



Appeal Decision

Hearing held on 17 April 2024

Site visit made on 18 April 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/A2470/W/23/3323746

Land at Brooke Road, Braunston-in-Rutland, Oakham

- 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 Mr and Mrs Brand against Rutland Council.
 - The application Ref 2022/1286/MAO, is dated 8 November 2022.
 - The development proposed is up to 30 dwellings including access and associated infrastructure.
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Decision

1. The appeal is allowed, and planning permission is granted for up to 30 dwellings including access and associated infrastructure at Land at Brooke Road, Braunston-in-Rutland, Oakham, in accordance with the terms of application Ref 2022/1286/MAO, dated 8 November 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is for outline planning permission with all matters reserved except for access. An indicative layout plan has been submitted¹ to which I have had regard as appropriate, whilst acknowledging its illustrative nature.

Documents

3. A number of additional documents were submitted in the lead-up to, and at, the Hearing, as set out in Annex B. I provided all parties with adequate time to review the new information. All parties agreed to the submission of the documentation. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. The appeal is therefore determined on the basis of the additional documents.

Policy

4. The emerging Local Plan (eLP) underwent Regulation 18 consultation in 2023. The next stage of consultation, Regulation 19, is due later in 2024. The eLP is in the early stages of being produced and will be the subject of modifications. It therefore carries very limited weight.

¹ Ref 221088_002_Proposed Site Plan Rev B

5. In late 2023, a revised version of the National Planning Policy Framework (the Framework) was released. The changes were not material to the appeal and I refer to the revised version of the Framework as appropriate throughout my Decision.

Planning obligation

6. The appeal was made against the failure of the Council to issue a decision within the prescribed period. The Council has since stated that, if it had determined the application, then it would have been refused on two grounds. The second ground related to the absence of a signed s106 Planning Agreement. In this regard, a final s106 Planning Obligation (the s106), dated 8 May 2024, has since been submitted. It secures:
- 40% affordable housing, split into 68% affordable rent, 25% First Homes and 7% First Home or shared ownership;
 - two self-build or custom build dwellings;
 - Biodiversity Net Gain of 10%;
 - the provision of open space and the subsequent management thereof;
 - a monitoring fee; and,
 - a Biodiversity Monitoring Fee.
7. In light of the above, the Council has confirmed that its concerns relating to the second reason for refusal have been met. I agree and am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at Paragraph 57 of the Framework, and I have taken them into account. This reason for refusal is not therefore a main issue for the appeal. I return to matters of weight and detail of the s106 throughout my Decision.

Main Issue

8. The remaining main issue, therefore, is whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance.

Reasons

9. Policy CS4 of the Core Strategy DPD 2011 (the CS) and SP6 of the Site Allocations DPD 2014 (the SA DPD) relate to the principle of the location of residential development. Braunston-in-Rutland (herein 'Braunston') is a 'Restraint Village', which is fifth in the hierarchy and the lowest level above 'countryside'. The appeal site lies outside the defined Planned Limits for Development (PLD) of the village and is therefore in the 'countryside'. In such locations, both policies tightly restrict acceptable development to that for an essential need in the countryside or to meet affordable housing needs. The proposal, whilst including some affordable housing, is a market housing-led development. It is common ground, and I agree, that it does not meet the requirements of the policies in relation to development in the 'countryside'.
10. However, the Framework promotes housing where it would enhance or maintain the vitality of rural communities² and, whilst it recognises the intrinsic character and beauty of the countryside³, it does not place a blanket restriction on residential development. The highly restrictive nature of both Policy CS4 and

² Paragraph 83

³ Paragraph 180

Policy SP6 in relation to development in the countryside therefore conflicts with the Framework and I place limited weight on the conflict with this element of the policies.

11. Policy CS9 of the CS is the policy for the provision and distribution of new housing, in other words the spatial strategy for housing development in Rutland. It states that 10% of new housing should be located within Smaller Service Centres and Restraint Villages, and that only for affordable housing or on previously developed land. The appeal proposal is therefore in conflict with the policy.
12. Despite my findings with regard to the specific elements of Policies CS4 and CP6 as they relate to housing development in the countryside, I agree with the Council that the broad thrust of the spatial strategy of the adopted Development Plan accords with the Framework, because it directs development to the most accessible locations. However, as set out in the Framework⁴, it is important to identify a sufficient amount of land to meet as much of the area's housing need as possible. In this regard, the site allocations for the SA DPD are based on 150 dwellings per annum over the plan period. The Council acknowledges that the current and future housing requirements are higher. For example, the Background Paper: Spatial Strategy and Settlement Hierarchy Report, dated August 2023 (the SSSH) makes it clear that a full review of the spatial strategy is going to be required as part of the eLP.
13. More sites for housing are therefore needed. Policy CS9 provides a mechanism for the release of greenfield sites in this regard. However, the supporting text⁵ states that this will be through the SA DPD. This document has now been released and there are no more opportunities related to this policy, ie to the adopted Development Plan, to allocate sites. Therefore, I find Policy CS4 of the CS and Policies SP6 and SP9 of the SA DPD to be out of date because they rely on out-of-date housing requirements without an adequate mechanism to respond to the latest housing need. The adopted spatial strategy is therefore likely to change through the adoption of the eLP, such as through the expansion of PLDs, a more permissive approach to development in the countryside, and further site allocations, or any combination of all three.
14. This need for housing does not, though, lead to carte blanche for allowing housing development on unallocated, greenfield sites. This would unfairly undermine the eLP process. Each site and proposal must be considered on its merits.
15. In this regard, the appeal site was considered by the Council as part of its Site Allocations Assessment⁶, and was found to be 'unsuitable for allocation' due to landscape sensitivity. In addition, the Rutland Settlement Landscape Sensitivity Assessment finds the landscape sensitivity of study parcel BRAU2, which includes the appeal site, to housing development to be 'High / Medium'. However, the Council has not raised an objection to the specific appeal proposal with regard to character and appearance or landscape effects. This is telling because the appeal proposal, whilst in outline, provides significantly more information regarding the appearance of any development that might come forward than was considered as part of the eLP site allocations process.

⁴ Paragraph 60

⁵ Paragraph 3.11

⁶ SHLAA Ref BRA01

16. I found on my site visit that the appeal site is relatively prominent due to being on land rising away from the existing village. However, where the proposed development would be visible it would be in the context of the existing built form of the village in the immediate background or foreground. Parts of the existing village have already been built on land sloping up away from the valley. On the ground, the start of the village as approached from the east feels like the group of buildings associated with the stables. It is also proposed to move the current 30 mph speed limit sign to the other side of this group of buildings. The proposal would therefore be read as a natural extension to the village. The proposal would not, therefore, be harmful to the character and appearance of the area, including on landscape character.
17. The appeal site would be linked by existing footpaths to Braunston village centre, where there is a church, village hall and one public house. The site is within two miles of Oakham, which provides a range of services and facilities including a train station serving Cambridge, London St Pancras International, Birmingham New Street and Stansted Airport. Two miles is the formal 'buffer zone' for this town in the adopted Development Plan. A bus service runs three times a day to Oakham, including a morning service. The appeal site is therefore within walking distance of a limited range of services and facilities. It is highly likely that the majority of journeys beyond the village would be by car, given the limited bus service. However, a good many of them would likely be relatively short because of the proximity of Oakham. I view this as an acceptably accessible location in a rural location.
18. In addition, Braunston village has been classified in the SSSH as a 'larger village' where some growth can be accommodated. Development at the site would, therefore, positively contribute to the vitality of the village, in accordance with the Framework⁷, and with no clear conflict with the eLP evidence base as it currently stands.
19. I acknowledge that the Council can demonstrate a five-year supply of housing land. However, whilst disengaging the 'tilted balance', this does not mean that unallocated sites are unacceptable in principle. In this regard, I am particularly conscious that nearly half of the housing allowed that has contributed to the housing land supply position has been on unallocated land.
20. My attention has been brought to a number of appeal decisions. Although the Braunston Road decision⁸ pre-dates the Council's Five Year Land Supply Report (2023 - 2028) - May 2023 (HLS Report) which is a material change in circumstance, of relevance to this appeal the Inspector concluded that the policies are out-of-date irrespective of the application or otherwise of the 'tilted balance'. The Normanton Road appeal⁹ found Policy CS9 of the CS to not be out-of-date due to it including a mechanism to release greenfield sites. However, as set out above, the mechanism for this release, ie the SA DPD, no longer exists as part of the adopted Development Plan and the spatial strategy considerations have since moved onto the eLP.

⁷ Paragraph 83

⁸ Ref APP/A2470/W/22/3301737

⁹ Ref APP/A2470/W/23/3323586

21. The Market Overton¹⁰, Ketton¹¹ Barleythorpe¹² appeals found there to be no conflict for Policies CS4, CS9 and SP6 with the Framework due to overall consistency with the Framework in terms of spatial strategy. As set out above, I agree in part with these decisions that there is general conformity with the spatial strategy of the Framework. However, due to the lack of opportunities for site release and the reliance on greenfield land to maintain a five-year housing land supply, I do not agree that the policies are not out of date. In addition, on the specifics of the case, the Ketton appeal highlights the need to recognise intrinsic character and beauty of the countryside, which is not a disputed point with regard to my appeal.
22. Overall, therefore, the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance.

Other Matters

Conservation area

23. The appeal site adjoins, but is outside, the Braunston Conservation Area (the CA). The primary significance of the CA derives from the pleasing historic and vernacular buildings, the relationship between them from the organic growth of the village over centuries, and the small open spaces that add breathing space throughout the village. The undulating land form also positively contributes to the significance of the CA. The area of the village adjacent to the appeal site is a modern intervention of lesser significance.
24. As set out above, I have found no harm to the character and appearance of the area from the proposal, which is also next to the area of the village with least significance. Therefore, the proposal would not harm the character or appearance of the CA, with regard to its setting.

Highway safety

25. The proposal would generate additional vehicular, cycle and pedestrian trips. Direct pedestrian access would be provided to existing footways from the north west of the appeal site to Lammas Close. It is also proposed to move the existing gateway road signs and speed limit signs to the east of the proposed vehicular access point. This could be carried out by a Traffic Regulation Order (TRO) and secured by condition. The proposed location is a more logical location on the far side of the existing buildings of the stables opposite the appeal site and would reduce vehicle speeds past the proposed vehicular entrance.
26. Brooke Road is relatively narrow. However, it could be widened along an area that is currently a grass verge and the ends of driveways, along with a wider footway. The Highway Authority (the HA) has confirmed this could be achieved, and that this could be secured by condition. Suitable visibility splays could be provided along Brooke Road by the proposed entrance, which is a long, straight road in both directions. Again, this has been confirmed by the HA to be acceptable.

¹⁰ Ref APP/A2470/W/23/3321470

¹¹ Ref APP/A2470/W/23/3328643

¹² Ref APP/A2470/W/22/3312763

27. The proposal would not generate significant additional trips. The TRO and road widening would ensure that there would be no unacceptably harmful effect on highway safety, and it would in places be enhanced over the existing situation.

Living conditions

28. I observed on my site visit that the provisional location of the proposed footway connection between the north west of the appeal site and the existing footway at the top of Lammas Close would pass very close to the front door of the nearest existing property. This would cause unacceptable noise and disturbance and a loss of privacy to the occupants of that property. However, the precise location is only indicative. There is a fairly large area of grassed land directly to the south of the proposed footway, which could be used to move the proposed connection point away from the affected dwelling. This could be secured by condition. Subject to such amendments, and other conditions in relation to controlling construction traffic, the proposal would have an acceptable effect on the living conditions of neighbouring occupiers.

Other neighbour comments

29. Concern has been raised regarding the effect on the stables opposite the appeal site. Whilst there would be some additional noise and light pollution from the proposed housing and associated vehicle trips, this light pollution would be set away from the stables and behind the existing dwellings on Brooke Road, as viewed from the stables. The additional vehicular trips would be relatively few and would be onto a road that is already one of the key access routes to the village. The proposed development would not, therefore, be unacceptably harmful to the operation of the stables.
30. Concern has also been raised regarding the capacity of existing infrastructure in Braunston, in particular sewage, water and electricity. However, no substantive evidence has been provided of any capacity issues in these regards and no objections have been lodged by the relevant statutory consultees.
31. Braunston Parish Council raised several points at the Hearing with regard to the appeal site being a 'rural exception site'. However, it is not being treated as such by the main parties nor have I considered the site in this regard.

Planning Balance

32. The proposal would deliver 40% affordable housing, 10% (three dwellings) above the minimum policy requirement. I place significant positive weight on this provision.
33. The Council's HLS Report finds that it can demonstrate a 7.4 year supply of housing land. Since then, the Council no longer needs to demonstrate a 5% buffer because it has met and exceeded its Housing Delivery Test target. This is therefore now 7.8 years. The appellant contests the inclusion of a number of dwellings in the calculation. However, it is common ground that even on a 'worst case' scenario, the Council can still demonstrate a 6.3 year supply of housing land. It is also common ground, and I agree, that the weight to be attributed to the proposed market housing should be moderate. I do not, therefore, need to consider this matter further.
34. Whether or not the Council has adequately demonstrated that it is meeting its statutory duty to grant planning permissions for self-build or custom build

housing was discussed at the Hearing. However, it is common ground, and I agree, that the proposed two self-build/custom build plots should carry moderate positive weight. I do not need, therefore, to consider this matter further.

35. There would be economic benefits from the proposal, both in the short term through construction and in the long term from expenditure by the future occupants of the proposed dwellings on goods and services in the local area. I place moderate positive weight on this. The proposed 10% BNG attracts limited positive weight in favour of the proposal. The proposed enhancements to the width of the road and to the location of the speed limit sign would be a benefit to both existing and proposed road users. This has limited positive weight.
36. As set out above, I have found no overall harm to the character and appearance of the area, including landscape character. I have also found the location of the appeal site to be acceptable in principle and to be an appropriate location for development of this type. These factors weigh neutrally in the planning balance.

Conditions

37. The parties agreed a schedule of conditions which were then discussed at the Hearing. As a result of that discussion, I have considered and amended the agreed schedule of conditions in the light of government guidance on the use of conditions in planning permissions. In addition to the standard time limit and requirement to submit reserved matters application(s) conditions:
- a condition specifying the relevant drawings provides certainty;
 - the Traffic Regulation Order, Construction Management Plan (CMP), estate roads, access provision, 2m wide footway, widening of Brooke Road, visibility splays, estate roads build-up, and unbound material conditions are necessary to ensure highway safety;
 - the estate roads, existing trees, 2m wide footway, widening of Brooke Road, and landscaping conditions are necessary to protect the character and appearance of the area;
 - the CMP and 2m wide footway conditions are necessary to protect the living conditions of neighbouring occupiers;
 - the Ecological Constraints and Opportunities Plan, BNG, and existing trees conditions are necessary to suitably protect existing biodiversity and to secure BNG; and,
 - the Surface Water Drainage Scheme, precondition highway survey, archaeological work, and parking space conditions are necessary to ensure that the development does not cause unacceptable harm with regard to these technical issues.
38. The highway survey, archaeological work, CMP, estate roads, and existing trees conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Conclusion

39. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Iain Downer	Director, Class Q Ltd
Matt Taylor MRTPI	Senior Planner, Class Q Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Justin Johnson MRTPI	Development Control Manager, Rutland County Council (RCC)
Nicholas Thrower	Principal Planning Officer, RCC
Sharon Barker MRTPI	Senior Planning Officer, RCC

INTERESTED PERSONS:

Cllr Jane Ellis	Ward Councillor, Braunston Parish Council (BPC)
Cllr Chris Bichard	Chair, BPC
Janet Taylor	Local resident

Richborough

ANNEX B: DOCUMENTS

- 1 Background Paper - Spatial Strategy and Settlement Hierarchy Report, August 2023
- 2 Background Paper - Sustainability of Settlements Assessment Update, November 2019
- 3 Rutland Local Plan Planned Limits to Development Review – 2023, Final Report October 2023
- 4 Rutland Local Plan – Preferred Options Consultation, November 2023
- 5 Policy CS9 and supporting text from the Core Strategy
- 6 Five Year Land Supply & Developable Housing Land Supply Report 2023/24 – 2027/28, May 2023
- 7 CS4, CS9 & SP6 Position Statement, by Iain Downer of Class Q Ltd, dated 3 April 2024
- 8 Statement of Common Ground, signed and dated 3 April 2024
- 9 RCC Self-build and Custom Housing Position Statement, by Iain Downer of Class Q Ltd, dated 3 April 2024
- 10 Oakham Hopper Timetable from 26 September 2022
- 11 Council position statement – self build and custom build and associated data sheets
- 12 Rutland Settlement Landscape Sensitivity Assessment, 2023
- 13 The Braunston Conservation Area Appraisal
- 14 Appeal Decision Ref APP/A2470/W/23/3328643, dated 2 February 2024
- 15 Appeal Decision Ref APP/A2470/W/23/3321470, dated 31 January 2024
- 16 Site Allocations Assessment: Appendix C: Larger Villages
- 17 Application decision notice Ref 2023/1194/FUL, dated 4 January 2024
- 18 Agents details regarding Lot 3, Main Street, Thistleton, LE15
- 19 Appeal Decision Ref APP/R1845/W/21/3284761, dated 21 April 2022
- 20 Council response to CS4, CS9 and SP6 position statement of the appellant

ANNEX C: CONDITIONS SCHEDULE

- 1) Details of the appearance, landscaping, 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(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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 drawings: 221088_001_Existing Site and Location Plan; AMA/21645/SK005.

Reserved matters

- 5) The details to be submitted at reserved matters stage shall include the provision of a Surface Water Drainage Scheme for the site, detailing how surface water is to be managed sustainably as part of the development.
- 6) The details to be submitted at reserved matters stage shall include an Ecological Constraints and Opportunities Plan. This Plan shall show key biodiversity constraints and opportunities associated with the development and identifying the following, in accordance with BS 42020:2013 Clause 5.4:
 - areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development;
 - areas and features where opportunities exist to undertake necessary mitigation and compensation;
 - areas and features with the potential for biodiversity enhancement;
 - areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation;
 - areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process; and,
 - areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.
- 7) The landscaping scheme to be submitted as part of the reserved matters shall be accompanied by a Biodiversity Net Gain (BNG) matrix to demonstrate that the scheme can achieve the minimum 10% BNG.
- 8) A scheme of off-site highway works for the relocation of the 30mph speed limit, subject to an approved Traffic Regulation Order (TRO), and associated new gateway feature approximately 160m east of the proposed site access shall be submitted to, and approved in writing by, the Local Planning Authority.

The TRO must be submitted to, and approved in writing by, the Local Planning Authority prior to the receipt of a reserved matters application.

The scheme shall thereafter be implemented in full prior to the first occupation of the site.

Pre-commencement

- 9) The developer must contact the Local Highway Authority to agree the extent of a precondition highway survey and carry out a joint inspection of the condition of the public highway before site traffic commences. The results of the inspection shall be provided by way of a photographic survey to the Local Highway Authority. A similar inspection will take place on completion of the development to identify any damage and determine any remedial work required.
- 10) No development shall commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to, and approved in writing by, the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation in the WSI, which shall include the statement of significance and research objectives, and:
 - the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
 - the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 11) No development shall commence until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority, which shall include the following:
 - a scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action;
 - a scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received;
 - a scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through;
 - a contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers in the event that the approved vehicle cleaning scheme fails to be effective for any reason;
 - haul routes to the site and hours of delivery;
 - details of temporary facilities to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site;

- measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no park, waiting, loading/unloading or queuing on the public highway;
- details of site compounds, storage area and contractor/visitor parking/turning;
- details of the site enclosure or part thereof and gated site security;
- confirmation of any tree protection measures;
- confirmation that any demolition will be carried out in accordance with the ecological assessment;
- details of site notice with contact details and a scheme for dealing with complaints;
- details of any temporary lighting which must not directly light the public highway;
- phasing plans where necessary;
- a scheme for recycling/disposing of waste resulting from the demolition and construction works; and,
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

- 12) No development shall commence until details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to, and approved in writing by, the Local Planning Authority.
- 13) No development shall commence until the existing trees on the site that have been agreed with the Local Planning Authority for inclusion in the scheme of landscaping or shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions, which shall previously have been agreed in writing by the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Pre-occupation

- 14) The access shall be provided in accordance with the details shown on the approved drawing Ref AMA/21645/SK005 prior to first occupation of the first dwelling in the development. It shall thereafter be retained in accordance with the approved drawings.
- 15) A scheme of off-site highway works for the construction of a 2m wide footway between the site access and the existing pedestrian infrastructure at Lammis Close shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented in full prior to the first occupation of the development.

- 16) A scheme of off-site highway works for the widening of Brooke Road to a minimum of 5.5m between the site access and Church Street shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall thereafter be implemented in full prior to the first occupation of the development.
- 17) Prior to first occupation of the development, vehicle to vehicle visibility splays shall be provided in accordance with the details shown on the approved drawing Ref AMA/21645/SK005. They shall thereafter be kept free of any obstructions over 600mm in height above ground level.
- 18) Prior to first occupation of each dwelling, a space shall have been laid out within the site in accordance with the details approved under the appropriate reserved matters for the required number of cars to be parked at the dwelling.

Other trigger

- 19) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

For observation

- 20) No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary, but the construction details used must be porous.
- 21) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the landscaping details to be submitted as part of the reserved matters, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

===== END OF SCHEDULE =====