a necessity to ensure acceptable levels of air quality are experienced by occupiers of the development, it would nevertheless provide a planted screen between the farm and the development and an attractive living environment for occupiers of plots 19 – 29.
25. At the hearing, there was a discussion in respect of the level of certainty that could be provided that the integrity of such a planted strip would be ensured in the long term given the likelihood that individual occupiers may wish to manage their gardens differently. Subsequently, a suggested landscape management plan condition has been agreed between the main parties. The appellant has also agreed to alterations to this to ensure that this area is clearly delineated and maintained in perpetuity.
26. The appellant suggests that the amendments to the layout would allow for more generous frontages to the dwellings at plots 19 – 29 and these would incorporate tree planting and ditches. This has not been an influencing factor in my conclusions on the main issue. Even so, from a comparison of the plans this has the potential to have benefits for the character and appearance of the development as well as supporting the development's Sustainable Urban Drainage System. These are also factors which would contribute towards a high standard of amenity for future occupiers of the development.
27. During discussions at the hearing, the main parties agreed that there were no provisions within the planning obligations previously secured on the site to capture a new planning permission in the event that I were to allow the appeals. Since the hearing, a fully executed 'Supplemental Agreement under Section 106A' dated 24 June 2024 (the Supplemental Agreement) has been provided. I am satisfied that this will ensure that the planning obligations previously secured for the wider development remain binding for the new planning permission granted through my decisions.
28. A third-party concern has been raised that, in the event that the appeals were to be allowed and the revised layout approved, there could be

² LPA Ref DM/1133/17/OUT

³ LPA Ref DM/0692/22/REM

subsequent applications seeking permission for additional dwellings. However, I have assessed the appeals on the basis of the proposals before me. Any subsequent proposals seeking to provide more dwellings would require planning permission and would be subject to the Council's separate consideration.

29. There is no suggestion within the reasons for the conditions referenced in Appeals **A** or **B** that the 'buffer' was required for noise or flood mitigation reasons or that it was required in the interests of addressing climate change, wildlife, bio-diversity, green space or public rights of way matters. There is also no detailed evidence before me to suggest the revised proposals would have any harmful effects in respect of such matters.

Conditions

30. As the development has commenced and the existing planning permission is extant, a condition setting a timescale for implementation would not be reasonable or necessary in this instance. The main parties confirmed at the hearing that the suggested approved drawings condition covered all the relevant plans both in terms of the extant permission and the new plans relating to the varied scheme before me. This condition is included in the interests of certainty. The suggested conditions requiring junction improvement works to be fully completed prior to the occupation of any dwelling and for any contamination found during development works to be addressed are necessary in the interests of highway safety and human health.
31. Materials to be used in the development and boundary treatments were previously approved under the reserved matters. I have therefore included the suggested conditions which confirm the materials and boundary treatments shall be those that were previously agreed and discharged by the Council. However, with regards to plots 19 – 29 which are subject of the appeals before me, I have amended the condition relating to construction materials as the previously approved materials plan related to the dwelling types specified on those plots at that time and so the materials for these plots will need clarifying. These conditions are required in order to ensure that the development has an acceptable appearance.
32. The conditions requiring the development to be built out in accordance with the previously approved surface and foul water drainage scheme and Ecological Enhancement Plan are necessary in order to ensure the development is suitably drained and incorporates biodiversity improvements. The conditions specifying the timescales for the emergency vehicular access onto Charles Avenue and the improvement works to the public right of way are reapplied in the interests of highway safety and public amenity. I have also attached the condition requiring the development to be built out in accordance with the Construction Management Plan that was previously discharged by the Council. This is necessary in the interests of protecting the local environment.
33. The suggested landscaping condition, produced collaboratively by the main parties, both retains provisions for the wider site and also sets out specific landscape requirements for plots 19 – 29. There was a suggestion at the hearing that the Supplemental Agreement might also include a clause relating to the retention of a planted buffer. While such a clause has not

been included in the Supplemental Agreement, I have amended the suggested condition to ensure that the 'Landscape Management Plan' includes provision of the fenced off planted buffer along the northern boundary of the site and that this be retained in perpetuity. The appellants have confirmed that they are agreeable to the revised wording of this condition and it is reasonable and necessary in order to provide for a high quality residential environment to the rear of Plots 19 – 29.

34. Finally, for the reasons set out under the other matters section of this decision, I have included the main parties suggested condition which reapplies Condition 9 referenced under appeal **B** and requires the development to be completed in accordance with the Air Quality Assessment and Mitigation Statement dated 29 September 2021.

Conclusion

35. For the reasons set out, appeals **A** and **B** are both allowed.

M Russell

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Garry Whall – Keigar Homes
Mr Paul Bedwell – Paul Bedwell Town Planning
Mr Steve Peirson – ADAS (Air quality consultant)

FOR THE LOCAL PLANNING AUTHORITY:

Martin Dixon - Planning Manager
Lauren Birkwood - Senior Town Planner
Councillor Steve Holland
Councillor Hayden Dawkins

INTERESTED PARTIES:

Mr John Starkey – Hazeldene Farm
Mr Tony Starkey – Hazeldene Farm
Mr John Stockton – Supporting Mr Starkey
Bridie Metcalf – Laceby Village Council

DOCUMENTS SUBMITTED AT THE HEARING:

Air Quality Assessment and Mitigation Statement (Redmore Environmental)
Ref.4943r1 (dated 29 September 2021)

DOCUMENTS SUBMITTED AFTER THE HEARING:

Schedule of agreed planning conditions (received 25 June 2024)

'Supplemental Agreement under Section 106A of the Town and Country Planning Act 1990' dated 24 June 2024

Schedule of Conditions

- 1) The development shall be carried out in accordance with the following plans:

Site Plans

RD4598-01 site location plan
RD4598-02 existing site plan
RD4598-03P proposed site plan
RD4598-03F proposed open space plan
RD4598-22C external works plan
RD4598-25B proposed emergency access plan
RD4598-26 proposed open space plan

Levels Plans

1115-2104-CIV-01-P1 proposed site levels 1/8
1115-2104-CIV-02-P1 proposed site levels 2/8
1115-2104-CIV-03-P1 proposed site levels 3/8
1115-2104-CIV-04-P1 proposed site levels 4/8
1115-2104-CIV-05-P1 proposed site levels 5/8
1115-2104-CIV-06-P1 proposed site levels 6/8
1115-2104-CIV-07-P1 proposed site levels 7/8
1115-2104-CIV-08-P1 proposed site levels 8/8

Land Developers: (Lincs) Ltd

RD4598-07A house type C
RD4598-23 house type M
RD4598-24 house type M handed
RD4598-21A garage details
RD4598-20 garage details
RD4598-04 house type A
RD4598-05 house type A handed
RD4598-06 house type B
RD4598-08 house type D
RD4598-09 house type D handed
RD4598-10 house type E
RD4598-11 house type E handed
RD4598-12 house type F
RD4598-13 house type F handed
RD4598-14 house type G
RD4598-15 house type G handed
RD4598-16 house type H
RD4598-17 house type J
RD4598-18 house type K
RD4598-19 house type L

Keigar Homes Ltd:

BU/AS/106 - Buckingham
TE.BA/AS/103 - Teal 3
TE.SR/OP/103 - Teal 3 opp
GA/FH/36 - garages

GA/FH/P6 - garages
KI/OP/19/106 - Kingston opp
AA/AS/18/103 - Ancholme 3
BU/OP/18/103 - Buckingham 3
BU/OP/18/106 - Buckingham 6
CA/AS/19/102 - Canterbury 2
CA/AS/19/106 - Canterbury 3
DU/AS/18/103 - Duchess 3
DU/OP/18/103 - Duchess 3 opp
DU/OP/18/106 - Duchess 6 opp
EA/AS/19/107 - Earl 6
EA/OP/19/107 - Earl 3 opp
GA/FH/2x51-2 - garages
GA/FH/2x51-3 - garages
GA/FH/30 - garages
GA/FH/62-63 - garages
HY/AS/18/103 - Haywood
HY/AS/19/102 - Haywood 2
HY/OP/19/102 - Haywood 2 opp
KI/AS/18/102 - Kingston 2
KI/AS/18/103 - Kingston 3
KI/AS/19/101 - Kingston 1
KI/AS/19/106 - Kingston 6
KI/AS/18/102 - Kingston 2 opp
KI/AS/18/103 - Kingston 3 opp
KI/AS/19/101 - Kingston 1 opp
MC/AS/19/101 - Malvern and Cleveland 1
MC/AS/19/102 - Malvern and Cleveland 2
MC/OP/19/101 - Malvern and Cleveland 1 opp
MCA/AS/18/101 - Malvern and Canterbury 1
MCA/AS/18/102 - Malvern and Canterbury 2
MCA/OP/18/101 - Malvern and Canterbury 1 opp
MCA/OP/18/102 - Malvern and Canterbury 2 opp
MCM/AS/12/101 - Malvern and Canterbury 1
TE.SR/AS/18/103 - Teal
TE.SR/OP/18/103 - Teal
TE.SR/OP/19/102 - Teal
W/AS/18/101 - Wordsworth 1
W/AS/18/102 - Wordsworth 2
W/OP/18/101 - Wordsworth 1 opp
W/OP/18/102 - Wordsworth 2 opp
W/OP/19/103 - Wordsworth 3 opp
TE.SR/AS/19/102 - Teal 2
HY/OP/18/101 Haywood 1 opp
HY/AS/18/101 Haywood BS1
GA/FH/36and29 garages
GA/FH/19and30 garages
LH Earl 6
RH Earl 6
BU/OP/18/103 – Buckingham
BU/AS/19/106 – Buckingham
DU/AS/18/103 - Duchess
GA/FH/19,20 - garages

GA/FH/21 - garages
GA/FH/24,28 - garages
GA/FH/25,29 - garages

- 2) Prior to the occupation of any dwelling the junction improvement works detailed on plan referenced J-B0677-01-R2 and further detailed in figure 5.1 and Appendix J of the Transport Assessment dated 11th April 2018 by Coraiht approved under application ref. DM/1133/17/OUT, shall be fully completed, unless otherwise agreed in writing with the Local Planning Authority.
- 3) If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. Remediation shall be undertaken in accordance with the details approved.
- 4) Other than plots 19 – 29, Plots 1-81 shall be built out in accordance with the construction materials detailed on plan ref: FH/173/10B as was previously approved under application ref DM/0522/21/REM unless otherwise approved in writing by the Local Planning Authority. The construction materials for plots 19 – 29 shall submitted to and approved in writing by the Local Planning Authority prior to any works above site level on those plots and once approved those plots shall be completed in accordance with the approved details.
- 5) Plots 82-152 shall be built out in accordance with the external materials approved under application ref. DM/0868/22/CND unless otherwise agreed in writing with the Local Planning Authority.
- 6) The development shall be built out in accordance with the surface and foul water drainage scheme approved under application ref. DM/0868/22/CND unless otherwise agreed in writing by the Local Planning Authority.
- 7) The scheme of landscaping, tree planting and footpath surfacing (the Landscape Management Plan) shown on plans ref. LMP-060521-00 rev B (Landscape Masterplan), LP-060521-01 Rev B (Landscape Plan No 1), LP-060521-02 Rev B (Landscape Plan No 2), LP-060521-03 Rev B (Landscape Plan No 3), WP-060521-04-Rev B (Landscape Buffer Planting Plan) and RD4598-03 Rev P (Proposed Site Plan) shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be maintained in accordance with the Landscape Management Plan.

In regard to the 'buffer planting area' to the rear of plots 19-29 as detailed on plan ref: LP-060521-04 Rev B, this landscaping shall be fully planted out and a 1.2m high post and rail fence shall be erected a minimum of 10.0 metres from the boundary with Hazeldene Farm (as is indicated by a hatched line on Drawing No RD:4598 – 03 Rev P) to demarcate the 'buffer planting area'. This 'buffer planting area' and the erection of the post and rail fence shall be completed prior to construction commencing on plots 19-29.

The 'buffer planting area and 1.2m high post and rail fence shall then be maintained in perpetuity in precise accordance with the Landscape Management Plan and any plant failures shall be replaced in accordance with the approved plans. A copy of the Landscape Management Plan shall be provided to the purchasers of plots 19-29.

- 8) The development roads, footpaths and junctions shall be built out in accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:

1115-2104-CIV-30-P2 adopted highway 1/2
1115-2104-CIV-31-P2 adopted highway 2/2
1115-2104-CIV-32-P1 external works
1115-2104-CIV-61-P2 kerb and surface finish 1/8
1115-2104-CIV-62-P2 kerb and surface finish 2/8
1115-2104-CIV-63-P2 kerb and surface finish 3/8
1115-2104-CIV-64-P2 kerb and surface finish 4/8
1115-2104-CIV-65-P2 Kerb and surface finish 5/8
1115-2104-CIV-66-P2 kerb and surface finish 6/8
1115-2104-CIV-67-P2 kerb and surface finish 7/8
1115-2104-CIV-68-P2 kerb and surface finish 8/8
1115-2104-CIV-20-P1 road long sections 1/3
1115-2104-CIV-21-P1 road long sections 2/3
1115-2104-CIV-22-P1 road long sections 3/3
1115-2104-CIV-25-P1 Foul water drainage
1115-2104-CIV-S104-P1 s.104 layout
1115-2104-CIV-s38-P1 s.38 layout
RD4598-LTG-5001 street lighting
RD4598-LTG-5002 street lighting
RD4598-LTG-5000 street lighting
Levels Plans
1115-2104-CIV-01-P1 proposed site levels 1/8
1115-2104-CIV-02-P1 proposed site levels 2/8
1115-2104-CIV-03-P1 proposed site levels 3/8
1115-2104-CIV-04-P1 proposed site levels 4/8
1115-2104-CIV-05-P1 proposed site levels 5/8
1115-2104-CIV-06-P1 proposed site levels 6/8
1115-2104-CIV-07-P1 proposed site levels 7/8
1115-2104-CIV-08-P1 proposed site levels 8/8

- 9) The Ecological Enhancement Plan by CGC Ecology dated May 2021 shall be fully implemented within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be maintained in accordance with the Landscape Management Plan.
- 10) The emergency vehicular access onto Charles Avenue shall be fully completed prior to the occupation of the 72nd dwelling on the site and thereafter shall be maintained and retained.
- 11) Prior to the occupation of the 50th dwelling on the site the improvement works to the public right of way running through the site shall be completed in accordance with the plan RD4598-03 Rev L and the replacement

footbridge shall be completed in accordance with the detail approved under application ref. DM/0868/22/CND.

- 12) The development shall be built out in accordance with the boundary treatments approved under application ref. DM/0868/22/CND unless otherwise approved in writing by the Local Planning Authority.
- 13) The development shall be built out in strict accordance with the Construction Management Plan submitted on 4th November 2021 approved under application ref. DM/0522/21/REM unless otherwise agreed in writing with the Local Planning Authority.
- 14) The development shall be carried out in accordance with the Redmore Environmental Air Quality Assessment and Mitigation Statement dated 29th September 2021 (ref:4943R1) approved under DM/0522/21/REM unless otherwise agreed in writing with the Local Planning Authority.