

**APP/X1165/W/20/3245011: Land to the South of White Rock Adjacent To Brixham Road Aka Inglewood Paignton, TQ4 7BQ (LPA Reference P/2017/1133).  
CONDITIONS SUGGESTED BY TORBAY COUNCIL IN THE EVENT THAT THE  
APPEAL IS ALLOWED.  
WITHOUT PREJUDICE**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

In pursuance of its powers under the above-mentioned Act and Orders, the Secretary of State hereby grants APPROVAL to outline application P/2017/1133 subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved drawings, and in accordance with the phasing plan required pursuant to condition 5 below.

Application Red Line Boundary	15230_P_001_R ev D	8 November 2017
Inglewood Regulatory Plan		8 March 2018
<b>Detailed Highways Plans</b>		
On-line Road Widening on A3022 Brixham Road to 7.3m with 70m Forward Visibility	0734-018 Rev A	3 November 2017
Investigation of On-Line Widening of A3022 Brixham Road to 7.3m Long Section Along 70m Forward Visibility Splay	0734-020 Rev A	3 November 2017
Potential Northern Crossing Toucan Crossing	0734-023 Rev B	3 November 2017
Potential Southern Crossing Option 3 – Uncontrolled Crossing	0734-029 Rev A	3 November 2017
Proposed Long Road Junction Improvements	0734-040 Rev A	24 January 2018
Summary of Onsite and Offsite Highway Works	0734-045 Rev B	3 November 2017
Shared Footway/ Cycleway to the North	0734-055	3 November 2017
Proposed Site Access Junction and Proposed Bus Stop Infrastructure	0734-057	3 November 2017
Windy Corner Highway Improvements Tying in to Torbay Council 2019 Improved Layout – With Signalised and Uncontrolled Pedestrian Crossing Facilities (Option 3A)	0734-064 Rev A	15 December 2020

**Reason:** To ensure satisfactory completion of development.

## **Reserved Matters and Phasing**

2. Applications for approval of the reserved matters shall be made to the Planning Authority for the whole development or if the development is to be phased, for the first phase of the development before the expiration of three years from the date of this permission.

For phased development, applications for approval of the reserved matters for subsequent phases of the development shall be made to the Local Planning Authority no later than two years from the date of approval of the last reserved matters application to be approved for the preceding phase of the development.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To comply with Section 92 of the Town and Country Planning Act, 1990

3. Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval in accordance with the time limits condition above:

- (i) layout;
- (ii) scale;
- (iii) appearance; and
- (iv) landscaping

Approval of all reserved matters in any phase shall be obtained from the Local Planning Authority in writing before that phase of development is commenced. The reserved matters shall be carried out as approved. The details of the reserved matters shall be in general accord with the Urban Design Framework (Rev A), Stride Treglown, March 2018).

The development shall be carried out in accordance with these details.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended); and to ensure that the site is developed in accordance with the principles established in the Urban Design Framework which seek to mitigate landscape, ecological and other impacts, and with Policies SS14 and ES1 of the Adopted Torbay Local Plan and Policies BH7 of the Brixham Peninsula Neighbourhood Plan.

## **Sustainable Construction**

4. All reserved matters applications shall include details of sustainable construction in accordance with Local Plan policies SS14 and ES1. This should indicate how development orientation, design and layout, sustainable construction, adaptive technologies, eco-innovation and other measures to minimise energy use and combat climate change have been incorporated into the development.

**Reason:** To comply with Policies SS14 and ES1 of the Adopted Torbay Local Plan and Policies BH7 of the Brixham Peninsula Neighbourhood Plan.

## Phasing and Provision of Play Areas and Green Infrastructure

5. A phasing plan shall be submitted to and approved in writing by the Local Planning Authority no later than the first application for reserved matters approval. The plan shall set out how the development will be implemented in relation to an agreed timetable of works, and shall include the provision of on-site and off-site planting and ecological mitigation prior to commencement of development on site consistent with the principles established in the Urban Design Regulatory Plan (Stride Treglown, March 2018), and Urban Design Framework (Rev A) (Stride Treglown, March 2018), Environmental Statement (Stride Treglown, 2017), Farm Management Plan (Stride Treglown, October 2017), Ecological Addendum (Nicholas Pearson Associates, February 2018), and Proposed Farming Practices Plan (February 2018).

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended); and to ensure that this site is developed in accordance with the principles established in the Urban Design Framework (Rev A) which seek to mitigate landscape, ecological and other impacts.

6. The phasing plan shall also include locations of play areas and green infrastructure consistent with the principles established in the Urban Design Regulatory Plan (Stride Treglown, March 2018) and Urban Design Framework (Rev A) (Stride Treglown, March 2018), to include a minimum of:
  - (i) 1 Neighbourhood Equipped Area of Play;
  - (ii) 2 Locally Equipped Areas of Play;
  - (iii) Incidental open space (of circa 25,000 sq m) with the ability to accommodate trim trails and to include a community orchard; and
  - (iv) Allotments (of at least 5,700 sq m) with an informal amenity footpath around the perimeter, countryside access route, highway works and other ancillary infrastructure.

Applications for reserved matters approval shall be submitted in accordance with the approved phasing plan.

The phasing plan or reserved matters should include a fully detailed specification of the play areas and Public open space and allotments, and a timescale for their provision. This shall include at least one play area in the first phase of development. No more than 50 dwellings shall be occupied in any phase which includes a play area until such play area has been completed and made available for use by the general public, unless otherwise agreed by the LPA in the phasing plan.

**Reason:** To ensure that green infrastructure and play areas are provided in accordance with Policies SS9, SS11, DE1 and SC 2 of the Torbay Local Plan 2012-2030.

7. Play areas shall be provided to at least the following standard:

**Neighbourhood Equipped Area for Play (NEAP)** should be designed so as to be aimed at 8-14 year olds and should include a grassed kickabout area, a hard surfaced area for ball games or wheeled activities, 8 types of play equipment appropriate to children in this age group and seating, including a youth shelter. It should have an activity zone of at least 1000 sq m.

**Local Equipped Area(s) for Play (LEAP)** should be designed so as to be aimed at children of early school age (mainly 4-8 year olds). The activity zone should have a minimum area of 400 sq m, with grass playing space and at least five types of play equipment with appropriate safety surfacing. There should also be seating for accompanying adults.

Play areas should incorporate buffer zones of at least 30 metres for the NEAP and 20 metres for the LEAPs from the edge of the “activity zone” and the boundary of the nearest dwelling.

Play areas shall be provided to at least European Standard EN1776 (play area) and EN1777 (hard surfaces) and maintained for at least 25 years.

**Reason:** To ensure the satisfactory provision of playing facilities for children, in accordance with Policies SS1, SC1, SC2 and SC5 of the Adopted Torbay Local Plan 2012-30

### **Ecology and Landscaping**

8. All reserved matters applications shall include a Landscape and Ecological Management Plan (LEMP) for the phase to which they relate. The LEMP should be consistent with the principles established in the Framework Landscape and Ecological Management Plan (Stride Treglown, March 2018). The LEMP shall include an implementation strategy and timetable for implementation, and the development shall then be implemented in accordance with the agreed timetable for the duration of the agreed management plan period.

**Reason** To ensure satisfactory landscaping and ecological mitigation measures in accordance with Policies SS8, DE1 NC1 and C4 of the Adopted Torbay Local Plan and Policies E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

### **Landscaping and Trees**

9. Prior to the commencement of any phase of the development, except for the principal access onto Brixham Road as shown on approved drawing 0734-057, a detailed Landscaping Scheme for strategic offsite and boundary planting, onsite planting, and hard landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - (i) Details of hard and soft landscaping, including all boundary treatments
  - (ii) Tree and plant species and methods of planting; and.
  - (iii) Retention and management of existing strategic hedgerows and creation of new hedgerows within the site.

The first such Landscaping Scheme to be submitted for approval shall also include details for the retention of the area of Nords Plantation within the applicant’s control (indicated on 15230\_P\_001\_Rev D (Application Red Line)).

The development shall then be implemented in accordance with the approved Landscaping Scheme for each phase.

**Reason:** To ensure satisfactory landscape and ecological mitigation of the development in accordance with Policies SS8, DE1 NC1 and C4 of the Adopted Torbay Local Plan and Policies E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

10. Planting shall be carried out no later than the first planting season following the occupation of the dwellings or completion of the residential development of that phase, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the residential development as a whole die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of amenity, design and biodiversity, and to minimise the visual impact of development, in accordance with Policies SS8, DE1, NC1 and C4 of the Adopted Torbay Local Plan and Policies E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

11. No development (including ground works) or vegetation clearance works shall take place for any phase of the development until a Tree Protection Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. This information shall be prepared in accordance with BS 5837:2012 (or any superseding British Standard) and include details of tree protection fencing, which must be erected prior to the commencement of the development and retained until the completion of the development in the phase of the development that they relate to. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Tree Protection Plans shall be adhered to throughout the construction of the development.

**Reason:** To ensure that trees are protected during site clearance and construction, in the interests of the amenities of the area and biodiversity, in accordance with Policies C4 and NC1 of the Adopted Torbay Local Plan and Policies E1, E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

### **Tree Protection**

12. No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird breeding season from March to September, inclusive. If this period cannot be avoided, these works shall not be undertaken until a statement of the reasons for non-avoidance has been submitted to and approved in writing by the Local Planning Authority. The works shall not be undertaken except in the presence of a suitably qualified ecologist. If breeding birds are found or suspected to be present on the part of the site the subject of such works, the works will not be permitted until the ecologist is satisfied that such breeding is complete.

**Reason:** To protect nesting birds in accordance with Policies SS8 and NC1 of the Torbay Local Plan 2012-30

### **Greater Horseshoe Bats (GHB) and Cirl Bunting Mitigation**

13. No development (including ground works) or vegetation clearance works, except for the principal access onto Brixham Road as shown on approved drawing 0734-057 shall take place for any phase of the development until a detailed scheme of onsite and off-site planting and land management, to mitigate impacts of the development on GHB and Cirl Buntings, has been submitted to and approved by the Local Planning Authority. These details shall be in general accord with the Framework Landscape and Ecological Management Plan and Figures, Ecological Addendum and Farm Management Plan (save for the appended proposed farming practices plan which shall

be in accordance with the Framework LEMP). These works shall be implemented in accordance with the approved scheme.

**Reason** To ensure that ecological mitigation measures are provided and maintained to avoid significant effects on the South Hams SAC or other species in accordance with Policies SS8, NC1 and SDB1 of the Torbay Local Plan and Policies BH3 and E8 of the Brixham Peninsula Neighbourhood Plan

14. No development (including ground works) or vegetation clearance works shall take place for any phase of the development, except for the principal access onto Brixham Road as shown on approved drawing 0734-057, until details setting out:
- (i) the broad details of the numbers and types of habitat boxes (including general bird boxes integral to new development, and
  - (ii) Details of wildlife information boards to highlight the biodiversity interests of the site and surrounding area,

have been submitted to and approved by the Local Planning Authority. The features relevant to any phase shall be put in place in accordance with the approved details.

Reason: To ensure that wildlife mitigation and enhancement measures are provided at an early stage of the development to ensure effective mitigation of ecology impacts, in accordance with Policies SS8 and NC1 of the Torbay Local Plan 2012-30

#### **Greater Horseshoe Bat and Cirl Bunting Monitoring Strategy**

15. Prior to the first occupation or use of the development hereby permitted, a Greater Horseshoe Bat (GHB) and Cirl Bunting Monitoring Strategy shall be submitted to and approved in writing by the Local Planning Authority in order to provide early warning of any change in site conditions (such as those brought about by loss of suitable habitat features or adverse light spill) that are likely to impair or disturb greater horseshoe bats using the bat mitigation measures on the site (including the dark bat corridors and foraging area in the public open space); and to put in place remedial measures to avoid harm to these species. The Monitoring Strategy shall include the following:
- (i) Aims and objectives of monitoring to match the stated purpose.
  - (ii) Identification of adequate baseline conditions prior to the start of development.
  - (iii) Success criteria, thresholds, triggers and targets against which the continued effectiveness of the bat mitigation measures can be judged.
  - (iv) Methods for data gathering and analysis.
  - (v) Location of monitoring/sampling points.
  - (vi) Timing and duration of monitoring.
  - (vii) Responsible persons and lines of communication.
  - (viii) Review, reporting, intervals of reporting and where appropriate, publication of results and outcomes-

The Monitoring Strategy shall be implemented as approved. A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals as identified in the Monitoring Strategy. The report shall set out where the results from monitoring show that site conditions are changing and what remedial action is required to ensure the mitigation measures remain effective. The remedial action shall be agreed with the Local Planning Authority and implemented in full.

**Reason:** To secure a means by which a suitable habitat will be conserved and enhanced for greater horseshoe bats and cirl buntings, to ensure that such mitigation measures can be monitored and any necessary contingencies put in place to avoid adverse impacts on biodiversity in accordance with Policies SS8 and NC1 of the Adopted Torbay Local Plan 2012-2030, and Policies BH3 and E8 of the Brixham Peninsula Neighbourhood Plan.

### **Lighting Scheme**

16. Prior to development in any phase continuing above slab level a Lighting Scheme to maintain "dark areas" on the site shall have been submitted to and approved in writing by the Local Planning Authority demonstrating compliance with the principles established in the External Light Report Rev P05 and Dark Areas Plan as contained within the Ecological Addendum Report, Nicholas Pearson Associates, March 2018. The Scheme shall include the location and specification of all external lighting. The Lighting Scheme shall be implemented as approved prior to the occupation of the dwellings or use of other development. Should any of the external lighting become damaged or defective and need replacement it shall be replaced with external lighting of no brighter specification. No additional outdoor lighting shall be installed on the site without the prior written approval of the Local Planning Authority.

The Lighting Scheme shall include

- (i) An evidence based assessment of light levels of the proposed development, including buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the "dark areas" shown by appropriate isolines.
- (ii) Evidence to demonstrate that a light spill no higher than 0.5 lux will be achieved within the "dark areas".
- (iii) Where ii) is achieved either fully or in part through landscaping, details of the landscaping and its management to ensure it will maintain the "dark areas" for the lifetime of the development. These details shall be incorporated into the Detailed Landscaping Schemes and Landscape and Ecological Management Plans (LEMPs) where applicable.

The Lighting Scheme shall be implemented and maintained as approved.

**Reason:** In the interests of biodiversity, amenity, design, crime prevention and in accordance with Policies NC1, DE1 and DE3 of the Adopted Torbay Local Plan and Policies BH3, E7 and E8 of the Made Brixham Peninsula Neighbourhood Plan.

### **Construction and Environment Management Plan**

17. No development (including ground works) or vegetation clearance works shall take place of any phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. Each CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:
- (i) Risk assessment of potentially damaging construction activities.
  - (ii) Identification of "biodiversity protection zones".

- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce environmental impacts during construction.
- (iv) 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.
- (v) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- (vi) Responsible persons and lines of communication.
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (viii) Details of how lighting will be controlled during the construction phase of development.

Each approved CEMP shall be adhered to and implemented throughout the construction period of the phase of the development that they relate to strictly in accordance with the approved details.

**Reason:** To ensure that protected species and biodiversity are protected during site preparation and construction phases of the development, in accordance with Policies SS8 and NC1 of the Adopted Torbay Local Plan and Policies BH3, E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

#### **Construction Method Statement**

18. No development (including ground works) or vegetation clearance works shall take place of any phase of the development until a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- (i) The parking of vehicles of site operatives and visitors.
- (ii) Loading and unloading of plant and materials.
- (iii) Storage of plant and materials used in constructing the development.
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (v) Wheel washing facilities.
- (vi) Measures to control the emission of dust and dirt during construction.
- (vii) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- (viii) Measures to minimise noise nuisance to neighbours from plant and machinery.

Construction working hours, for the principal access onto Brixham Road and first phase of residential development shall be from 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. Construction hours for later phases shall be agreed as part of reserved matters.

- (ix) The approved Statements shall be adhered to throughout the construction period of the phase of the development that they relate to.

**Reason:** To ensure that site clearance and construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the convenience of highway users.



## Archaeology

19. No development on any phase shall take place until a Written Scheme of Investigation (WSI), comprising an archaeological field evaluation with trial trenching for land within that phase, has been submitted to and approved in writing by the Local Planning Authority. Within 3 months of the completion of the archaeological field evaluation a Further WSI (FWSI) for a programme of archaeological mitigation in respect of any areas of significant buried archaeological remains identified by the initial WSI shall be submitted to the Local Planning Authority for approval, and the FWSI shall include the programme (including timetable) for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of the resulting material. No development shall take place on land within the FWSI other than in accordance with that FWSI and carried out by a competent person(s) or organisation to undertake the agreed works

**Reason:** To ensure a programme for the investigation, recording and if appropriate, curation of historic artefacts is in place prior to commencement of works, in accordance with Policy SS10 of the Adopted Torbay Local Plan

20. Before the junction works hereby approved to Windy Corner are commenced an archaeological evaluation, and details of monitoring construction works for artefacts shall be submitted to and approved in writing by the Local Planning Authority. This shall include a programme for post-investigation assessment and subsequent analysis, publication, dissemination and deposition of any resulting finds.

**Reason:** To ensure the investigation, recording and if appropriate, curation of historic artefacts, in accordance with Policy SS10 of the Adopted Torbay Local Plan

## Transport and Highways

21. No part of the development shall be occupied or brought into use prior to the proposed site access junction works and bus stop infrastructure, Brixham Road widening, and Toucan crossing as shown on drawings 0734-018 Rev A, 0734-020 Rev A, 0734-023 and 0734-057 listed in Condition 4 above being implemented in accordance with the necessary s278/s38 highways agreement as entered into with the Local Highway Authority to secure necessary works to the public highway.

**Reason:** To ensure site accessibility and promote sustainable modes of transport in accordance with Policies SS6, TA1, and TA2 of the Adopted Torbay Local Plan 2012-30 and Policies BH8 and T1 of the Made Brixham Peninsula Neighbourhood Plan.

22. Details of the bus stop infrastructure, including detailed layout and access for buses and pedestrians as well as waiting areas for pedestrians, shall be submitted within the first reserved matters application and shall be provided in accordance with the approved plans before the occupation of the 50<sup>th</sup> dwelling.

**Reason:** To ensure site accessibility and promote sustainable modes of transport in accordance with Policies SS6, TA1, and TA2 of the Adopted Torbay Local Plan 2012-30 and Policies BH8 and T1 of the Made Brixham Peninsula Neighbourhood Plan.

23. A plan showing the proposed adoptable highway network within the development shall be submitted with all reserved matters applications for layout associated with the implementation of this outline application. If more than one reserved matters application is submitted for the site the plan is only required to cover the extent of the area included within the application at the time but will need to demonstrate where

connections will be made to other areas within and beyond the site. Development shall take place in accordance with the approved details.

**Reason:** To ensure satisfactory development access in accordance with Policy TA2 of the Adopted Torbay Local Plan 2012-30

24. No buildings hereby approved shall be occupied until the roads serving them have been constructed to adoptable standards as defined in the council's Highways Design Guide for New Developments, or is the subject of an agreement with the council made pursuant to S38 of the Highways Act 1980.

**Reason:** To ensure satisfactory development access in accordance with Policy TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Made Brixham Peninsula Neighbourhood Plan.

25. Prior to the school or public house/restaurant being brought into use, or the first dwelling being occupied, the shared footway/cycleway to the north shown on drawing 0734-055 shall be constructed, made available for use, and connected to a safe route, which shall have been previously agreed in writing with the LPA, within the development site. The shared footway/cycleway will thereafter be maintained at all times..

**Reason:** in the interests of highway safety and in accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Made Brixham Peninsula Neighbourhood Plan and to ensure that safe pedestrian and cycle provision is available and that the development areas are well connected between the approved development and the neighbouring 'White Rock' development to serve the residents of both developments.

26. Prior to the school being brought into use, a safe pedestrian route, the details of which shall have previously been approved in writing by the LPA, shall be provided and maintained for the lifetime of the development, connecting to the school to residential areas on the development.

**Reason:** in the interests of highway safety and to encourage walking and cycling accordance with Policies TA1 and TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 of the Brixham Peninsula Neighbourhood Plan.

27. Prior to first occupation of any dwelling, the highway works at the junction of Brixham Road and Dartmouth Road ('Windy Corner') and at the junction of Brixham Road and Long Road, as shown respectively on drawings 0734-064 Revision A and 0734-040 Revision A, shall be the subject of a s278 agreement with the council as Highway Authority, implemented in full and made available for use.

**Reason:** To ensure adequate levels of accessibility on the road network in accordance with Policies SS6 and TA2 of the Adopted Torbay Local Plan 2012-30.

28. No dwelling shall be occupied until electric vehicle charging and cycle parking to serve that dwelling is installed and made available fully in accordance with the Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. Details of such provision shall be submitted for approval with the reserved matters application for layout and/or external appearance for that phase of development.

**Reason:** To encourage sustainable modes of transport and encourage the use of low emission vehicles in accordance with Policies SS6, TA1,TA2 and TA3 of the Adopted Torbay Local Plan 2012-30 and BH7 of the Made Brixham Peninsula Neighbourhood Plan.

29. Neither the school nor the public house/restaurant shall be brought into use until electric vehicle charging and cycle parking to serve that development is installed and made available fully in accordance with the Policy TA3 and Appendix F of the Torbay Local Plan 2012-30. Details of such provision shall be submitted for approval with any reserved matters application for layout and/or external appearance which includes the school and/or public house/restaurant. The electric charging points and cycle parking shall be maintained and retained as such for the lifetime of the development.

**Reason:** To encourage sustainable modes of transport and encourage the use of low emission vehicles in accordance with Policies SS6, TA1,TA2 and TA3 of the Adopted Torbay Local Plan 2012-30 and BH7 of the Made Brixham Peninsula Neighbourhood Plan.

### **Travel Plans**

30. Prior to the marketing of any dwelling within the site or recruitment of staff for the school or public house/restaurant, a full but proportionate Travel Plan must be submitted to and approved by the Local Planning Authority. Any such Travel Plan shall be implemented from occupation of 80% of the first phase of development and thereafter shall be updated annually for a period of 5 years post completion of the development.

**Reason:** To encourage sustainable modes of transport in accordance with Policies SS6, TA1,TA2 of the Adopted Torbay Local Plan 2012-30 and BH8 and T1 of the Made Brixham Peninsula Neighbourhood Plan.

### **Parking/Cycle Storage and Waste**

31. No dwelling shall be occupied until its allocated parking space(s) and access thereto, as shown in the approved details of reserved matters, has been provided and made available for use. All car parking spaces and access thereto, including any visitors parking, as shown in the approved details of reserved matters, shall be provided and made available for use prior to the occupation of the development that they serve. The parking space(s) and access thereto shall be kept permanently available for parking and access purposes thereafter.

**Reason:** To ensure that adequate off-street parking and access thereto is provided for the dwellings and kept permanently available for use in the interests of highway safety and residential amenity, in accordance with Policies TA2 and TA3 of the Torbay Local Plan 2012-2030 and BH8 of the Made Brixham Peninsula Neighbourhood Plan.

32. The details of reserved matters for each phase shall include details of cycle parking and bin storage/waste recycling facilities for the dwellings and for the pub/restaurant and school hereby permitted. The cycle parking shall be secure, covered and located where it is well overlooked, wherever practicable, to reduce opportunities for crime. The relevant cycle parking and bin storage/waste recycling facilities shall be provided as approved prior to the first occupation or first use of the dwelling or development to which it relates.

**Reason:** To promote cycling as an alternative mode of transport to the private car in accordance with Policy TA1, TA2 and TA3 of the Adopted Torbay Local Plan - A landscape for success 2012-2030, and to ensure appropriate space is provided for the storage and removal of waste, including waste recycling facilities, in accordance with Policy W1 of the Torbay Local Plan 2012-30.

### **School Land**

33. No development other than the principal access onto Brixham Road as shown on approved drawing 0734-057 shall commence until the area of land that is to be offered as the School Land and playing fields has been identified on a plan which has been approved in writing by the Local Planning Authority.

**Reason:** To ensure satisfactory layout of the school land in the interests of Policy SC4 of the Adopted Torbay Local Plan and Policy L2 and S&L2 of the Brixham Peninsula Neighbourhood Plan.

### **Countryside Access**

34. No more than 50 dwellings shall be occupied until a scheme including details of specification and timing of delivery of the Countryside Access route identified on the Regulatory Plan (Stride Treglown, March 2018) has been submitted to and approved in writing by the Local Planning Authority. The Countryside Access route shall thereafter be delivered in accordance with the approved scheme and retained and maintained for public access in perpetuity.

**Reason:** To ensure that the development provides opportunities for recreation in accordance with Policies SS9, SC1 and SC2 of the Adopted Torbay Local Plan 2012-30

### **Drainage**

35. No phase of the development (including ground works) shall take place until a detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage design is to be in general accord with the principles established in the Addendum to the FRA/DS Report (WB03590/FR01 V5, Technical Note WB03590 TN01(v4) Appendix F Updated Drainage Strategy Drawing.

The drainage scheme shall

- (1) give priority to the use of sustainable urban drainage systems, with soakaways designed in accordance with Building Research Establishment Digest 365 (or subsequent version thereof) and include details of how they have been designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.
- (2) provide evidence that trial holes and infiltration tests have been carried out in accordance with Building Research Establishment Digest 365 in the same location as any soakaways or sustainable drainage features must be provided.
- (3) demonstrate that there will be no increased risk of flooding to surrounding buildings, roads and land.
- (4) identify those parts of the surface water drainage infrastructure which will be adopted by the relevant statutory undertaker.

No phase of the development shall be occupied or brought into use until the approved surface water drainage scheme for that phase has been completed as approved and it shall be continually maintained thereafter.

**Reason:** To ensure that details to manage water and flood risk are in place prior to construction, in accordance with Policies ER1, ER2 and W5 of the Adopted Torbay Local Plan and the Critical Drainage Area.

### **Foul Drainage**

36. Prior to the construction of any building foundations:

- (i) A detailed survey and evaluation of the public foul sewerage network shall be carried out (at the Owner's expense) to identify improvements necessary to accommodate the discharge of foul sewage from the development; and
- (ii) The Owner shall submit an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 which shall include the provision and completion of public sewerage improvement works identified as necessary. Connection to the foul sewer in agreement with the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development shall be made before the occupation of any part of the development.

**Reason:** To ensure the public foul sewerage network has capacity to accommodate the development and any necessary improvement works are carried out in accordance with Policies ER2 and W5 of the Adopted Torbay Local Plan and Critical Drainage Area.

### **Pub/restaurant**

37. Notwithstanding the provisions of the Town and County Planning Use Classes Order 1987 (as amended) and the Town and Country Planning General Permitted Development Order (England) 2015, as amended, without the prior written consent of the Local Planning Authority the pub/restaurant use hereby approved shall only be used as a pub/restaurant and for no other use including any other use included within Class A3/A4 of the Use Classes Order, 1987, as amended.

**Reason:** in the interests of local amenity and to ensure that the use functions as a village asset.

### **Soil Quality**

38. No development (including ground works) or vegetation clearance works shall take place of any phase of the development until an assessment of soil quality by a suitably qualified expert has been submitted to and approved by the Local Planning Authority. This assessment should identify the best and most versatile soil on site and set out a programme for reuse of soils for the proposed green infrastructure uses (such as the allotments or community orchard), or agricultural use in the nearby vicinity of the development, where practicable to do so. The development shall be carried out in accordance with this programme.

**Reason:** To ensure that a programme of conservation and reuse of the best quality soil is in place prior to the commencement of development, in accordance with Policies SC4 of the Adopted Torbay Local Plan 2012-30.

### **Crime Prevention**

39. Reserved matters applications for layout, external appearance and/or landscaping shall include details to demonstrate that the development is consistent with the standards set out in Secured by Design as far as is reasonably practicable.

**Reason:** In the interests of crime prevention in accordance with Policy DE1 of the Adopted Torbay Local Plan 2012-2030, and guidance within the NPPF.

### **Waste Audit**

40. No development (including ground works) or vegetation clearance works shall take place of any phase of the development until a Waste Audit and 5 year Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Audits and 5 year Waste Management Plans shall include measures to:

- (i) Prevent and minimise, re-use and recycle waste (including composting where appropriate).
- (ii) Minimise the use of raw materials.
- (iii) Minimise the pollution potential of unavoidable waste.
- (iv) Seek alternative modes of transport (to the use of roads) to move waste (wherever possible).
- (v) Make provision for the storage and collection of waste.
- (vi) Dispose of unavoidable waste in an environmentally acceptable manner.

The Waste Audits and 5 year Waste Management Plans shall be implemented as approved.

**Reason:** To minimise waste from the development in accordance with Policy W2 of the Adopted Torbay Local Plan

### **Removal of Permitted Development Rights**

41. Notwithstanding the provisions of, Schedule 2, Part 1, class B, C, F and AA, and Part 2 A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order), no enlargement or extension to the roof, hardstandings forward of the main elevation, gates fences or walls, and no external lighting of greater than 0.5 lux shall be installed without the prior written approval of the Local Planning Authority.

**Reason:** to ensure that development does not adversely affect landscape or ecological issues, and in accordance with Policies SS8 and NC2, of the Adopted Torbay Local Plan and Policies BH3, E7 and E8 of the Brixham Peninsula Neighbourhood Plan.

### **Informatives:**

- I. This Permission is also subject to a Section 106 Agreement dated xxxx which govern the implementation of this proposal, and place Obligations on the landowner and its successors in title and on Torbay Council as the Local Planning Authority.
- II. The applicant is advised that the granting of planning permission is a separate matter to that relating to the issue of restrictive covenants that may exist on the land. Such

covenants protect private rights and benefits. They have not been a material consideration in the determination of this application. You should make your own enquiries relative to such covenants before proceeding to implement the approved development.

- III. This proposal constitutes EIA (Environmental Impact Assessment) development and as such an Environmental Statement (ES) was submitted with the application. The submitted ES was considered as part of the determination of this application.
- IV. This application has been the subject of consideration under the Habitats Regulations, under which an Appropriate Assessment was carried out. It has been determined that, subject to the relevant provisions in this notice and the accompanying legal agreement, this proposal will not have an adverse effect on the integrity of the South Hams SAC.
- V. **Informative on Travel Plans:** It is recognised that there will be multiple Travel Plans or Travel Plan updates throughout the course of implementation of the development. The Travel Plans (or subsequent updates) required by this condition shall set out how at least 30% of the potential users can gain access by foot, cycle or public transport, and how this will be implemented and monitored including SMART targets and a regular review period. It should also include information on how the carbon footprint from travel has been minimised and the health and well-being of travellers (in particular commuters) maximised. The travel plan should include implementation and ongoing monitoring by a Travel Plan Co-ordinator appointed by the appropriate company (Developer/management company/owner/commercial occupant/school) to ensure the targets and objectives are being met. In the event of the objectives or targets not being met, the Travel Plan shall be reviewed and updated as appropriate. Any amendments or updates to the Travel Plan will require further agreement by the Local Planning Authority. The contact details for the Travel Plan Co-ordinator/s should be stated within the Travel Plan and should they change, the Local Planning Authority shall be notified as such