
Appeal Decision

Inquiry held on 14 June 2016

Site visit made on 14 June 2016

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2016

Appeal Ref: APP/Y3940/W/15/3130433

Land to the North of Bitham Park, Westbury, Wiltshire BA13

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Robert Hitchins Ltd against the decision of Wiltshire Council.
 - The application Ref: 14/09262/OUT, dated 29 September 2014, was refused by notice dated 11 March 2015.
 - The development proposed is described as up to 300 dwellings (C3), creation of a new roundabout access from Trowbridge Road, creation of a new emergency / cycle and pedestrian access from coach road, open space, drainage works and ancillary works.
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Preliminary Matters

1. The application was made in outline with all matters other than access reserved for subsequent consideration.
2. The proposal was screened in respect of the Environmental Impact Assessment (EIA) Regulations. Whilst the development falls with Schedule 2 it is not development which required an EIA. There is no dispute about this matter.
3. A draft s.106 Obligation was submitted prior to the Inquiry opening and was completed during the Inquiry. That legal agreement secures the provision of affordable housing, a commuted sum for primary school education, and arrangements for play and open space provision. I shall consider those matters below having regard to the requirements of the Community Infrastructure Levy Regulations 2010 (CIL) and the advice of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (planning guidance).
4. Prior to the Inquiry the Council withdrew from defending its reasons for refusal. However, Mr Moorland, a local resident and Cllr Tout, a representative from Westbury Town Council, sought to substantiate their concerns and I must determine the application having regard to the views of the interested parties.

Decision

5. The appeal is allowed and planning permission is granted for up to 300 dwellings (C3), creation of a new roundabout access from Trowbridge Road, creation of a new emergency / cycle and pedestrian access from coach road, open space, drainage works and ancillary works at Land to the North of Bitham Park, Westbury, Wiltshire BA13 in accordance with the terms of the application,
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Ref: 14/09262/OUT, dated 29 September 2014, subject to the conditions in the attached schedule.

Main Issue

6. The main issue in this case is whether or not the proposed development represents sustainable development having regard to local and national planning policies.

Reasons

Housing Land Supply

7. It is common ground between the main parties that a five year housing land supply cannot be demonstrated and thus no evidence was presented on this matter. Whilst the interested parties suggested a five year housing supply might exist, particularly noting potential for large windfall sites including those as a result of planning appeals, there is no substantiated evidence in that regard. Furthermore, whilst Mr Moorland sought to suggest that Westbury has seen its 'fair share' of development and that the Housing Market Area (HMA) is too extensive, he acknowledged that it was for the Council to establish its HMAs and that housing supply is not a matter to be dealt with on a more local basis.
8. In this context, where there is not a five year housing land supply, for the purposes of the Framework paragraph 49 makes it plain that relevant policies for the supply of housing should not be considered up-to-date. This is the case even if the development plan has been recently adopted. I note that the development plan for this area includes the Wiltshire Core Strategy which was adopted in January 2015. The Framework explains at paragraph 14 that where policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. It is not suggested that this latter point is relevant in this case.
9. I am mindful that s.38(6) of The Planning and Compensation Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, determination must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration. Core Policy 1 (Settlement Strategy) sets out a general intention for directing development to the more sustainable locations, which include Westbury. Core Policy 2 (Delivery Strategy), amongst other things, seeks to limit development to that within defined boundaries. It is agreed by the parties that the proposal falls outside defined limits. Core Policy 32 (Spatial Strategy: Westbury Community Area) requires compliance with Core Policy 1 and provides general guidance about strategic sites and approximate housing numbers. These policies clearly relate to the supply of housing land and, as a five year housing land supply cannot be demonstrated, there is a clear material reason to depart from those policies. This scheme would result in a significant boost to housing supply, including the provision of a policy compliant level of affordable housing on land that is deliverable and achievable.

10. It is, therefore, necessary to consider whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

Landscape

11. It is a matter of common ground between the main parties that the scheme would not result in landscape harm and, at the application stage, the Council's Landscape and Design Officer did not object to the scheme. Indeed the site is well screened along most of its boundary. While trees would be removed to provide for the access arrangements, conditions could be imposed to protect the remaining trees and hedgerows and new structural landscaping could be required. Although the site is situated on lower land looking up to the white horse on the hillside, the existing screening, neighbouring residential development and the extent of separation are such that there would be no material harm or unacceptable juxtaposition of views.
12. Moreover, I find the scheme would comply with Core Policy 51 which seeks to protect the landscape from harmful impact. The appeal scheme, albeit in outline with only approval of access being sought at this stage, allows for the protection of key landscape features. The site is situated in an area where the Council's Landscape Character Assessment and Landscape Capacity Study management objectives can be met, although some matters would need consideration at the reserved matters stage. The proposed development would not affect open views of the chalk uplands, would not harm views to the white horse and would conserve and enhance the current field pattern and hedgerows. I also do not find conflict with the Framework insofar as it seeks to recognise the intrinsic character and beauty of the countryside. Rather, developing this site is appropriate where there is housing need and much of the surrounding countryside is more sensitive, for instance that within the setting of listed buildings or the chalk and greensand escarpments, and the nearby Salisbury Plain and Areas of Outstanding Natural Beauty of the Cotswolds and Cranborne Chase.

Highways

13. The appeal site is located so that its access would be from Trowbridge Road (A350). This section of road is unrestricted and so has a speed limit of 60mph. The scheme before me has been designed to meet the unrestricted 60mph limit in terms of visibility. Thus, I am satisfied that safety in that regard is acceptable. In terms of actual speeds on this road it is clear that there is currently a mismatch between mean speed and the 85th percentile speed. This indicates a lack of an obvious natural speed for drivers using the road. The proposed roundabout access would be likely to result in lower speeds between it and the town, whether or not the speed limit is altered. As such, driver behaviour is more likely to be more cautious/slower and more consistent than at present.
14. I noted Mr Moorland's concerns that the nearby housing development 'White Horse View', off The Mead, is close to the back of the pavement and that where similar new housing development on Slag Lane has been occupied this has resulted in on-street parking issues. However, those other sites are not a matter for me. Moreover, on-street parking issues can be dealt with by other means. In any event, the appeal scheme does not, as part of the indicative masterplan, show frontage housing of this type. The design and layout of the

- scheme is a matter for consideration at reserved matters stage and the Council will be aware of the interested parties' concerns regarding matters of layout.
15. The emergency access along Coach Road would be controlled by lockable bollards so as to avoid its use as a short cut. That said, it would provide a route for cyclists and pedestrians, improving accessibility for those not using a car. I appreciate that a former footpath, giving access from the footpath adjoining the rear of properties on The Knoll, is one which some local residents feel should be reinstated to improve access to the town and primary school. However, this is outside the appellant's control and it is not appropriate to require that the link is made even if it might be useful. The Coach Road access route would provide a pleasant cycling/walking route and the remaining footpath section linking with The Knoll might be better used. As such, suitable means of pedestrian/cyclist access would be achieved on these quieter routes in addition to improvements alongside the A350. Furthermore, to assist travel by means other than the private car, the proposed road layout incorporates a bus stop facility on the south of the roundabout and each arm would have a tactile paving pedestrian crossing point.
 16. The Highway Authority do not object on design or safety grounds and are satisfied with the modelling undertaken for the Traffic Assessment. This confirms that the road has adequate capacity for the traffic that would be generated by the proposed development and that there would be no significant delay resulting from the introduction of the proposed roundabout on the A350 to serve as the site entrance.
 17. Although the Council's Core Policy 62 seeks to avoid new accesses onto the national primary route network outside built up areas, it allows this to happen where an over-riding need is demonstrated. In this case where the lack of a 5 year housing land supply arises, I consider over-riding need does exist such that the scheme would be policy compliant, particularly given that the modelling shows that there would be negligible delay as a result of the proposed roundabout, even at peak times. The Framework advises that 'Development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.'
 18. I also note that, there are no recorded accidents for this section of road over the period of the last five years.
 19. A travel plan which could be secured by planning condition and highways works in the form of Grampian style conditions could provide safe access.
 20. Despite local concerns I am satisfied that the highways proposals are acceptable for this proposed development and should not materially harm highway safety or have a significant impact upon the free flow of traffic. I note that there is no objection from the Highway Authority and that the Council has withdrawn from its reason for refusal in this respect.

Other Matters

21. Mr Moorland expressed concern that the application of the Framework in respect of housing supply is having an adverse impact upon the plan-led system, and may act as a disincentive to those communities involved in working towards the production of plans. However, the approach of national policy is not a matter for my consideration. That said, there is a significant

national housing issue and it needs to be acknowledged that, were the plan delivering what it ought, this would have resulted in a different planning balance exercise being required.

22. A number of other matters were raised at the application stage in respect of ecology, flood risk, heritage assets, subsidence and traffic impact in terms of structural damage. However, having considered the submitted reports in respect of ecology, flood risk and Heywood House (a substantial II* listed building), I am satisfied that no material harm would arise in respect of those matters. I also note that the relevant consultees do not object, albeit in some cases conditions are sought. Structural safety would be a matter for Building Regulations. The precise siting of proposed dwellings and their height/orientation are a matter for consideration at reserved matters stage.
23. Although concerns were raised regarding health provisions at the application stage, National Health Service England responded that Westbury is well served in terms of General Practitioner Premises and should have capacity to accommodate the patients from this development. In terms of education, a commuted sum has been sought specifically for primary education and this is provided for in the s.106.

Conditions

24. In dealing with the conditions I have been mindful of the advice within the Framework. Where necessary I have amended the conditions discussed at the Inquiry to ensure that they are precise and I have re-ordered and rephrased them to improve consistency and clarity.
25. Given the scheme is in outline only it is necessary to require submission of reserved matters but to enable access works to commence subject to other conditions being complied with (conditions 1-3). A condition is needed to clarify which are the approved plans, so as to avoid there being any doubt (condition 4).
26. Those essential conditions which require action prior to commencement are as follows. A phasing condition is needed to ensure a co-ordinated approach to development (condition 5). A Construction Management Plan is required to deal with highways and ecology matters that need to be resolved prior to commencement to ensure safe traffic arrangements that avoid harm to nearby residents living conditions, protect highway safety and protect the existing ecology of the site including around the access area (condition 9). Surface water drainage needs to be approved in the interests of highway safety and residential amenity (condition 10). It is necessary to secure an archaeological investigation programme for the whole site (i.e. including the access area) (condition 11).
27. It is also necessary to seek a plan and scheme for the retention and protection of existing trees and hedgerows, which must be done before works start on site, as these contribute to the character of the area and would be important in integrating the proposed development into the surrounding area (condition 12). A Landscape and Ecology Mitigation Plan is required to provide clear detail of how the landscape and ecology of the site would be protected and how mitigation would be provided in the interests of local amenity and the ecological diversity of the site (condition 13). In the interests of protected species (bats) it is necessary that the scheme accords with the Bat Report

- (condition 8). It is also necessary that landscaping requirements are clear along with the need for maintenance and replacement work where necessary to ensure the scheme is satisfactory in visual terms (condition 14).
28. It is necessary to prevent any new access points onto the A350 from the site in the interests of highway safety (condition 7) and to clarify the extent of details required for the purposes of considering the reserved matters to ensure that the development details are adequate and provide for policy requirements (condition 6). Whilst the appellant expressed concern that it is not necessary or readily enforceable to impose a sustainable homes code 4 level for the scheme, having regard to the Ministerial Statement (Document INQ4) and the wording of the condition (which allows for an equivalent standard to be reached) and bearing in mind the policy basis for this condition I am satisfied that it is reasonable, necessary and enforceable (condition 15).
29. A number of conditions need to be met before any individual dwelling is occupied. It is necessary to require that any dwelling is served by adequate sewage disposal (condition 16), has access to it from the public highway to base course level (condition 17), and has refuse storage facilities (condition 18). These are to provide adequate living conditions for the future occupiers.
30. It is also necessary to provide details of some site wide facilities before any dwelling is occupied although for some items they may not be necessary before occupation of any dwellings. Those conditions are the provision of a bus stop, cycle tracks and footpaths (including a 'Grampian style' condition requirement for a pedestrian refuge), and provision of a Travel Plan, all to serve the site in the interests of accessibility, highway safety and reducing the need to travel by private car (conditions 19, 20 and 21). It is also necessary to close existing access points onto the A350, for reasons of highway safety, and for which I shall require a scheme as the condition put before me was not sufficiently precise in requiring 'proper' closure (condition 22).
31. Given the Council has a policy requiring public art provision I shall attach this condition to achieve compliance with the development plan and in the interests of the character of the area (condition 23). In the interests of the character and appearance of the area and of local ecology (particularly bats) it is both necessary and reasonable to control the site lighting scheme (condition 24).

S.106 Obligation

32. The s.106 Obligation tests are also set out within the Framework and I have been mindful of their relationship with the CIL requirements.
33. Schedule 1 sets out affordable housing provision (at a policy compliant 30% of the units), the split between tenures (60% rented and 40% shared ownership) the point at which the affordable housing needs to be delivered, along with management and transfer arrangements and arrangements for finding occupiers and ensuring affordability. Schedule 4 sets out nomination rights for the Council and the affordable housing transferee in respect of who is nominated to occupy the affordable housing units. Schedule 5 establishes the mix of affordable housing types and gross floor areas to ensure that there is a mix of family and smaller dwellings for affordable occupation. These are all matters necessary to make the development policy compliant, are directly related to the development and fairly and reasonable related in kind and scale.

The policy basis for this requirement is established in Core Policy 43 of the West Wiltshire Core Strategy.

34. Schedule 2 provides for open space and a play area requiring them to be provided before more than 75% of the dwellings are occupied. The landscaping, equipment provision use and management arrangements all comply with the necessary tests and with Council's Planning Obligations Supplementary Planning Document (May 2015) and the West Wiltshire Leisure and Recreation Development Plan Document which relates to Core Policies 3 and 52 of the West Wiltshire Core Strategy. In particular such space is necessary for the health and well-being of future occupiers of the proposed development.
35. Schedule 3 sets out a contribution to primary school education of £1,463,184 and establishes when it would need to be paid. The sum is arrived at by a clear calculation and is required for a specific scheme of extension at a specific school – Bitham Brook Primary School. It would be the first payment towards those works so is CIL compliant in terms of pooling arrangements. The requirement for contributions for education is set out in Council's Planning Obligations Supplementary Planning Document (May 2015).
36. Schedule 6 sets out the Landscape Plan, schedule 7 sets out the covenants by the Council and provides for a clawback should the education sum not be used and the arrangements for inspecting and agreeing the public open space/play space provision.
37. I am satisfied that the s.106 obligations would secure infrastructure necessary for the development and would be compliant with the tests for obligations in the Framework as well as being compliant with the CIL regulations. Therefore I have taken the provisions of the s.106 into account in my consideration of the appeal scheme.

Conclusions

38. The only conflict I have found with the development plan relates to those policies for the supply of housing and specifically Core Policy 2. Given the significant weight to be attached to the Framework as a material consideration and the pressing need for housing, including affordable housing, I am satisfied that there is good reason to depart from the development plan in this respect as allowed for in s.38(6) of the Act. I find no other planning conflict and thus there is nothing that would significantly and demonstrably outweigh the significant benefit of securing housing, including affordable housing. As such, for the reasons given above I conclude that the appeal should be allowed.

Zoë H R Hill

Inspector

APPEARANCES

FOR THE APPELLANT:

Anthony Crean QC	Instructed by: AMEC
He called	
Neil Hall	AMEC Foster Wheeler
Bev Coupe (<i>To answer questions only</i>)	AMEC Foster Wheeler

INTERESTED PERSONS OPPOSING THE APPEAL PROPOSAL:

Cllr David Tout	Westbury Town Council
Mr Francis Moorland	Local Resident

THOSE FROM THE LOCAL PLANNING AUTHORITY WHO SPOKE TO PROVIDE INFORMATION ONLY:

Tim Felton	Barrister (not under instruction)
Jemma Foster	Wiltshire Council (Planning)
Dorcas Ephraim	Wiltshire Council (Legal)

DOCUMENTS

(Document Submitted at the Inquiry)*

INQ1	List of Interested Parties Notified of the Appeal
INQ2	Council's Scheme of Delegation
INQ3	Speaking Notes of Mr Moorland (for a meeting of 11 March 2015)
INQ4	Ministerial Statement (relating to sustainable homes)
INQ5	S.106 Agreement

* In addition copies of the application plans at submitted scale were supplied at the beginning of the Inquiry.

Annex A - Conditions

- 1) No phase of the development hereby approved shall commence, other than works to complete the site access, until details of the appearance, landscaping, layout, and scale of the development (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall be carried out in accordance with the following approved plans: Location Plan WE-01, Plan 2 New roundabout access from A350 Trowbridge Road – 35380-Shr67 E mcgai, January 2015.
- 5) No development shall take place until a phasing scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.
- 6) The layout details to be submitted for approval under condition 1, for each phase of the development, shall include details of all necessary on-site highway infrastructure, including access roads, estate roads, turning and parking areas, footways, footpaths, cycle tracks, verges, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, detail of the storage of household refuse for each dwelling, street furniture, street lighting and highway drainage, together with a timetable for the implementation of these works.
- 7) No access, including pedestrian access points, shall be made from the site to the A350 at any time other than as shown on the approved plans.
- 8) The development shall be carried out in accordance with the recommendations made in section 3.3.3 of the 'Supplementary Bat Information' report (Doc Ref No: S35380rr041i2) dated January 2015 prepared by AMEC.
- 9) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of the proposed routing of lorry traffic to and from the site, on-site facilities to ensure that detritus from the site is not transferred onto the highway, road sweeping proposals, construction lorry and worker traffic minimisation proposals, details of the protection of areas of semi-improved grassland, pre-site clearance badger survey work and associated mitigation measures, and site clearance details to provide for the potential presence of reptiles. The development shall be carried out in accordance with the approved CMP.

- 10) No development shall take place until a scheme of surface water drainage from the site (including surface water from the access / driveway) incorporating sustainable drainage details and permeability test results to BRE 365 standard in accordance with the Flood Risk Assessment (AMEC September 2014) along with details of the future management of the system has been approved in writing by the local planning authority. The surface water drainage scheme shall be implemented as approved and no dwelling shall be occupied until the surface water drainage infrastructure to serve it has been installed and made operational. Thereafter, the surface water drainage system shall be maintained and managed in accordance with the approved details.
- 11) No development shall take place on the site until a programme of archaeological work with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved programme of archaeological work.
- 12) (a) No development, or site preparation or clearance shall take place until a tree and hedgerow retention scheme has been submitted to and approved in writing by the local planning authority. The scheme should show all existing trees and hedgerows on or adjacent to the site, and should identify whether each is to be retained or removed, and any proposed works to those trees that are to be retained. The development shall be undertaken in accordance with the approved scheme which shall comply with the matters contained in (b) (c) and (d) below.

(b) The tree and hedgerow retention scheme shall contain details of the measures for the protection of the retained trees and hedgerows before and during the course of development. These measures shall include protective fencing, and such fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought on to the site, and shall remain in place until the latter have been removed from the site and the development been completed. Nothing shall be stored or placed in any area fenced off as a protected area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall excavation be made.

(c) During construction, no fires shall be lit within 15 metres from the furthest extent of the canopy of any retained tree or hedgerow. Nor shall any storage or mixing of concrete, cement, oil, bitumen, or other chemicals take place within 10 metres from the nearest part of any retained tree or hedgerow.

(d) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor be topped, lopped or pruned other than in accordance with the approved scheme. Any such works which may be approved shall be carried out in accordance with BS 5837. If any retained tree or hedgerow is removed, uprooted, destroyed or dies within a period of 5 years from the date of completion of the development, replacement planting shall be carried out in accordance with details to be approved in writing by the local planning authority.
- 13) No development shall take place until a Landscape and Ecology Management Plan (LEMP) and a timetable for its implementation has been submitted to and approved in writing by the local planning

authority. The LEMP shall provide full details of all new habitat creation and enhancement (hedgerows, species-rich grasslands and wetlands), including:

- (a) The inclusion of a 2-metre wide verge on both sides of retained and newly created hedgerows;
- (b) The species composition, planting/seeding methodologies and aftercare management;
- (c) The planting of a new hedgerow at the site entrance adjacent to the A350;
- (d) The enhancement of the Public Open Space for reptiles;
- (e) On site access for the management of the eastern boundary vegetation area;
- (f) Long-term management objectives, management responsibilities and maintenance schedules.

Habitat creation, enhancement and management shall be carried out in full accordance with the approved LEMP. Plants shall be of British origin and locally sourced. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

- 14) (a) The landscaping details to be submitted for approval under condition 1, for each phase of the development, shall include details of all new planting and seeding, all hard surfacing materials, all boundary treatments, any earth mounding, re-contouring or other earthworks, all finished ground levels, all proposed signage, all proposed street furniture, play equipment and any other related structures or artefacts within the public areas.
 - (b) The landscaping works shall be carried out in accordance with the approved details, and in accordance with a phased programme to be submitted to and approved in writing by the local planning authority.
 - (c) Any tree or plant forming part of the approved landscaping scheme which dies, or becomes seriously damaged or diseased, or is removed for any reason, within a period of five years after planting, shall be replaced during the next planting season with others of similar size and species.
- 15) The dwellings hereby permitted shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwellings shall be occupied until evidence has been issued and submitted to and approved in writing by the local planning authority certifying that this level or equivalent has been achieved.
- 16) No dwelling shall be occupied until works for the disposal of sewage for that dwelling have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.
- 17) No dwelling shall be occupied until the means of vehicular access from the public highway to that dwelling has been constructed to at least base course level.

- 18) No dwelling shall be occupied until the approved refuse storage provision for that dwelling required by condition 5 has been made available for use by the occupiers of that dwelling.
- 19) No dwelling shall be occupied until a bus stop with high access kerbs, real time information and a bus shelter have been made available for use on the A350 Trowbridge Road to south of the site access.
- 20) No dwelling shall be occupied until the footpath and cycle track links have been constructed in accordance with details approved under condition 5 and a new pedestrian refuge has been constructed in the ghost taper at the Bitham Park right turn lane into Kingfisher Drive.
- 21) No dwelling shall be occupied until a Travel Plan based on the submitted Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring including the appointment of a travel plan co-ordinator, details of access to the monitoring information for the local planning authority and details of mechanisms for agreeing and incorporating changes to the approved Travel Plan. The Travel Plan shall be implemented in accordance with the approved details.
- 22) No dwelling shall be occupied until all existing field access points from the site to the A350 and Coach Road have been permanently closed in accordance with boundary details which shall have first been approved in writing by the local planning authority and, where applicable, the existing lowered kerbs have been replaced by full height kerbs.
- 23) No dwelling shall be occupied until a public art scheme for the site and a timetable for its installation has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 24) No external lighting shall be installed on site until plans showing the type of light appliances, the height and position of fittings, illumination levels and light spillage (lux plots) have been submitted to and approved in writing by the local planning authority, including the maintenance of a 'dark corridor' along the eastern boundary. The lighting shall be installed and maintained in accordance with the approved scheme.

Informative:

The development shall be carried out in broad accordance with the scheme masterplan which was submitted for illustrative purposes.
