

CONDITIONS NOT AGREED – APPELLANTS SUGGESTED WORDING

From the Appellants perspective the main area of disagreement on the outstanding conditions relates to whether the Design Code is approved and therefore conditioned. The Appellant's position is that the application was submitted on this basis and as a result seeks approval of the Design Code as explained in the Appellants Rebuttal evidence.

Should this be accepted then Conditions 5, 8, 27, 28 and 29 should be capable of being agreed.

The Appellants position/suggested wording for the conditions that have not been agreed is set out below.

Parameter Schedule

5. Details of Reserved Matters shall accord with the approved Parameter Plans, the Amended Development Parameter Schedule (received 18th March 2022) and the mandatory requirements set out in the Design Code (May 2022). Each Reserved Matters application for each phase shall be accompanied by a completed Design Code Mandatory Checklist for that phase to demonstrate how the development of the relevant phase complies with the mandatory requirements set out in the Design Code (May 2022).

Active Frontages

8. Notwithstanding Section 3.5 of the Design Code (May 2022) a minimum of 80% of the length of each of the following key ground floor frontages (Plots as shown on Building Plots Drawing Ref: PP-102_P2) shall be provided for active public uses to include A1-A5, D1 and D2 use classes:
 - Southern frontages of Plots A and B;
 - Southern and eastern frontages of Plot C; and
 - Western and southern frontages of Plot D

Phasing

9. Prior to commencement of the development, a Phasing Strategy setting out the sequence in which the following phases of the development are to be commenced and/or confirming if one or more of them are to be commenced simultaneously shall be submitted to and approved by the Local Planning Authority:
 - o Phase 0 Drawing Ref: PP-110_P1
 - o Phase 1 Drawing Ref: PP-111_P1
 - o Phase 2 Drawing Ref: PP-112_P1
 - o Phase 3 Drawing Ref: PP-113_P1
 - o Phase 4 Drawing Ref: PP-114_P1

provided that such Phasing Strategy shall identify Phase 0 as being the first phase to commence unless otherwise agreed in writing with the Local Planning Authority.

The Phasing Strategy will define:

- i) Target timescales relating to the commencement of a phase, length of construction and completion of the phase.
- ii) Details of the co-ordination of access and junction infrastructure into and through the site
- iii) Footpath and cycle links within the site and connecting to the external movement network

- iv) Co-ordinated means of treatment of hard surfaces areas between the site and adjacent public realm/hard landscaping areas
- v) Public realm

The phasing of the development shall be carried out in accordance with the approved Phasing Strategy or any subsequent variation to it as submitted to and approved by the Local Planning Authority from time to time.

Landscape Strategy

27. Concurrently with the submission of the first Reserved Matters application for any phase of the development, an overarching landscape strategy, including a Landscape Masterplan, for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The landscape strategy shall be consistent with the Design Code (May 2022) and shall include landscape principles, including provision of large canopy trees, links with retained landscape features, tree rooting volume provision, landscape-led SUDS, management responsibility division and an expectation for the inclusion of green or brown roofs and green walls; indicative service routes; location of hard landscaping, street furniture, lighting locations and how soft & hard landscaping features will support the finding of the approved daylight, sunlight and microclimate assessments.

Development shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Hard and Soft Landscaping

28. No development shall commence on each phase until a comprehensive scheme of hard and soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority. Details shall be in accordance with the approved Landscape Strategy (as approved under Condition 27.) and shall include:
- a. Proposed finished ground and floor levels or contours, means of enclosure (boundary treatments, including mammal gaps where appropriate), car parking layouts, other vehicle and pedestrian access and circulation areas;
 - b. Hard surfacing materials and minor artefacts and other ancillary structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services);
 - c. Soft landscaping details shall include planting plan (specifying native and wildlife friendly species), specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
 - d. Routes and details of proposed and existing functional services above and below ground including foul and surface water drainage, soakaways and SUDs details, power, communications cables and water and gas supply pipelines, including access points;
 - f. Details of the public realm; and
 - g. Full details of green roofs.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the beneficial occupation of any part of the relevant phase or in accordance with a timetable approved in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

Landscape Management Plans

29. Prior to the beneficial occupation of each phase/plot a long-term landscape management plan, in accordance with the approved overarching Landscape Strategy and approved detailed landscaping for that phase and including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall thereafter be carried out in accordance with the approved details and for the period specified.

Draft Conditions 10 and 11 suggested by the Council are not considered necessary.