



Appeal Decision

Site Visit made on 27 April 2021

by Mr Mark Brooker Inspector

an Inspector appointed by the Secretary of State

Decision date: 24 June 2021

Appeal Ref: APP/E0915/W/21/3266806

Land at Deer Park, Carlisle CA3 9PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Gleeson Homes against the decision of Carlisle City Council.
- The application Ref 19/0905, dated 25 November 2019, was refused by notice dated 9 December 2020.
- The development proposed is described as the erection of 80no. dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 80no. dwellings at Land at Deer Park, Carlisle, CA3 9PS in accordance with the terms of the application, Ref 19/0905, dated 27 November 2019, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs has been made by Gleeson Homes against Carlisle City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether or not the appeal scheme makes adequate education provision for future residents.

Reasons

4. Policy CM2 of the Carlisle District Local Plan (the LP) seeks, amongst other matters, contributions to assist in the delivery of additional school places required as a result of new development.
5. The first consultation response to the application from Cumbria County Council, the education provider in the area, identified that "the proposed development would yield 29 children" and thereby generate a need for 2 infant places and 10 junior places at primary level and 12 secondary school places, resulting in contributions of £213,948 and £294,648 respectively. This is not disputed by the appellant and an executed S106 obligation securing this and other contributions has been submitted in support of the appeal.
6. The Council's Statement of Case refers to a lack of progress being made regarding the provision of a primary school in north Carlisle, the expansion of secondary schools and specifically, ongoing uncertainty regarding the creation of a new school at Crindledyke as part of a phased housing development there.
7. The Council also refers to "the existing problem of a lack of school places". However, the consultation responses from Cumbria County Council clearly

identifies that “there is no current shortage of places” and I have no substantive evidence to the contrary.

8. The second consultation response from Cumbria County Council is entirely unambiguous, while referring to the provision of school place planning in respect of the Story Homes development at Crindledyke, the response states that “...the county council is entirely supportive of sustainable housing development in Carlisle, and would not expect the issue of school place planning to impact on the decision of the Planning Committee on the proposed Deer Park development”.
9. Consequently, on the basis of the evidence before me I am satisfied that the appeal scheme makes adequate education provision for future residents and is not therefore in conflict with the provisions of Policy CM2 of the LP.

Other Matters

10. Consultation with regards the planning application garnered significant public interest and objections to the appeal scheme. The objections referred to various subjects including the principle of development, trees, ecology and highways.
11. The appeal site is allocated for housing development¹ in the LP and the Officer’s report details that this has been the case for the last two iterations of the local plan. As such I am satisfied that the principle of development is acceptable.
12. I saw at the site visit that the site is verdant in character with established trees and open grassed areas, including a number of trees subject of a Tree Preservation Order. In support of the appeal the appellant has submitted a Tree Survey including Root Protection Areas and an Arboriculture Method Statement. The submitted plans show the retention of the key trees on the site with minimal felling. On the basis of the evidence before me I am satisfied that the appeal scheme will not cause unacceptable harm to the trees on the site.
13. With regards Ecology, I note objectors refer to the position of the site between two nature reserves and the existing value of the site to wildlife and local residents. An Extended Phase 1 Habitat Survey of the study area has been undertaken and that, as detailed on the Officer’s report an “Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts” (GCN).
14. The submitted reports do not preclude the development of the site and Natural England has been consulted, raising no objection. On the basis of the evidence before me I am satisfied that the proposed development, subject to appropriately worded conditions being placed on any resulting planning permission, would not have an adverse impact on ecology.
15. A number of residents have raised highway safety issues, with particular regards to Kingsmoor Road. The application was accompanied by a Transport Statement that included amongst other matters, a review of the historical collision data which, as detailed in the Officer’s report “demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road”. Furthermore, I note that the local Highway

¹ Policy H01 - Site U16, Carlisle District Local Plan 2015-2030

Authority were consulted, and no objection was raised. Therefore, on the basis of the evidence before me I am satisfied that the appeal scheme would not harm highway safety.

Conditions

16. The Statement of Common Ground (SoCG) agreed by the parties details an extensive list of conditions to be attached to any planning permission resulting from the appeal. I have considered the suggested conditions in the context of advice set out in the Planning Practice Guidance.
17. In the interests of clarity and certainty I have included conditions regarding the life of the permission and an extensive list of approved plans agreed between the parties. In the interests of the character and appearance of the area I have included conditions requiring the submission of materials to be used in the exterior of the dwellings, the details of hard and soft landscaping and boundary treatments.
18. In the interest of the environment I have included conditions relating to foul and surface water drainage, the provision of SUDS ponds and the requirement of a management plan for such. Furthermore, in the interests of the environment and clarity I have included conditions in respect of wildlife enhancement measures, relocation of orchids, lighting and tree protection measures.
19. In the interests of the living conditions of occupiers of properties neighbouring the appeal site I have included conditions relating to the existing and proposed ground levels and hours of construction.
20. In the interest of the environment and in accordance with the SoCG I have included a condition requiring the provision of an electric vehicle charging point. To ensure the appropriate remediation of the site in the interests of the environment and future occupiers I have included relevant conditions relating to remediation schemes and the necessary work.
21. I have included a condition requiring a Construction Management Plan in the interests of the environment, highway safety and in the interests of the living conditions of the occupiers of neighbouring properties.
22. In the interests of highway safety I have included conditions relating to the standard of construction of the carriageway, footways, footpaths and cycleways, the pedestrian crossing of Kingmoor Road, pedestrian ramps at road junctions, residential driveways, visibility splays and emergency vehicle access.
23. Turning to Permitted Development (PD) rights, the SoCG agreed a condition removing key Permitted Development Rights from the approved properties. The Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. The Planning Practice Guidance also advises that conditions restricting the future exercise of PD rights and conditions restricting future changes of use may not pass the test of reasonableness or necessity.
24. However, if a proposed development would only be acceptable if certain PD rights are not exercised in the future, it may be necessary and reasonable to impose a condition to withdraw those rights. While the parties have not provided any detailed substantive justification specifically for this condition the

appeal plans nonetheless show that the dwellings would occupy substantive proportions of the respective plots and that further extensions and alterations may result in harm to the living conditions of the occupiers of the host property and neighbouring properties. I have therefore included a suitably worded condition removing particular Permitted Development Rights.

25. I have not included a condition relating to the provision of infrastructure for telephone services., broadband, electricity and television because I have no substantive evidence before me to suggest that such a condition is necessary. I have not included conditions relating to use of the approved vehicle access only or the provision of pedestrian footpaths and cycleways because these are ill-defined and as such fail the tests set out Planning Practice Guidance.

Conclusion

26. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1) Site Location Plan (drawing ref 1732-PL100) received 28th July 2020;
 - 2) Proposed Site Plan (drawing ref 1732-PL212 (Rev M) received 21st September 2020;
 - 3) House Type - 201 (drawing ref 201/1F) received 27th November 2019;
 - 4) House Type - 211 (drawing ref 211/1A) received 27th November 2019;
 - 5) House Type - 301 (drawing ref 301/1G) received 27th November 2019;
 - 6) House Type - 311 (drawing ref 311/1A) received 27th November 2019;
 - 7) House Type - 314 (drawing ref 314/1) received 27th November 2019;
 - 8) House Type - 315 (drawing ref 315/1A) received 27th November 2019;
 - 9) House Type - 403 (drawing ref 403/1H) received 27th November 2019;
 - 10) House Type - 337 (Elevations - Rural 13) (drawing ref 13/337-10 Rev A) received 19th August 2020;
 - 11) House Type - 337 (Floor Plans) (drawing ref 337/1) received 19th August 2020;
 - 12) House Type - 340 (Elevations - Rural 13) (drawing ref 13/340-10) received 19th August 2020;
 - 13) House Type - 340 (Floor Plans) (drawing ref 340/1) received 19th August 2020;
 - 14) House Type - 351 (Elevations - Rural 13) (drawing ref 13/351-9 Rev A) received 19th August 2020;
 - 15) House Type - 351 (Floor Plans) (drawing ref 351/1) received 19th August 2020;
 - 16) House Type - 353 (Elevations - Rural 13) (drawing ref 13/353-9 Rev A) received 19th August 2020;
 - 17) Type - 353 (Floor Plans) (drawing ref 353/1A) received 19th August 2020;
 - 18) House Type - 354 (Elevations - Rural 13) (drawing ref 13/354-10 Rev B) received 19th August 2020;
 - 19) House Type - 354 (Floor Plans) (drawing ref 354/1A) received 19th August 2020;
 - 20) House Type - 357 (Elevations - Rural 13) (drawing ref 13/357-8 Rev A) received 19th August 2020;
 - 21) House Type - 357 (Floor Plans) (drawing ref 357/1A) received 19th August 2020;
 - 22) House Type - 401 (Elevations - Rural 13) (drawing ref 13/401-9 Rev C) received 24th September 2020;
 - 23) House Type - 401 (Floor Plans) (drawing ref 401/1G) received 19th August 2020;
 - 24) House Type - 404 (Elevations - Rural 13) (drawing ref 13/404-9 Rev B) received 19th August 2020;
 - 25) House Type - 404 (Floor Plans) (drawing ref 404/1F) received 19th August 2020;
 - 26) House Type - 436 (Elevations - Rural 13) (drawing ref 13/436-10 Rev A) received 19th August 2020;
 - 27) House Type - 436 (Floor Plans) (drawing ref 436/1) received 19th August 2020;
 - 28) House Type - 450 (Elevations - Rural 13) (drawing ref 13/450-9) received 19th August 2020;
 - 29) House Type - 450 (Floor Plans) (drawing ref 450/1A) received 19th August 2020;
 - 30) Boundary Treatments - 1800mm Timber Fence Details (drawing ref 0282-SD-100 Rev D) received 27th November 2019;
 - 31) Boundary Treatments - Post and Wire Fence Details (drawing ref 0282-SD-103 Rev B) received 27th November 2019;

- 32) Standard Garages - Single (drawing ref 0282-SD700 Rev A) received 27th November 2019;
- 33) Standard Garages - Double (drawing ref 0282- SD701 Rev B) received 27th November 2019;
- 34) Landscape Plan (drawing ref WW/01 Rev A) received 18th September 2020;
- 35) Drainage Details (drawing ref 19004-D701 Rev 1) received 15th January 2020;
- 36) Proposed Engineering Layout 1 of 2 (drawing ref 19004-D001 Rev 1) received 15th January 2020;
- 37) Proposed Engineering Layout of 2 (drawing ref 19004-D002 Rev 1) received 15th January 2020;
- 38) Manhole Schedule (drawing ref 19004-D200 Rev1) received 15th January 2020;
- 39) Flood Routing Plan (drawing ref 19004-D201 Rev 1) received 15th January 2020;
Proposed Impermeable Areas (drawing ref 19004-D202 Rev 1) received 15th January 2020;
- 40) Proposed Road Long Sections 1 of 2 (drawing ref 19004-D300 Rev 1) received 15th January 2020;
- 41) Proposed Long Sections 2 of 2 (drawing ref 19004-D301 Rev 1) received 15th January 2020;
- 42) Kerbs & Surfacing Plan (drawing ref 19004-D500 Rev 1) received 15th January 2020;
- 43) Proposed Highway Construction Details (drawing ref 19004-D700 Rev 1) received 15th January 2020;
- 44) Public Right of Way Proposed Diversion Route (drawing ref 1732-PL214 Rev G) received 21st September 2020;
- 45) Public Open Space Plan as Proposed (drawing ref 1732-PL213 Rev C) received 21st September 2020;
- 46) 3m Wide Footpath Plan as Proposed (drawing ref 1732-PL215 Rev B) received 21st September 2020;
- 47) Boundary Treatments & Enclosures Plan as Proposed (drawing ref 1732-PL216 Rev B) received 21st September 2020;
- 48) Existing Drainage Plan (drawing ref 19004-SK-002 Rev 1) received 27th November 2019;
- 49) Geoenvironmental Appraisal (Report 7049A, April 2019), received 27th November 2019;
- 50) Geotechnical Appraisal Ground Gas Monitoring Addendum received 27th November 2019;
- 51) Archaeological Desk Based Assessment (Report 303 - 20th October 2019) received 27th November 2019;
- 52) Transport Statement/Travel Plan (VN91443 - November 2019) received 27th November 2019;
- 53) Preliminary Ecological Appraisal (Pennine Ecological) received 27th November 2019;
- 54) Tree Survey Report & Plan (Iain Tavendale - 26th April 2019) received 27th November 2019;
- 55) Flood Risk Assessment and Drainage Strategy (Ae/FRADS/19004 November 2019) received 27th November 2019;
- 56) Planning Statement received 27th November 2019;
- 57) Construction Management Plan received 27th November 2019;
- 58) Economic Benefits Report received 27th November 2019;
- 59) Affordable Housing Statement received 27th November 2019
- 60) Design and Access Statement received 27th November 2019;

- 61) Ecological Surveys & Assessment - Pennine Ecological - March 2020 Update in Relation to Bats, Red Squirrels & Great Crested Newts received 16th June 2020;
 - 62) Great Crested New Survey - Pennine Ecological received 16th June 2020;
 - 63) Appendix 1 – Extended Phase 1 Habitat Survey Plan received 15th June 2020;
 - 64) Archaeological Evaluation (Report 312 - 3rd February 2020) received 19th August 2020;
 - 65) Dusk Bat Survey Results - Pennine Ecological received 7th September 2020;
 - 66) Additional Appraisal and Inspection of Trees in Relation to Bats - Pennine Ecological received 7th September 2020;
 - 67) Schedule of Affordable Housing Units received 18th September 2020;
 - 68) Arboriculture Method Statement (Westwood) received 18th September 2020;
 - 69) Paving Details in RPA (drawing ref D/01) received 18th September 2020;
 - 70) House Type - 403 - Plot 80 variation (drawing ref 403) received 18th September 2020;
3. Samples or full details of all materials to be used on the exterior of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before their first use on site. The development shall then be undertaken in strict accordance with these details.
 4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.
 5. Prior to the commencement of development, details of the proposed boundary treatment to be erected along the western and southern site boundaries (with the nature reserve and woodland belt) shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.
 6. Prior to the SUDS ponds being brought into use, the applicant shall install a fence/railings around the SUDS ponds, the details of which shall have been agreed beforehand in writing by the Local Planning Authority.
 7. Foul and surface water shall be drained on separate systems.
 8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March

2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

9. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

10. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.
11. Prior to the commencement of development, a method statement for the relocation of the orchids shall be agreed in writing by the LPA. The orchids shall then be relocated to the areas identified on the Landscape Plan (Dwg ref WW/01 Rev A, received 18th September 2020) in strict accordance with the method statement.
12. Prior to its installation, details of any lighting (including location and specification) to be installed on the dwellings shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.
13. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at all times until the construction works have been completed.
14. The development shall be undertaken in strict accordance with the Arboriculture Method Statement (dated 16th September 2020), received on 18th September 2020 and the Paving Details RPA Area Plan (Dwg No D/01), received 18th September 2020.
15. Prior to any works being undertaken to the trees located within the Kingmoor Sidings Nature Reserve which overhang the development site, details of the works shall be agreed in writing with the LPA. The

development shall then be undertaken in strict accordance with these details.

16. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.
17. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).
18. Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.
19. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation
20. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

22. Before the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the railway line does not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards the noise sources i.e. road.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

23. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle District.
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.
25. The carriageway, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.
26. Details of proposed crossing of Kingmoor Road shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossing has been constructed.
27. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

28. The access drives for each property shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.
29. Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - Construction vehicle routing;
 - The management of junctions to and crossings of the public highway and other public rights of way/footway;
 - Details of any proposed temporary access points (vehicular / pedestrian)
 - Surface water management details during the construction phase
 - details of any lighting (including location and specification) to be used on site during the construction phase
 - the proposed location and height of any soil storage areas
 - the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors
30. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
31. No dwelling with direct access onto Kingmoor Road shall be occupied prior to visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct

the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

32. The Emergency Vehicle Access shall be provided prior to the construction of the 50th dwelling hereby permitted and shall provide for clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

End of Schedule