
Appeal Decisions

Inquiry opened on 16 May 2017

Site visit made on 18 May 2017

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 June 2017

Appeal A: APP/P1133/W/16/3150133

Land East of Penns Mount, Vicarage Hill, Kingsteignton TQ12 3BA

- 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 Codex Land Promotion Ltd against the decision of Teignbridge District Council.
 - The application Ref.15/02266/VAR, dated 10 August 2015, was refused by notice dated 12 November 2015.
 - The application sought planning permission for 'outline application for up to 80 dwellings (approval sought for access)' without complying with a condition attached to planning permission Ref.14/03324/MAJ, dated 14 May 2015.
 - The condition in dispute is No.24 which states that: There shall be no roads or buildings constructed within the area shown as green space on the site as set out on the Teignbridge Local Plan 2013-2033 allocation map.
 - The reason given for the condition is: To ensure that the area designated as green space within Policy KS6 of the Local Plan remains free of development in the interests of compliance with the Plan and landscape protection.
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Appeal B: APP/P1133/W/16/3163573

Land East of Penns Mount, Vicarage Hill, Kingsteignton TQ12 3BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Codex Land Promotion Ltd against Teignbridge District Council.
 - The application Ref.16/02222/MAJ, is dated 9 August 2016.
 - The development proposed is described as 'outline consent for circa 90 dwellings, with approval sought for means of access and landscaping (all other matters reserved)'.
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Procedural Matters

1. The Inquiry sat on 16 and 17 and was closed on 18 May 2017. I carried out an accompanied visit to the site itself, the nearby viewpoint on Hackney Marsh, and the more distant viewpoint at Coombe Cellars on the morning of 18 May 2017. After the Inquiry closed, I made a brief, unaccompanied visit to the vicinity of the appeal site to take in the extent and layout of the adjacent Linden Homes development.
2. The original application that has resulted in Appeal A was made in outline with all matters reserved save for means of access. I have approached Appeal A on that basis.

3. The application that is the subject of Appeal B was made in outline with all matters reserved but for means of access and landscaping. I raised the matter of the description of development of Appeal B and in particular the use of the phrase 'circa 90 dwellings'. This is imprecise given that it could be taken to mean a final figure above, or below, 90. As agreed, I have dealt with Appeal B on the basis that outline planning permission is sought for a residential development of *up to* 90 dwellings with means of access and landscaping at issue and appearance, layout and scale reserved for future determination.
4. In terms of Appeal B, the Council advanced two putative reasons why, had it had the opportunity, it would have refused the originating application. The first refers to prejudice that would be caused to the delivery of a hilltop park, and linked to that the impact on the character and appearance of the area, while the second relates to the destruction of a heritage asset made up of archaeological remains.
5. At the Inquiry applications for costs were made by the appellant against the Council. These applications are the subject of separate Decisions.

Decisions

Appeal A

6. The appeal is allowed and outline planning permission is granted for outline application for up to 80 dwellings (approval sought for access) on Land East of Penns Mount, Vicarage Hill, Kingsteignton TQ12 3BA in accordance with application Ref.15/02266/VAR, dated 10 August 2015, without compliance with condition numbers 4, 6 and 24 previously imposed on planning permission 14/03324/MAJ, dated 14 May 2015, but subject to the other conditions imposed therein and subject to the following new condition: 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 13101/1001: Site Location Plan; 13101/1000: Application Site Plan; and 700 Revision E: Proposed Access Arrangement.

Appeal B

7. The appeal is allowed and outline planning permission is granted for a residential development of up to 90 dwellings on Land East of Penns Mount, Vicarage Hill, Kingsteignton TQ12 3BA, in accordance with the terms of the application, Ref.16/02222/MAJ, dated 9 August 2016, subject to the conditions set out in Annex 1 to these decisions.

Main Issue(s)

8. In terms of Appeal A, the main issue is whether condition 24 meets the tests for conditions set out in paragraph 206 of the National Planning Policy Framework¹ having regard to the development plan, and other material considerations, and, specifically, the character and appearance of the area.
9. Having regard to the putative reasons for refusal advanced by the Council, Appeal B turns on the effect of the proposal on (1) the character and appearance of the area; and (2) archaeological remains on (or to be exact under) part of the site. That analysis must take place in the light of the development plan, of course, but any other material considerations too.

¹ Referred to hereafter as the Framework

Reasons

The Policy Background

10. The Development Plan for the area includes the Teignbridge Local Plan 2013-2033² which was adopted on 6th May 2014. The appeal site is part of a larger site of around 17 hectares allocated under LP Policy KS6: Penns Mount for a mixed use development including at least 250 homes with a target of 20% affordable homes; and green infrastructure including a hilltop park of at least 5 hectares and provision of community gardens/allotments. This is subject to three specific requirements. Of direct relevance to these appeals is criterion e). This requires layout, design, green infrastructure and landscaping to mitigate any landscape impact, particularly in views from the south east. It is common ground that the reason underpinning the provision of a 5 hectare hilltop park is visual and unrelated to any perceived open space deficiency.
11. LP Policy S2 deals with what it terms 'quality development'. There is the expectation of high-quality design which will support the creation of attractive, vibrant places. Designs are meant to be place-specific, based on a clear process which analyses and responds to the characteristics of the site, its wider context, and the surrounding area, creating a place with a distinctive character and taking account of a series of objectives. Of those objectives, the Council has highlighted a) integrating with and, where possible, enhancing the character of the adjoining built and natural environment, particularly affected heritage assets; and k) respect the distinctive character of the local landscape (and/or) seascape protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets and skylines. I have noted also b) making the most effective use of the site.
12. Allied to that, in many ways, LP Policy EN2A requires development to be sympathetic to and help to conserve and enhance the natural and cultural character of Teignbridge. This is to be achieved by requiring development proposals to conserve and enhance local qualities, character, and distinctiveness, protect specific landscape and seascape features which contribute to local character and quality, and to maintain landscape and seascape quality and minimise adverse visual impacts.
13. LP Policy EN5 deals specifically with heritage assets. To protect and enhance the area's heritage, consideration of development proposals should take into account the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, listed buildings, conservation areas, historic parks and gardens, other archaeological sites, and other assets on the Register of Local Assets, particularly those of national importance. We are told that development should respect and draw inspiration from the local historic environment and where appropriate, development should include proposals for enhancement of the historic environment.
14. Given that the allocation encompasses the site at issue, I regard LP Policy KS6 as the lead policy bearing on Appeals A and B. The other policies that I refer to above have to be considered in the light of that allocation. I agree that it might be expressed more clearly, but it seems to me that the intention of LP Policy KS6 is that it should deliver a hilltop park of at least 5 hectares.

² Referred to hereafter as LP

15. It is common ground that what is proposed in Appeal A cannot achieve that, and neither can the scheme in Appeal B. Both proposals fall contrary to LP Policy KS6 therefore. That is not the end of the matter, however.
16. The reason why neither scheme can deliver a hilltop park in accordance with LP Policy KS6 is the Council's approval of a scheme on the adjacent site³, which also forms part of the allocation, that encroaches significantly into the area set aside for the hilltop park on the Heart of Teignbridge Policies Map. The Council's report that fed into the approval of reserved matters for the Linden Homes scheme⁴ suggests that the encroachment was acceptable because the resulting landscape impact (bearing in mind criterion e) of the policy – the need to mitigate any landscape impact, particularly in views from the south east) would not be so severe as to warrant a refusal, and the fact that appropriate landscaping and materials would be sufficient to mitigate harm. It seems to me that the schemes at issue in Appeals A and B need to be assessed in the same way.
17. In that context, I am of the view that if the schemes in Appeals A and B can be said to have an acceptable impact on the character and appearance of the area (and in the case of Appeal B, archaeological remains), then that would provide a material consideration of sufficient strength to outweigh the failure to accord with LP Policy KS6.

Character and Appearance

18. It is important, first of all, to have regard to the outline nature of the applications in Appeals A and B. While landscaping is at issue in Appeal B, layout is reserved in both.
19. In Appeal A, that means the Council has control, through any application for approval of reserved matters, over the layout of the dwellings, the configuration and quantum of open space, and landscaping. If the Council received an application for the approval of reserved matters that included a residential layout, open space configuration and quantum, and/or landscape design, that it felt failed to protect the character and appearance of the area, and in particular, views from the south-east (the key direction referred to in criterion e) of LP Policy KS6), then it could refuse to grant approval for them.
20. In light of that, condition 24 is clearly unnecessary and is therefore unreasonable. It fails the tests set out in paragraph 206 of the Framework and can be removed. I recognise the concerns of the appellant about that line of reasoning and whether it takes them very far forward but it is not for me to fetter the future decision-making of the Council. That said, I can make the observation that my conclusions on Appeal B, that follow, are equally and obviously applicable to what might come forward through reserved matters in pursuance of a new grant of outline planning permission for the development proposed in Appeal A, unencumbered by condition 24.
21. In Appeal B, while the submitted landscaping scheme⁵ gives a broad indication of the form it might take, as set out above, layout is a matter to be determined at reserved matters stage. The impact of the proposal on the character and appearance of the area needs to be considered with that in mind.

³ The Linden Homes scheme

⁴ Inquiry Document 1

⁵ GL0632 01: Illustrative Structural Landscape Proposals Plan

22. On top of that, it is necessary to establish the baseline. The Linden Homes scheme which, notwithstanding the public open space included in the scheme, covers a good part of the lower slopes of Penns Mount, is under construction. Notwithstanding the presence of condition 24, outline planning permission has been granted for housing on two parts of the appeal site. Moreover, the existing care home, that sits on the very top of Penns Mount, outside the LP Policy KS6 allocation, has an extant permission for an extension of significant scale. Having been renewed recently, it seems clear that there is an intention to implement the permission, in future.
23. It is agreed that the most representative viewpoint from the south-east is at Coombe Cellars, a Public House on the south side of the Teign Estuary, about 2.5km away from the appeal site.
24. Having considered this view, and the photomontages prepared on behalf of the appellant, I can see why the Council has been keen to maintain a sense of openness around the hilltop; an approach endorsed by the Local Plan Inspector. However, when one considers the baseline, I am not at all convinced that an open space of 5 hectares, or for that matter, one that would be the result of adherence to condition 24, is necessary to achieve that.
25. To my mind, the photomontages, which are the best evidence I have, demonstrate clearly that there would be very little difference in landscape character or visual impact terms, between the baseline, and the illustrative layouts put forward by the appellant⁶, from this viewpoint.
26. Some issues were also raised about views from Hackney Marsh. Again though, when one considers the baseline, there would be little difference in landscape character or visual impact terms between that baseline, and the appellant's various illustrative layouts, from this area.
27. Bringing those points together, the grant of a new outline planning permission as proposed in the illustrative layouts provided in support of Appeal B would result in something of a harmful impact on the character and appearance of the area. However, bearing in mind that the site is allocated for development, and the baseline situation, that landscape impact, especially when viewed from the south-east, would be well within reasonable bounds.
28. I reach that conclusion cognisant of the fact that the impact that would result could be mitigated by skilful composition of the layout of the dwellings, and design of individual units (issues that would need to be considered at reserved matters stage), and the proposed landscaping, though it might well take some time to establish. In that context, and bearing in mind that the site is allocated for development, I see no telling departure from LP Policies S2 or EN2A.
29. On that overall basis, as the Council in effect found when it dealt with the reserved matters for the Linden Homes scheme, I consider that the grant of a new outline planning permission under Appeal A, unencumbered by condition 24, and a grant of outline planning permission under Appeal B, would comply with the intention behind LP Policy KS6, if not the policy itself.
30. Those conclusions, to my mind, represent material considerations of sufficient weight to justify departures from LP Policy KS6, and the development plan, in this respect.

⁶ Figures 9a, 9b and 9c within Mr Williams' Appendix F

Archaeology

31. The archaeological investigation that was carried out as part of the Linden Homes scheme picked up the presence of a previously unknown double-ditch enclosure dating from the early years of the Roman occupation of the region⁷ straddling the boundary between the south-east corner of the appeal site, and the Linden Homes site. The Linden Homes site contained about 30% of the enclosure which has been fully excavated as part of the archaeological investigation of that site.
32. Against that background, it is important to reflect, first of all, on the nature of the evidence presented to the Inquiry. The Council's putative reason for refusal makes reference to the proposed destruction of the heritage asset falling contrary to LP Policy EN5 and the Framework. However, it is clear from the Council's evidence that what remains of the enclosure could be retained in situ through the use of a condition⁸.
33. In any event, what the appellant proposes is not the wanton destruction of the heritage asset, but proper archaeological excavation and investigation, in line with what took place on the Linden Homes site. The situation is not as stark as the Council seeks to present it, therefore.
34. The choice before me is a relatively straightforward one. Put simply, is it better to leave the remains of the enclosure undisturbed, with interpretation on the basis of available knowledge, or to excavate and investigate it further, thereby destroying the remains, but broadening the depth of knowledge about it, and allowing for more informed interpretation?
35. In my view, the latter choice is the more attractive one. I reach that conclusion for a number of reasons. First, a good part of the enclosure has already been excavated and destroyed so the asset is not intact. Second, and I mean this as no criticism of the Council given that the presence of the enclosure was hitherto unknown, the layout of the Linden Homes scheme pays little or no regard to the presence of the enclosure. If it was retained in situ on the appeal site, and fenced off, as per the Council's suggested condition, then it would appear as something of a leftover, with no real sense apparent of its strategic purpose given that views from it of the estuary, and the likely crossing point, would be obscured by the hedgerow, houses, and gardens.
36. On top of that, it is clear that the investigation that did take place was to a large extent, inconclusive so any interpretation boards or similar that might be erected, would be somewhat speculative. Excavation of the entire enclosure, and the further investigation that would facilitate, might well throw up more information that would aid understanding of the links between the site and the Roman occupation, broadening knowledge, and allowing for the installation of more informed interpretation boards. Finally, it is plain that the enclosure has regional significance but is not something that has wider importance that would justify it becoming a Scheduled Ancient Monument.
37. In that context, I am content that an appropriately worded condition that seeks to secure investigation and interpretation is sufficient to ensure that proper regard is had to the presence of the enclosure. As a consequence, I see no departure from LP Policy EN5.

⁷ I have taken this description from Part 2 of Mr Reed's evidence

⁸ Part 6 of Mr Reed's evidence – suggested condition (A)

38. In terms of the Framework, I accept that paragraph 141 tells us that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. However, as set out, my conclusions above are not based simply on the ability to record the asset. There are other important factors at play too.
39. Paragraph 135 of the Framework deals specifically with the approach to be taken to 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.
40. Excavation and investigation will lead to the total loss of the asset. However, in heritage terms, there will be benefits that flow from that in terms of the increased knowledge likely to be gleaned from the operation that can feed into more effective interpretation on-site. In my view, in the overall context of the housing scheme proposed for the site, the fact that 30% of the asset has already gone, and its context has been irretrievably compromised, it is my view that the benefits outweigh the loss. Subject to a condition designed to secure appropriate investigation and interpretation, the proposal accords therefore with the Framework.

Conditions and the Obligation

41. In terms of Appeal A, it follows from my reasoning above that condition 24 applied to the original grant of outline planning permission is neither necessary, nor reasonable. It should, therefore, be removed. As set out at the Inquiry, my powers extend to the other conditions applied to the original grant of outline planning permission too. Condition 4 is meant to set out the approved plans but it clearly goes way beyond that. I have therefore modified it to suit.
42. There was some discussion about condition 6 too. This requires reserved matters submissions to provide for a quantum of open space and green infrastructure in accordance with LP Policy WE11. The policy sets out that to achieve the maintenance and expansion of a comprehensive green infrastructure network, promoting good accessibility to green infrastructure for all, a range of matters will be promoted through determination of planning applications, infrastructure investments, and by partnership working.
43. These include f) public open space should be designed as part of the overall green infrastructure and layout of the site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits. There is also d) which requires the provision of at least 10 square metres per dwelling of children and young persons' play space in residential development to consider; and e) which requires the provision of about 100 square metres per dwelling of other forms of green infrastructure, including playing pitches, allotments, parks, biodiversity enhancement and natural greenspace.
44. It appears to me that condition 6 is unnecessary and as a result, unreasonable. Given that layout is reserved, if reserved matters applications are made that fail to accord with the qualitative and/or quantitative requirements of LP Policy WE11, then the Council can refuse to approve them. On that basis, condition 6 can safely be removed.

45. Again I recognise the concerns of the appellant that removing condition 6 for that reason might not take matters very far forward. I must record that it is not my place to fetter the Council's decision-making but in any event, LP Policy WE11 is very clear in its requirements, and I have set out my qualitative findings on the illustrative schemes provided in support of Appeal B in what I hope is sufficiently plain manner.
46. Concern was also expressed about condition 23 which requires the submission of what is termed a carbon reduction plan with each reserved matters application. The appellant questions whether the condition is clear enough to allow it to be complied with easily. However, LP Policy EN3, and the explanatory text associated with it, which refers to the Council targets in LP Policy S7, is quite explicit about the sorts of things the Council will be looking for in relation to the construction process, and the performance of buildings in use. On that basis, I am content that condition 23 meets the tests for conditions in the Framework and should be retained.
47. In terms of Appeal B, a helpful list of draft conditions⁹, largely based on those attached to the grant of outline planning permission deal that resulted in Appeal A was submitted and discussed. With a few adjustments in the interests of precision, these should obviously be repeated. The exception is draft condition 6 which refers to LP Policy WE11 in the same way as the corresponding condition on Appeal A that I have referred to above. For the same reasons, it is unnecessary. Draft condition 23 can remain for the reasons set out above, in the context of Appeal A. Bearing in mind my conclusions on archaeology set out above, I have attached draft condition 22 as included in the list rather than the version suggested in the Council's evidence for where the asset is to be retained in situ. I have made an addition to the draft condition, as canvassed at the Inquiry, to secure interpretation boards.
48. The completed Obligation relates to both Appeal A and Appeal B. It deals with affordable housing and, in the interests of sustainable travel, the provision of a Welcome Pack for incoming residents. Both meet the tests for Obligations set out in paragraph 204 of the Framework and the broadly similar, statutory requirements of the CIL Regulations.

Conclusions

Appeal A

49. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without some of the disputed conditions (nos.4, 6 and 24), but substituting one (a new no.4), while retaining one of the disputed conditions (no.23), and the relevant non-disputed conditions from the previous permission.

Appeal B

50. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR

⁹ Inquiry Document 10

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Wayne Beglan of Counsel

Instructed by Teignbridge DC

He called
Stephen Reed

Senior Historic Environment Officer, Devon CC

Paul Bryan

Landscape Officer, Teignbridge DC

David Kiernan

Neighbourhood Planning Officer, Teignbridge DC

Kelly Grunill

Senior Planning Officer, Teignbridge DC

FOR THE APPELLANT:

Charles Banner of Counsel

Instructed by PCL Planning Ltd

He called
Peter Cox

Co-Director, AC Archaeology

Andrew Williams

Define

David Seaton

PCL Planning Ltd

INTERESTED PERSON

Peter Finch

Chairman, Teignbridge Branch of Devon CPRE

INQUIRY DOCUMENTS

1. Officer Report on 14/01645/MAJ (conditional approval of reserved matters for Linden Homes scheme)
2. Comparison Table prepared by Mr Williams
3. Rebuttal PoE prepared by Mr Reed
4. Opening Submission on behalf of the appellant
5. Opening Submission on behalf of the Council
6. Submission of Mr Finch, Devon CPRE
7. Completed Obligation under Section 106
8. Copy of Appeal Decision T/APP/K1128/A/98/300381/P5
9. Details of the Templer Way
10. Suggested Conditions on Appeals A and B
11. Closing Submission on behalf of the Council
12. Closing Submission on behalf of the appellant
13. Costs Application submitted on behalf of the appellant

Richborough Estates

Annex 1

Schedule of Conditions on Appeal B: APP/P1133/W/16/3163573

- 1) Details of the appearance, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 13221/1000: Site Location Plan; 700 Revision D: Proposed Access Arrangement; and GL0632 01: Illustrative Structural Landscape Proposals Plan.
- 5) No development shall take place until full details of all means of enclosure and boundary treatments including buffers to existing and new hedging for each reserved matters phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.
- 6) No development shall take place until full details of surface water drainage to accord with the submitted Flood Risk Assessment have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.
- 7) All vehicle, cycle and pedestrian links to adjoining land shown in any reserved matters submission must be taken to the boundary and dedicated as highway.
- 8) No dwelling shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the local planning authority. The approved RTP shall be implemented and operated thereafter in accordance with the approved details.
- 9) No development shall take place until details of a strategy (including a time frame for completion) for the provision of public art within the development has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented in accordance with the approved details and retained and maintained as such thereafter.
- 10) No development shall take place until an overarching plan for the phasing of the development has been submitted to and approved in writing by the local planning authority. No development on any particular phase shall take place until a detailed phasing plan for that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 11) Before the first reserved matters application, a Parameters Plan, setting out the landscape, open space, street character, density, scale, and legibility parameters for the entire site shall be submitted to the local planning authority.
- 12) No development shall take place until a Landscape and Ecology Implementation and Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include a timetable for implementation of the landscaping and ecology work and details of the management regime. The LEMP shall be implemented in accordance with the approved details.
- 13) Prior to the installation of any external lighting on the site, within any phase of development, a lighting strategy for that particular phase, including full details of all external lighting, including that serving individual plots, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) No dwelling shall be occupied until works for the disposal of foul sewage from that dwelling have been provided in accordance with details first submitted to and approved in writing by the local planning authority.
- 15) No development shall take place until long- and cross-sections of the vehicular access points to the site have been submitted to and approved in writing by the local planning authority. The vehicular access points shall be completed in accordance with the approved details prior to the first occupation of any dwelling on the site.
- 16) No development shall take place until a parking strategy for the site has been submitted to and approved in writing by the local planning authority. Parking shall be provided in accordance with the approved details and retained as such thereafter.
- 17) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include a summary of the work to be carried out; a description of the site layout and access including proposed haul routes and parking facilities and the location of site equipment including the supply of water for damping down; an inventory and timetable of all dust generating activities; a list of dust and emission control methods to be used; the identification of an authorised responsible person on site for air quality; a summary of monitoring protocols and an agreed procedure for notification to the local authority Environment & Safety Services Department; a site log book to record details and action taken in response to incidences of the air quality objectives being exceeded and any exceptional incidents; and proposed hours of work (including construction, deliveries and other movements to and from the site). All vehicles leaving the site must be wheel-washed if there is any risk of affecting nearby properties. There should be a paved area between the wheel-wash and the main road.
- 18) No development shall take place until full highway details have been submitted to and approved in writing by the local planning authority. These shall include details of the proposed estate road(s), cycleways, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle

- overhang margins, embankments, visibility splays, accesses, car parking, and street furniture. Development shall be carried out in accordance with the approved details.
- 19) No development shall take place until details of bat roost and bird boxes to be provided within the site (including an implementation programme) have been submitted to and approved in writing by the local planning authority. The bat roost and bird boxes shall be installed in accordance with the approved details and retained as such thereafter.
 - 20) Prior to the commencement of development, site clearance, or the introduction of materials to the site, tree protective fencing (in accordance with Figure 2 of BS5837 2012 or other specification submitted to and approved in writing by the local planning authority) shall be erected around all trees or shrubs to be retained in accordance with a plan previously submitted to and approved in writing by the local planning authority.
 - 21) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, and proposals for interpretation boards, or the like, including a timetable for their installation, which have been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details that may subsequently be agreed in writing by the local planning authority.
 - 22) No development shall take place on any phase of development until a carbon reduction plan for that phase has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved carbon reduction plan.
 - 23) Subject to the approval of the highway authority, the development shall include the provision of a zebra crossing point to the north of the site, across Vicarage Hill, or Teignmouth Road. In the event that the highway authority approve such a crossing, details of the crossing, including a time-for its provision, shall be submitted to the local planning authority for its written approval, within 6 months of the commencement of development. Development shall be carried out in accordance with the approved details.