

From: Jessica Riches
Sent: 06 November 2025 11:27
To: oliver shaw
Cc: Jenny Henderson
Subject: P/133/25/NMA

Dear Oliver,

I have spoken with David, who advised that during your meeting earlier this year, there was a general consensus that introducing phasing to the outline or reserved matters conditions was, in principle, acceptable.

However, upon reviewing the proposed amendments within the NMA application, officers have identified several concerns. Many of the revised conditions remove the requirement for details to be agreed prior to commencement, which is problematic. Changing the trigger of a condition that goes to the heart of the permission would constitute a material consideration and therefore cannot be determined under a non-material amendment application.

Moreover, some conditions retain a pre-commencement requirement but exclude various elements (site clearance, pegging out, survey works, enabling works). This approach causes concern for officers because terms like “enabling works” are ambiguous, creating uncertainty about what is included or excluded and provides no clear trigger within the development timeline. Condition wording which is imprecise is not considered to meet the tests of planning conditions.

For clarity, condition 12 and 17 are supportable as there are no changes to the condition triggers and ultimately seek to make the phasing approach clear, as agreed in principle with David when you last spoke. However, below is a list of concerns relating to conditions 4, 5, 10, 11, 13, 15, 24, 25, and 29. I have, in purple, included alternative wording which could be supportable, however in most cases this removes any changes to the triggers and just incorporates the phasing elements.

Condition 4

- There is concern that the proposition of the wording to exclude commencement works, whilst also simultaneously trying to be a pre-commencement condition, is confusing. Specifically, the term “enabling works” is not precise to demonstrate which works are expected to be undertaken and what is excluded.
- Furthermore, Condition 4 refers to the overarching site, and we are working with Foreman Homes on the phasing plan which would allow this condition to be fully discharged.

No development (with the exclusion of site clearance, site preparation and enabling works) shall take place on any phase until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas which includes that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of anticipated commencement and completion within each phase of construction.

Condition 5

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration. The reason for needing materials pre-commencement was to ensure adequate control of the development and that it went to the heart of the permission. Regardless of whether this is correct or not based upon the current wording, changing the condition wording changes the reason for the imposition of the condition, and is therefore material.
- I am unclear why the later changes have been proposed. I appreciate that the wording of the existing condition is also not particularly clear, however the changes proposed do not appear to change anything. Therefore I have amended this to be clearer.

No development in any phase shall be carried out unless and until a schedule of materials and finishes to be used for that phase, including external walls and roofs of the proposed buildings within that phase has been submitted to and approved by the Local Planning Authority. No development of any building within each phase shall be carried out unless and until a 'statement of detail' for that building or the phase it is within has been submitted to and approved setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Condition 10

- There is concern that the proposition of the wording to exclude commencement works, whilst also simultaneously trying to be a pre-commencement condition, is confusing. Specifically, the term “enabling works” is not precise to demonstrate which works are expected to be undertaken and what is excluded.
- In the case of surface water, there is concern that enabling works could refer to highway access works, which could be dependent on securing drainage infrastructure beneath, and therefore would need to retain this as a pre-commencement condition.

Development shall not commence on any phase until full details of the proposed surface water drainage scheme for that phase have been submitted to and approved in writing by the local planning authority, and shall include;

- The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual Produced by CIRIA. Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.
- The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run off values.
- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site. No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Condition 11

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration.

Development of any phase shall not commence until full details of the maintenance and management of the surface water drainage system within that phase is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Condition 13

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration. This condition goes to the heart of the permission and is required to be agreed at the very beginning of the construction period to ensure adequate foul drainage. Therefore the council cannot agree to this change.

Development within any phase shall not commence until details of the proposed foul drainage system for that phase has been submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/ maintenance, if appropriate) and no dwelling shall be

occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Condition 15

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration.
- I am advised by David that you had advised that pegging out constituted commencement, however regardless of whether this is the correct interpretation of commencement, the condition clearly requests that even preparatory works are not undertaken until a management plan is agreed. This is because any preparatory works (including grass cutting and removal) are likely to impact upon wildlife.

Prior to the commencement of construction works or any preparatory works on any phase of the development, an Ecological Management and Mitigation Plan including a Schedule of Works for that phase shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Ecological Assessment - Dec 2016 5633.EcoAss.vf1. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Condition 24

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration.
- I am advised by David that you had advised that pegging out constituted commencement, however regardless of whether this is the correct interpretation of commencement, the condition clearly requests that even preparatory works are not undertaken until a management plan is agreed. This is because any preparatory works (including grass cutting and removal) are likely to impact upon wildlife.

Prior to the commencement of development of each phase, a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices for that phase, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme

Condition 25

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration. This condition, relating to broadband, is required to be agreed at the very beginning of the construction period to ensure that the broadband connections are established at the point of the highway network. Therefore, the council cannot agree to this change.

Prior to the commencement of development of any phase, a strategy for the provision or facilitation of broadband provision to future occupants for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Condition 29

- The condition wording proposed is no longer pre-commencement, which would be considered a material consideration. This condition, relating to EV Charging, is required to be agreed prior the

commencement of development to ensure that the EV connections are established at the point of the highway network.

Prior to the commencement of development of any phase, an Electric Vehicle Charging Strategy for that phase will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

Next Steps

Therefore, at this stage I am unable to approve the application P/133/25/NMA in its current form. However, if you are agreeable to the alternative wording shown in purple above, officers would be in a position to support the application. Alternatively, you may wish to remove the above conditions from the application and have officer consider solely condition 12 and 17 for approval.

The application target determination date is Friday 7th November, and therefore I can only give until 9am Friday 7th November to be advised on the route you would like to take, otherwise I will proceed to write the application up for refusal.

Kind regards,

Jessica Riches *(She / Her)*
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