
**Erection of 49 dwellings with on-site National Forest planting, areas of open space and associated highways and drainage infrastructure (Reserved matters to outline planning permission 13/00956/OUTM)
Land To The South Of Grange Road Hugglescote
Leicestershire**

**Report Item No
A2**

**Application Reference
18/00341/REMM**

**Grid Reference (E) 443399
Grid Reference (N) 312592**

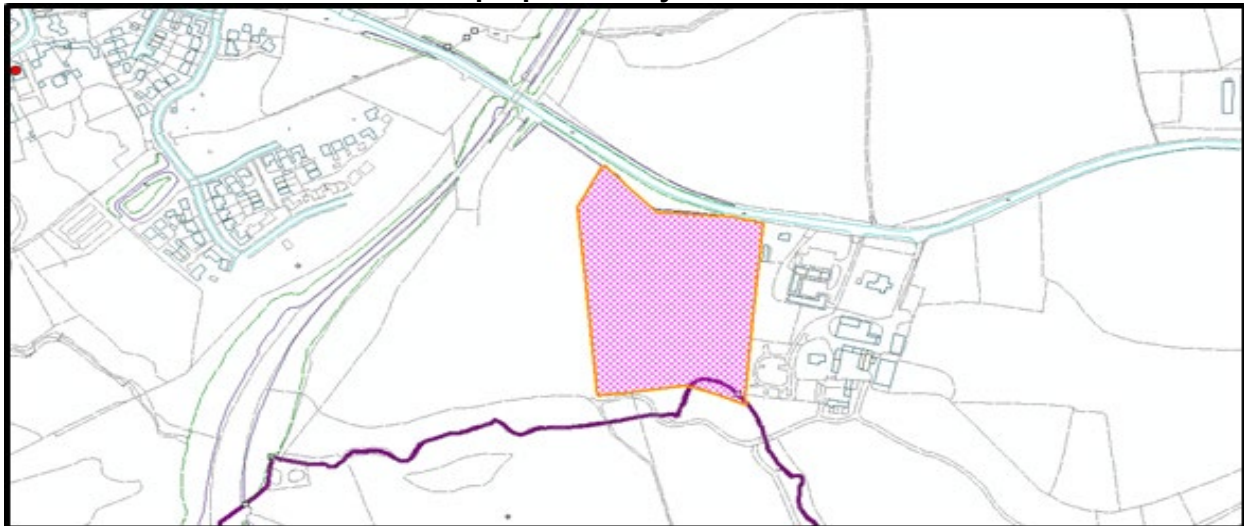
**Date Registered:
30 August 2018
Consultation Expiry:
26 April 2019
8 Week Date:
29 November 2018
Extension of Time:
16 August 2019**

**Applicant:
Cadeby Homes Ltd**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination on the basis of the Planning Committee resolution of 2 December 2014 in respect of the outline planning permission for the wider South East Coalville development.

Proposal

This is a reserved matters application for the erection of 49 dwellings and associated development, forming part of the wider South East Coalville development.

Consultations

Objections have been received from Hugglescote and Donington le Heath Parish Council in respect of the proposals. The County Highway Authority had previously raised concerns in respect of some aspects of the scheme (and including the detailed site access junction), but these concerns have now been addressed to the County Council's satisfaction, and no objections are raised.

Planning Policy

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the erection of 49 dwellings on a site of 2.77 hectares forming part of the wider South East Coalville development.

The original outline planning permission (ref. 13/00956/OUTM) was determined at the Planning Committee in December 2014, and issued in September 2016 following completion of a Section 106 obligation securing contributions including in respect of affordable housing, travel plans, travel packs, bus passes, children's play / public open space / recreation, biodiversity enhancement, education, civic amenity, libraries and healthcare. An associated Section 278 agreement between the applicants and Leicestershire County Council secured contributions towards off-site highways infrastructure.

All matters were reserved for subsequent approval, and all five reserved matters for the phase to which this application relates (i.e. access, appearance, landscaping, layout and scale) are included for consideration as part of this reserved matters submission. However, the outline planning permission was accompanied by an indicative development framework plan indicating the general location of built development, open space and highway infrastructure within the site, and has subsequently been subject to approved discharge of condition submissions in respect of a site-wide masterplan, Design Code and a vehicular access strategy.

As per the site-wide masterplan, the scheme would provide for areas of public open space (and which are shown as including balancing facilities) at the southern edge of the parcel, close to the River Sence.

2. Publicity

15 Neighbours have been notified.

Site Notice displayed 13 September 2018.

Press Notice published Leicester Mercury 19 September 2018.

3. Summary of Consultations and Representations Received

Environment Agency has no objections subject to conditions

Ellistown and Battleflat Parish Council - no comments received

Hugglescote and Donington le Heath Parish Council objects on the following grounds:

- Unsafe access
- Insufficient affordable housing
- One of the proposed house type's bedroom is smaller than the bathroom and should therefore be identified as a box room instead
- Housing mix not in accordance with the HEDNA
- Play area not shown on plans - contribution of £1,400 per dwelling is requested in lieu of on-site provision
- Site does not include a continuous route for buses as required by the outline permission
- Developer should be required to replace hedging removed without consent
- Archaeological impacts - whole of archaeological interest area should be fenced off during construction
- Pumping station must comply with Severn Trent Water cordon sanitaire

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Highway Authority final comments awaited

Leicestershire County Council Rights of Way requests amendments to proposed rights of way diversion route surfacing

Leicestershire Police makes a number of recommendations in respect of reducing the opportunities for crime

National Forest Company has no objections, but suggests some minor alterations to the proposed landscaping.

North West Leicestershire District Council Strategic Housing team has no objections

North West Leicestershire District Council Urban Designer has no objections subject to conditions

North West Leicestershire District Council Waste Services Team requests further information in respect of the availability of access for waste vehicles

Third Party Representations

None

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54 and 55 (Decision-making)

Paragraphs 106, 109 and 110 (Promoting sustainable transport)

Paragraphs 122 and 123 (Making effective use of land)

Paragraphs 124, 127, 128, 129 and 130 (Achieving well-designed places)

Paragraph 165 (Meeting the challenge of climate change, flooding and coastal change)

Further advice is provided within the MHCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H6 - House types and mix
Policy IF1 - Development and Infrastructure
Policy IF3 - Open Space, Sport and Recreation Facilities
Policy IF4 - Transport Infrastructure and new development
Policy IF7 - Parking provision and new development

Ellistown and Battleflat Neighbourhood Plan (2019)

That part of the application site south of the River Sence falls within the Plan area. That part of the application site falling within the Plan area lies within Limits to Development as defined in the adopted Neighbourhood Plan and is also identified as part of the South East Coalville Development Scheme site under Policy S3.

The following Neighbourhood Plan policies are considered relevant to this application:

Policy S1 - Ellistown Limits to Development
Policy S3 - South East Coalville Development Scheme
Policy NE3 - Trees and Hedgerows

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highways Design Guide

5. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in September 2016 and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated matters are not relevant to this application.

Other Matters Relating to the Outline Planning Permission

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the outline planning permission also requires certain matters to be included as part of the reserved matters application(s) (either for the site as a whole or the relevant phase). These conditions include requirements in respect of: provision of a masterplan (Condition 5); a Design Code (Condition 8); a statement setting out how the Design Code has been complied with (Condition 9); details of modelling and buffer works relating to the River Sence (Conditions 11 and 16); a vehicular access strategy (Condition 27); a site-specific Travel Plan for the relevant phase (Condition 31); and details of continuous routes suitable for buses (Conditions 32 and 33). However, whilst these conditions generally require these matters to be submitted with the first reserved matters application for the relevant phase, the consortium has already sought to address the majority of these on a site-wide basis under separate (approved) discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16 and 27 have, in effect, already been

complied with. In terms of the remaining conditions referred to above, the following conclusions are reached:

Condition 9: In accordance with the condition, the application is accompanied by a statement setting out how, in the applicant's view, the scheme meets the requirements of the approved Design Code, and the requirements of the condition are met. Officers' assessment of the scheme's performance against the Code is set out in more detail under Urban Form, Design and Site Layout below.

Condition 31: The application is accompanied by a Travel Plan; further assessment is set out under Highway Safety, Transportation and Access Issues below.

Condition 33: The application documents include a copy of the approved vehicular access strategy which contains details intended to demonstrate that the scheme would provide two continuous routes suitable for bus use through land to the southern side of Grange Road. To the west of the cul de sac proposed to serve the development the subject of the current application, it is proposed to provide a bus route from a proposed ghost island priority junction onto Grange Road and which would connect through the western section of that part of the South East Coalville development to the south of Grange Road to Beveridge Lane (at the recently constructed roundabout adjacent to the western end of the Amazon unit). Similarly, a route through the eastern section of that part of the South East Coalville development to the south of Grange Road to Beveridge Lane would connect from a new roundabout on Grange Road to a new one on Beveridge Lane (to the north of the Amazon unit). These details comply with the approved Vehicular Access Strategy and are considered appropriate. As such, the scheme is considered acceptable in this regard. [NB Condition 32 provides for equivalent requirements in respect of land north of Grange Road, and no submission is therefore required in connection with this parcel; this was previously addressed under reserved matters application ref. 18/00375/REMM.]

Urban Form, Design and Site Layout

The proposed development would provide for a total of 49 dwellings, equating to a gross site density of 18 dwellings per hectare (or a net density of approximately 28 dwellings per hectare). Paragraph 122 of the NPPF requires development to make efficient use of land; the density of the proposed development would, when having regard to the location of the development and the implications of meeting the District Council's design policies, be considered reasonable in this location.

The scheme is essentially intended as a landscape-led development in accordance with the principles set out in the agreed Design Code for the site as a whole and the landscaping proposed would accord with the street typologies approved under the Code. During the course of the application, the scheme has been the subject of discussions between officers and the applicant, intended to address a number of concerns raised by the District Council's Urban Designer in respect of the Design Code compliance of the originally submitted scheme. In particular, the Urban Designer had requested that amendments be made in respect of:

- Ensuring normally dry SuDS features would be integrated into the public open space;
- Provision of front doors to the higher order street on corner plots;
- Provision of suitable fenestration for corner turning units;
- Addressing potential displaced parking issues caused by location of spaces on relation to the front door of the dwelling served; and
- Provision of enhanced pedestrian connections between the proposed houses and adjacent diverted rights of way

Following the various amendments, the Urban Designer confirms that his concerns are now addressed. He also considers that the scheme is consistent with the masterplan and is Design Code compliant and, as the masterplan and Code have been produced and approved with Building for Life 12 in mind, it can be concluded that the scheme would also perform well against Building for Life 12, subject to the imposition of conditions to address more detailed issues (including, for example, treatment of boundaries, landscaping and materials). Insofar as the issues raised in respect of the usability of the SuDS features are concerned, it is also noted that drainage is in effect covered by conditions attached to the outline planning permission, and the form of the SuDS would need to be agreed separately from the reserved matters process; public open space provision is addressed in the Section 106 agreement entered into in respect of the outline planning permission.

During the course of the application (and in order to address issues of the suitability of the proposed roads for adoption by the County Highway Authority given the gradient of the site) the applicant has amended the proposed scheme's levels. In order to ensure that the proposed private drive adjacent to the SuDS retains suitable turning space, the addition of a retaining feature is proposed, provided in the form of a terrace of two gabion walls, with the tallest being 1m in height. The agent has worked with the Local Planning Authority to seek to minimise the visual impact of this structure and, to this end, intends to use granite within the gabions, and has submitted a detailed landscaping scheme showing how this area of the site would be treated. The landscaping proposed has also been designed so as to discourage access to the area between the gabions and SuDS features in order to ensure that the "stepping" of the site levels would not result in a partially hidden area of the site which could then become a source of anti-social behaviour. The proposed solution is, officers consider, an acceptable approach to enabling the practical development of the site whilst not adversely affecting its design.

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations securing affordable housing (7.5%) as part of the development, Policy H6 refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<i>Tenure</i>	<i>No. of Bedrooms (% of each tenure type)</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	0-10	30-40	45-55	10-20
Affordable	30-35	35-40	25-30	5-10

The submitted scheme proposes the following (%):

<i>Tenure</i>	<i>No. of Bedrooms</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	-	17.8	15.6	66.7
Affordable	-	100	-	-

In terms of the proposed affordable housing, it is accepted that, with only four affordable units, meaningful comparison against the HEDNA suggested mix is difficult. Insofar as the market housing is concerned, it can be seen that this would be weighted more towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6

also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) for developments of 50 or more dwellings. Whilst this scheme falls below that threshold, the site is in effect part of a wider development, but none are proposed for this parcel. Whilst, in terms of the proposed market housing mix (i.e. in terms of bedroom numbers etc.), the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6, it is acknowledged that Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter).

In terms of affordable housing generally, as set out above, the Section 106 agreement requires the provision of a minimum of 7.5% of the proposed dwellings to be affordable; whilst the need to comply with the terms of the Section 106 agreement is not directly relevant to the determination of this reserved matters application (and the precise nature of the proposed affordable contribution within this phase would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the phase), it is noted that the proposed total of 4 affordable units would meet (and slightly exceed) this requirement.

Insofar as the mix of affordable units is concerned in terms of dwelling size and tenure type, this would also need to be resolved under the provisions of the Section 106 agreement, but the Strategic Housing Team nevertheless confirms that it is content with the location of the affordable properties indicated at this time (as well as the intention to provide four units within this part of the wider site). Whilst the Strategic Housing Team notes that the breakdown of the units indicated would not fully match the overall proportions identified in the Section 106 agreement, it acknowledges that, given that only four units would be provided on this portion of the wider site, a direct match against the proportions specified in the agreement would not in practice be possible. The Strategic Housing Team also advises that the units shown have been proposed following dialogue direct with the developer, and the provision of the two bed dwellings proposed is supported as it is considered to offer flexibility given current requirements of the Council's Registered Provider partners.

At this stage, therefore, the District Council's Strategic Housing team indicates that it is satisfied with the house types indicated as intending to be the affordable contribution shown on the submitted layout.

Under the provisions of the Section 106 obligation entered into at the outline stage, a significant contribution to green infrastructure (including public open space, children's play and National Forest planting) is required to be implemented (within the site as a whole). Insofar as this part of the wider site is concerned, the submitted layout broadly corresponds with the various areas of proposed green infrastructure on the indicative layout submitted at the outline stage and the subsequently approved masterplan, and would be considered to provide a suitable contribution to the network of open space proposed as part of the development's overall landscape-led approach.

Under the provisions of the Section 106 agreement, the developer for each phase of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to commencement on the relevant phase. As such, this is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application. Whilst Hugglescote and Donington le Heath Parish Council has commented that, if no children's play area is provided on-site, this would need to be addressed by way of an off-site contribution, the strategy for public open space provision is already addressed under the outline planning permission and Section 106 agreement.

Highway Safety, Transportation and Access Issues

As set out above, whilst the site is subject to an agreed vehicular access strategy, the details of the proposed means of access are a reserved matter for determination as part of this application. The submitted scheme shows the proposed dwellings served via a new priority junction onto Grange Road located approximately 75m to the west of the closest existing vehicular access serving the adjacent business development.

The County Highway Authority has no objections in principle to the siting of the vehicular access in this location, and notes that (in terms of its siting) it complies with the wider site's vehicular access strategy. Whilst the County Highway Authority had previously raised a number of issues in respect of the detailed design of the access (and including in terms of the extent of its associated footway provision on the southern side of Grange Road), the County Highway Authority is now however content that the footway being constructed to the northern side of Grange Road (in association with the development of the land to that side of the road) would be sufficient. The County Highway Authority had also indicated that a 40mph speed limit would need to be provided along a stretch of Grange Road from a point located to the east of the proposed site access to the start of the extended 30mph section to the west. This is also due to be delivered in association with the current development to the northern side of Grange Road, and the relevant traffic regulation order is being progressed in accordance with the provisions of the Section 106 agreement previously entered into in respect of that site.

Following amendment of the proposed site access in accordance with the County Highway Authority's previous observations and the recommendations contained within the submitted Stage 1/2 Road Safety Audit (RSA), the County Council advises that its concerns have been addressed. Notwithstanding this, the County Highway Authority notes that one issue highlighted in the submitted RSA discusses the requirement for street lighting at the site access; whilst the County Council comments that the designer's response is noted, it indicates that any additional street lighting required in connection with the site access would be considered during the detailed design stage of the Section 278 approval process.

Similarly, a number of other technical issues were previously raised by the County Highway Authority (and including in respect of whether the internal roads would meet the County Council's requirements for being suitable for adoption by the County Council (i.e. rather than necessarily highway safety matters)). In particular (and whilst raising no objection), the County Highway Authority comments that the proposed internal roads do not fully accord with the Leicestershire Highway Design Guide, and advises that, in order to be considered for adoption by the County Council, alterations to the paving and footways associated with the proposed shared surfaces would be necessary, but also notes that it is satisfied that these changes would be able to be achieved.

Insofar as the planning issues are concerned, it is considered that these are matters more directly associated with meeting the County Highway Authority's standards for accepting roads for adoption rather than any specific safety issue. In order to ensure that its proposed estate roads are adopted by the County Highway Authority, the developer may wish to make the minor alterations identified by the County Council but, if not, there would appear to be no overriding reason why, in planning terms, the estate roads would need to be adopted subject to the implementation of some form of measures (e.g. Section 106 obligations or a similar legal agreement) so as to ensure that the roads were to function in a similar manner as adopted highway (including, for example, appropriate maintenance measures and the securing of unfettered public vehicular and pedestrian access along the roads). From the planning point of view, it would also be necessary to ensure that the proposed development's roads (whether or

not they are amended to meet Leicestershire County Council adoption standards) comply with the street typologies specified under the approved Design Code.

As set out above, (and as per the requirements of Condition 31 of the outline planning permission) the application is accompanied by a Travel Plan relating to this phase of the wider scheme, and which sets out a range of measures designed to reduce reliance on single occupancy vehicle trips (and in accordance generally with the Framework Travel Plan for the site as a whole forming part of the outline application submissions). This site-specific Travel Plan has been assessed by the County Highway Authority, and is considered acceptable.

The County Highway Authority therefore has no objections to the application subject to conditions.

A number of rights of way (Footpaths N52, N55 and N56) are affected by the proposals. N55 and N56 cross the site north east-south west (N55) and north west-south east (N56), and N52 passes east-west through the southern section of the site. Under the proposed scheme, much of the existing routes of N55 and N56 would in effect be extinguished, albeit, in addition to the new street network crossing the site, new pedestrian links are proposed along the northern and western site boundaries such that an alternative option of non-vehicular routes for users of the rights of way would still exist.

It is noted that the existing route of Footpath N56 in the northern part of the site (but which does not connect all the way to Grange Road) would be unaffected by the proposals. In order to avoid the creation of an unnecessary "spur" of surfaced footpath along this northern end of Footpath N56, the application has been amended such that this unchanged section of the route would remain unsurfaced as currently.

Leicestershire County Council's Rights of Way team had initially raised no objections to the reserved matters application but, following amendment, raised concerns over the loss of a small section of the replacement route for N55 in the north eastern corner in a subsequent alteration; the latest iteration of the site layout shows this reinstated. The Rights of Way team also suggests that, following reconfiguration of the proposed SuDS area, the opportunity for a more direct replacement route for N56 could be taken. Whilst the County Council's comments are noted, it is considered that the route now proposed adjacent to the SuDS would not be an unreasonable one for walkers, and would be acceptable in terms of the usability of the route. In terms of the amenity impacts on rights of way, it is considered that the development of the site in itself would, inevitably, have some implications on the rural character of the affected routes (which, at this point, pass through currently undeveloped agricultural land / grassland). However it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also acknowledged that the proposals would continue to provide what would, it is considered, be likely to be pleasant non-vehicular routes for walkers etc.

The County Council's Rights of Way team also requests that tarmac surfacing be provided to all public footpath routes / diverted routes through the site. It is agreed that, in order to ensure that maximum benefit is gained in terms of encouraging journeys to be undertaken by foot, all-weather surfacing would generally be appropriate. Whilst it is appreciated that there may be differences in terms of future frequency of maintenance etc., in *planning* terms, however, there seems to be no overriding reason why a different surfacing (such as Breendon gravel) would not be just as appropriate as tarmac in terms of maximising suitability of use for all users. Moreover, in view of the rural / National Forest setting, it is considered that a visually "softer" finish may be more sensitive, and enhance the recreational value of the site. Similarly, the County Council's Rights of Way team comments that, if rights of way are proposed to be diverted along the

proposed estate roads, these ought to be surfaced in tarmac rather than block paving so as to reduce the County Council's maintenance liability. Again, however, it is not considered that this would represent a planning consideration justifying a change in materials (and, furthermore, would be likely to diminish the design quality of the scheme).

Residential Amenity

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of both the proposed development and existing nearby properties. Whilst there are no *existing* neighbours considered to be materially affected by the proposals, it is noted that planning permission has recently been granted for residential development on land to the east of the site (ref. 18/02076/FUL); the two schemes have been designed with one another in mind, and are considered to include appropriate relationships between the respective sites' dwellings, providing for an acceptable level of amenity, and complying with the relevant Local Plan and SPD policies.

Other Matters

In terms of waste collection, it would be necessary to demonstrate that waste vehicles could (physically) access the site, and the District Council's Waste Services team had requested further information in respect of availability of access for waste vehicles (including turning space etc.). This has been provided within the updated submissions, and the further comments of the Waste Services team are awaited; any further response received will be reported on the Update Sheet. Should access be required by waste service vehicles along unadopted roads, some form of indemnification may be required. Subject to the applicant being able to demonstrate that a waste vehicle could enter and leave the site, this would be considered acceptable.

Concerns have been raised by Hugglescote and Donington le Heath Parish Council in respect of archaeological issues. This matter is addressed in the outline planning permission, and conditions are attached to that permission ensuring the appropriate mitigation identified as necessary in the Environmental Statement and associated archaeological assessment work is secured. The part of the wider South East Coalville site the subject of this reserved matters application does not fall within the area associated with the former Hugglescote Grange proposed to be protected under Condition 35 of the outline planning permission.

Conclusions

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment is therefore limited to those issues falling within the reserved matters.

The reserved matters scheme the subject of this application is considered to be acceptable, and previously raised design and highway safety concerns are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing (including provision of transition strips to proposed roads)
- 5 Materials
- 6 Boundary treatment
- 7 Tree / hedgerow protection
- 8 Levels
- 9 Pedestrian and cycle connections (including any works to public rights of way and other routes)
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Windows to car parking areas
- 14 Bin / recycling storage and collection points
- 15 Street name plates
- 16 Retaining walls / structures
- 17 Substations / pumping stations etc.
- 18 Compliance with details approved pursuant to outline planning permission conditions (and forming part of the reserved matters submission)
- 19 Access / highways (and including mechanisms to ensure that full public access is available over proposed estate roads in the event they are not adopted by the Local Highway Authority)
- 20 Flood risk / drainage