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# Appeal Decision

Inquiry held on 17-20 July and 1 August 2012

Site visit made on 1 August 2012

**by Christina Downes Bsc DipTP MRTPI**

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

**Decision date: 31 August 2012**

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**Appeal Ref: APP/L2630/A/12/2170575**

**Land at Townhouse Road, Costessey, Norfolk NR8 5BY**

- 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 Mr Martin Green and Norwich Consolidated Charities against the decision of South Norfolk District Council.
  - The application Ref 2009/1996/O, dated 16 December 2009, was refused by notice dated 15 August 2011.
  - The development proposed is residential development of 70 dwellings and associated works including a new access to the south.
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## Decision

1. The appeal is allowed and planning permission is granted for residential development of 62 dwellings and associated works including a new access to the south on Land at Townhouse Road, Costessey in accordance with the terms of the application, Ref 2009/1996/O, dated 16 December 2009, subject to the conditions on the Schedule at the end of this decision.

## Procedural Matters

2. The application was submitted in outline form with all matters reserved for future consideration apart from access. As scale is a reserved matter further information was submitted during the course of the Inquiry regarding the height, width and length of the proposed buildings in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010. It was confirmed that no dwelling would exceed 2 storeys in height.
3. There was much discussion during the course of the Inquiry about the distance of the development from the protected trees in Carr's Hill Wood. The Appellants proposed a 15 metre buffer zone between the northern site boundary and the built development and that this would not be publicly accessible. It was clear however that it would not be possible to accommodate the proposed number of dwellings at a density of 30 dwellings per hectare whilst maintaining a similar relationship between the new dwellings and the existing residential properties to the south and west.
4. The Appellants sought to overcome this problem by reducing the number of dwellings to 62 and producing a revised illustrative Masterplan (Document 24). There were no objections from the main parties or any of those present at the Inquiry to this change. I am satisfied that there would be no prejudice to anyone's interest and that the revisions would have benefits in terms of the protected trees. I have had regard to *Bernard Wheatcroft Ltd v Secretary of*

*State for the Environment (1982)* and concluded that the substance of the development would not materially change. I shall therefore determine the appeal on the basis that it is for a residential development of 62 dwellings.

5. The scheme would be unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location. It is not therefore considered to be environmental impact assessment development under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

## **Reasons**

### ***First Issue: Whether the proposal is necessary to meet the housing needs of the district***

#### *Policy Context*

6. The Joint Core Strategy (JCS) has been adopted by the Councils of South Norfolk, Broadland and Norwich City and envisages a substantial increase in the number of homes and jobs within the Norwich Policy Area (NPA). The 3 local authorities, along with Norfolk County Council, work together through the Greater Norwich Development Partnership (GNDP). The total requirement to 2026 is 32,847 homes which gives an annualised requirement of 1,825 from 2008. The National Planning Policy Framework (the Framework) requires local authorities to identify and annually update a supply of specific deliverable sites to provide five years worth of housing. An additional 5% buffer is to be added to ensure choice and competition. There is no dispute that also taking account of completions and future projections there would only be 3.13 years of deliverable housing land, which would amount to a shortfall of over 3,900 dwellings in the NPA.
7. Over the 3 years since the JCS commenced there has been an under delivery in relation to requirements. The Annual Monitoring Report attributes this to the economic situation and also on the fact that local plans were drawn up on the basis of a lower Structure Plan target. However it would appear that even before that the NPA local authorities were failing to deliver the housing that was required. The situation does not look set to improve in the next year or two. None have development plan documents in place to show how the development requirements are to be met. All are at pre-submission stage and so can be afforded very little weight. The GNDP deals with shortfalls by distributing them over the remaining plan period which means that short term needs remain largely unresolved. The Framework makes clear that where there is a persistent record of under delivery the buffer should be increased to 20%. As a 3.13 year supply is a very serious shortfall indeed it seems unnecessary for me to conclude on whether a higher buffer should be applied in this case. Suffice it to say that if a 20% buffer were included the deficit in provision would be considerably worse.
8. The JCS sets out the housing requirements for each of the districts in the NPA to 2026. In the case of South Norfolk this amount to 9,000 homes over and above existing commitments giving a total of just over 13,000 dwellings. Policy 9 sets out the spatial strategy for growth in the NPA and Easton/Costessey is envisaged as a suitable location for at least 1,000 dwellings as well as a share of the additional 1,800 dwellings allocated to smaller sites in the district. Policy 10 sets out additional infrastructure requirements for the

major growth locations and at Easton/ Costessey this includes capacity expansion at the A47 Longwater junction as well as Bus Rapid Transit along the Dereham Road corridor to Norwich city centre. The Site Specific Allocations and Policies Development Plan Document (SSAP) is expected to be submitted for examination later this year with adoption anticipated by late 2013. The Council has decided to undertake further public consultation on a list of preferred sites. Whilst these seek to meet the growth expectations in Policy 9 the SSAP is at a very early stage and the preferred sites have not yet been tested at public examination. In the circumstances they can be given very little weight in terms of addressing the present housing shortfall.

9. South Norfolk District Council (SNDC) contends that it will not necessarily wait for the SSAP to be adopted before approving housing on some of the preferred sites. This includes the second phase of Lodge Farm on the Dereham Road corridor which could make a significant contribution to the Easton/ Costessey requirement. However at this stage there is no planning application and it seems unlikely that, even if the site does come on-stream in advance of the SSAP, it would contribute significantly until the latter part of the 5 year period. In any event even if the sites that SNDC has identified for possible early release came forward they would yield insufficient housing to meet the identified deficit. So whilst it is acknowledged that SNDC is being pro-active it remains the case that there is a serious shortfall of deliverable housing sites which is unlikely to be met in the next 5 years either within the NPA as a whole or within the SNDC part of the NPA.
10. In the face of a failure to identify a supply of deliverable housing sites to meet short-term housing needs, Paragraph 49 of the Framework is unequivocal that relevant policies for the supply of housing should not be considered up-to-date. In such circumstances Paragraph 14 advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Before considering this matter further it is relevant to consider whether there are any factors in this case that might reduce the weight to be given to the contribution that the site would make towards reducing the housing land supply deficit.
11. Policy 10 in the JCS links new housing development to infrastructure improvements. In Easton/ Costessey this is particularly related to the Dereham Road public transport corridor and improvements to the A47 Longwater junction. SNDC make the point that the appeal site would contribute to neither. However it seems to me that in the absence of a plan that identifies sufficient sites within these locations to meet the housing requirement the infrastructure requirements cannot be considered as an in-principle constraint to development in other places. Clearly sustainability is an important issue but there is nothing to say that sustainable sites cannot exist in locations other than along the Dereham Road public transport corridor.

### *Deliverability*

12. The Framework places great emphasis on deliverability. The grant of planning permission for the appeal scheme would release land for 62 dwellings. However this is only going to help assuage the short term housing problem if the houses are actually built. Unfortunately in any housing scheme this can never be guaranteed even though the timescale for implementation can be reduced by condition to encourage an early start. In this case there are

various off-site highway improvements that would need to be undertaken prior to the occupation of any dwelling. This includes the provision of an improved section of footway along the northern side of Townhouse Road and the movement of the carriageway to accommodate it. Whilst this would inevitably cause a certain amount of disruption the Highway Authority has not raised objections and there is no reason why the works should cause a material delay.

13. The new footbridge would require planning permission and there is no certainty that it would be granted. However there was little disagreement that the present lack of a footway over the river makes it difficult for pedestrians to cross safely. I was told that there may be bat roosts beneath the arch of the old bridge. There was no specific evidence that this was the case or that appropriate action could not be taken if necessary to safeguard the protected species. It is understood that the Appellant has agreed terms to purchase the land required to construct the footbridge. The grant of planning permission would be a matter for SNDC and it would have to weigh up any adverse impacts against the benefits, including enabling the expeditious provision of housing to meet current shortfalls.
14. It is acknowledged that the proposal is in outline form and that reserved matters and other conditions would need to be discharged. Also that the owners of the site are not developers and that the site would therefore need to be sold on to a housebuilder. However none of this is particularly unusual and even if the process takes longer than the somewhat optimistic timeline of the Appellants there is no reason why the 62 dwellings could not be built and ready for occupation well within the next 5 years. The argument that this could still happen through the local plan process is difficult to understand as this would only push delivery further back even if the site were accepted by SNDC as a preferred option.

### *Conclusion*

15. In the circumstances it is concluded that this is a deliverable site that is available now. There is no reason why it should not make a contribution to the short term housing land supply deficit in the NPA. Any argument that it would be premature is misplaced in view of the early stage of the SSAP. The proposed 62 dwellings would not be sufficient in scale to be prejudicial to policies about the location of development. Conversely the argument that such a small number of dwellings would fail to make a significant impact on the reduction of the housing land supply deficit is not a good one. The 62 houses would provide real homes for real people and there is nothing in national or local planning policy to say that a development must be over a certain size before it can be deemed as significant. Indeed Paragraph 6.6 in the JCS explicitly recognises the benefits that small sites can bring in terms of flexibility and shorter term delivery. The current deficit in housing provision and the contribution that the appeal proposal would make in addressing it is a strong material consideration in favour of the appeal proposal.

### ***Second Issue: Effect on the character and appearance of the area and the landscaped setting of Costessey***

#### *Policy Context*

16. The appeal site is on the northern slopes of the River Tud behind a ribbon of development along Townhouse Road. Immediately to the north is Carr's Hill

Wood, which is privately owned woodland occupying the ridge. There is no dispute that the site lies outside the settlement boundary and that the development would be contrary to saved Policy ENV 8 in the South Norfolk Local Plan (LP) (2003) which restricts development in the countryside to that relating to rural activities. However it should be recognised that greenfield land outside of current settlement boundaries will be needed to accommodate the housing growth envisaged in the JCS.

17. Saved Policy ENV 3 seeks to protect the distinctive local landscape character of the river valleys from inappropriate development. This is a relatively extensive local designation and whilst the river valley landscapes are clearly valued by the local community the Framework does not endorse blanket restrictions of the type set out in Policy ENV 3. This and the other local designations have therefore been reviewed by the Council's Landscape Consultants. Whilst the river valleys designation is recommended to be retained changes are proposed to make it a criteria-based policy. This matter will be tested during the Examination of the SSAP bearing in mind the need to make provision for the requisite level of housing growth. At the moment the wording of the policy is not consistent with the Framework even though the national guidance recognises the importance of protecting local valued landscapes.
18. Policy 2 in the JCS is an area-wide strategic policy that promotes good design. Amongst other things it requires development to respect local distinctiveness including the landscape character and setting of settlements. This is supported by the *South Norfolk Place-Making Guide*, although as a consultation document this has limited weight. Policy 12 relates to the urban fringe parishes including Costessey and seeks opportunities to improve the townscape and retain the best of local character and protect the landscaped setting of the urban area. I turn now to consider the assessment of landscape and visual impacts on the river valley landscape within this context.

#### *Landscape and Visual Impact Assessment (LVIA)*

19. The methodology used in the LVIA was based on the *Guidelines for Landscape and Visual Impact Assessment: Second Edition* (the LVIA Guidelines) and has not been challenged. However the LVIA gives insufficient consideration to the impacts of the off-site highway works, particularly the removal and replanting of the hedge on the southern side of Townhouse Road to provide the required visibility splay. Also there was no satisfactory assessment of the effects arising from the construction of the new footbridge. Whilst this will be the subject of a separate planning application its construction is nevertheless a pre-requisite on which the appeal development would depend. The impacts arising from the highway works and the footbridge were dealt with in evidence to the Inquiry and I was able to make my own assessment at the site visit. The main parties disagreed about the sensitivity to change of many of the receptors, the magnitude of effect and consequently the significance of the impacts.

#### *Landscape Impacts*

20. The South Norfolk Landscape Character Assessment (LCA) identifies a number of characteristics that define the Tud River Valley landscape. These include its intimate, small scale nature; its remote, rural character despite the proximity to Norwich; its wooded nature and the importance of the pastoral valley floor as a green gap between Costessey and New Costessey extending up the valley sides. These attributes are referred to in the draft *South Norfolk Place-Making*

*Guide* and are evident within the vicinity of the appeal site. Whilst reference was made by some objectors to the Wensum River Valley this is to the north of the ridge and its landscape is not directly affected by the appeal scheme. Although the Council's Landscape Consultants undertaking the local designation reviews recommended that the LCA should be updated they considered that it remained a robust evidence base.

21. There would inevitably be a change to the site itself as fields would be replaced with built development. However it has an urban fringe character being divided into pony paddocks and scattered with a variety of outbuildings and shelters. The new dwellings would be behind frontage housing and would not extend the settlement edge significantly further to the east. In spatial terms the development would not result in the coalescence of Costessey and New Costessey or materially erode the green gap between them. On the other hand it would introduce built development into the rural river valley landscape and this would be apparent on the rising land.
22. The proposal would also involve changes within the valley floor. Even though the LCA does not specifically refer to the importance of hedgerows these are undoubtedly well represented features that contribute to the verdancy, rural character and sense of intimacy of the Tud River Valley. On the site itself a new hedge with trees would be planted along the eastern boundary and this would be beneficial. However in order to accommodate the required visibility splays a substantial section of the tall roadside hedgerow and tree screen on the southern side of Townhouse Road would be removed. The evidence suggests that there is sufficient space to plant a new hedgerow notwithstanding the proximity of the adjoining fishing lake. However it is likely to be some years before this would grow into a feature of similar stature. Whilst mature plants could be used there is no guarantee that they would successfully establish. More importantly the existing curved alignment of the hedge would be replaced by a straight edged feature to the rear of the visibility splay. In front would be a wide grass verge which would open up what is presently a road corridor with a significant sense of enclosure.
23. Other highway works are also proposed including widening the footway, realigning the carriageway and removing a section of the hedge on the northern side of Townhouse Road to provide the new access. The works to provide the footbridge would result in the removal of one or more trees and possibly small sections of hedgerow and undergrowth. The structure would also add a modern dimension along with new areas of footway. These works may be of relatively small scale but they would add an urbanised dimension in what is currently a short stretch of rural road between Costessey and New Costessey. In the circumstances the LVIA has underestimated the magnitude of effect on hedgerows, the River Tud valley and the wider proposal site and I am more inclined to agree with the Council's assessment that the landscape impacts would be major to major/ moderate in these respects.

### *Visual Impacts*

24. In addition to the assessment in the LVIA the Appellant submitted some additional visualisations at appeal stage. It was established at the Inquiry that these were based on the Masterplan for a subsequent planning application but the differences are relatively small and it is doubtful that they would be noticeable from a distance. In any event the Masterplan is only indicative at this stage. There was some debate at the Inquiry about the muted colours

- used in the modelling but the visualisations themselves included a palate of colours including white rendering and red roof tiles. I am satisfied they are reasonably representative of the type of development in the locality.
25. My site visit was extensive and included most of the LVIA viewpoints and also those considered important to objectors, including the Rule 6 Party. In addition I was invited to view from several individual properties. I was very mindful that my observations were being made in summer and that whilst the site may have been obscured by trees and greenery this would not necessarily be the case in the winter months. I was also assisted by the photographs, especially those in the booklet "*Save our River Valley*", submitted by the Parish Council and Townhouse Road Action Group, which were taken when trees were not in leaf. The conclusions that I have reached takes account of the matrix for the calculation of significance of effects in the LVIA Guidelines.
26. As the appeal site is on one side of the valley it is inevitable that development would be seen, especially from the residential areas in New Costessey which occupy the opposite valley slope. There was some debate at the Inquiry about whether the effect on residential occupiers had been adequately assessed in terms of the sensitivity to change. Whilst many properties have an east-west orientation I observed many also have living room windows and gardens facing towards the appeal site. The Council estimated that this could amount to as many as 90 dwellings although this is difficult to corroborate as it was on the basis of a quick appraisal made during the course of the Inquiry. Nevertheless my observations confirmed that a considerable number of residential properties are affected in this way. It is not the purpose of the planning system to protect individual views from private property. However the LVIA Guidelines make clear that the cumulative effect on a number of residents can give rise to a community impact. I do not consider that this community sensitivity has been reflected sufficiently in the LVIA.
27. Townhouse Road becomes Norwich Road after the river bridge and it rises up through New Costessey. From here I agree with the Council that the visual receptors would have a high sensitivity to change when the community impact is included. Views of the site would be framed by existing topography, development and vegetation throughout the year. It is appreciated that the new houses would be seen against the backcloth of Carr's Hill Wood and that they would not break the skyline. Also that there would be buildings in the foreground. Nevertheless I consider that the magnitude of change would be high and I agree with the Council that the significance of the visual impact would be major/ moderate. Mitigation through proposed tree and hedge planting is unlikely to make a great deal of difference from here and so this impact would be likely to endure in the long term. There were a few other places in New Costessey where a similar funnelled view was apparent. Whilst not assessed in the LVIA, the view from Highlow Road is one such example.
28. From many of the other viewpoints in New Costessey, including around Bunker's Hill and along Grove Avenue, the development would be seen within a wider panorama of woods and farmland. There would also be glimpses of existing development, including the houses along Townhouse Road and these factors, when combined with the distance, would reduce the magnitude of change although the sensitivity would remain high taking account of the community effect. From many viewpoints in New Costessey the summer vegetation provides a verdant screen and the full impact would occur mainly

during the winter months. The significance of the impact has been underscored by the LVIA and I agree with the Council that the significance would be moderate adverse although the proposed landscaping may provide some mitigation in the longer term.

29. From within the valley floor the changes that would be particularly apparent relate to the loss of hedgerows and trees to accommodate highway works and the new footbridge. Views of the site would be opened up at this point and the visual containment and rural ambience would be considerably diminished. I am doubtful that the LVIA has properly considered these impacts and I agree with the Council that their significance is likely to be higher and range from major/moderate to moderate adverse.
30. There is a relatively open view from the anglers' car park adjacent to the fishing lake and the recreational use would result in a high sensitivity to change. Even though the view already contains Holkham House and caravans and structures the new buildings would result in a considerable change. I agree with the Council that the significance of the visual impact would be major/moderate adverse but this would reduce in time as the new hedge and trees along the eastern boundary of the appeal site became established.
31. There is a permissive footpath that runs from Townhouse Road west of the fishing lake and in a northerly direction to join the bridleway on the far side of the ridge. On the western side of this path is a thick field hedge and I could not find a place where views through to the new development would be particularly apparent. In addition it should be borne in mind that the footpath has been provided under the farm conservation scheme managed by Natural England and I was told that the agreement runs out in 2017. Whilst the Parish Council is hoping to establish its use as a public right of way there is no certainty that this will be successful. As things stand the use of the footpath is time limited and therefore in the longer term the significance of the adverse impact would considerably diminish.
32. Further to the north there is a field that has access to the bridleway and I understand that this is owned by Costessey Parochial Charity. I was also told that the charity may allow access to the land as a leisure facility in the future. Whilst there would be views of the tops of the proposed dwellings from this field it is difficult to place much weight on the significance of any visual impact as there is little evidence that such a scheme is likely to materialise.
33. There are dwellings backing onto the appeal site but unlike the situation in New Costessey the effect would be on the private view from a relatively small number of properties. There would not be the same community sensitivity. Individual outlooks would undoubtedly change but the Masterplan indicates that dwellings would be sited away from the southern and western boundaries and this is a matter that could be further addressed at reserved matters stage. The distances are sufficient to ensure that there would be no overbearing impact on the living conditions of these residents notwithstanding the difference in levels. I also viewed the appeal site from within Carr's Hill Wood. Taking account of the proposed 15 metre buffer between the woodland edge and the built development and that this woodland is not a public amenity the visual impact would be of minor significance.

### *Conclusion*

34. For all of the reasons given above I conclude that the appeal proposal would be harmful to the character and appearance of the area. It would give rise to significant and adverse landscape and visual impacts even after mitigation especially in terms of the landscape of the valley floor and from viewpoints in New Costessey. The Framework recognises the need to protect and enhance local landscapes and the appeal scheme would be contrary to relevant development plan policies including JCS Policies 2 and 12 and LP Policies ENV 3 and ENV 8.

### ***Third Issue: Whether this is a sustainable location for housing to allow new residents travel choices other than the private car***

#### *Policy Context*

35. In the JCS, Policy 1 seeks to address climate change and promote sustainability. It includes a number of provisions with this objective in mind including minimising the need for travel and giving priority to low impact modes of travel. Policy 6 addresses access and transportation. Amongst other things it seeks to concentrate development close to essential services and facilities so as to encourage walking, cycling and public transport. It requires significant improvements to the bus, cycling and walking network including Bus Rapid Transit on key routes. Policy 10 envisages Easton/ Costessey as a suitable location for growth albeit that it indicates this is dependent on capacity expansion of the A47 Longwater junction.

#### *Walking and Cycling*

36. The appeal site is on the eastern edge of Costessey and the nearest local shops and services are along Norwich Road in New Costessey which is a direct walk from the site entrance. Here there is a small supermarket, a pharmacy, a hairdresser and a post office. There are also a couple of take-aways and a public house. The small shopping parade is about 1 km from the site entrance. In Costessey there is a small local store, post office and hairdresser as well as a takeaway and public house. These facilities are about 1.3 km away but again the walk is a straightforward one along Townhouse Road. It seems to me that these facilities would meet many of the day-to-day needs of the new residents living on the appeal development.
37. I undertook both of these walks and they took about 13 minutes and 18 minutes respectively. The *Guidelines for Providing Journeys on Foot* was published in 2000 by the Chartered Institute of Highways and Transportation (the CIHT Guidelines). These provide a widely accepted standard for assessing reasonable walking distances. An acceptable walking distance for most purposes is considered to be 800 metres with a preferred maximum of 1.2 km. The CIHT Guidelines make the point that what is "acceptable" in individual terms will vary depending on such factors as individual fitness and physical ability, the purpose of the journey, alternative travel options and general deterrents to walking.
38. The routes are both uphill in the outward direction and the pavements are relatively narrow in places especially between Folgate Lane and the River Tud bridge. I noted that when crossing Folgate Lane on foot existing vegetation limits the visibility of turning vehicles. However whilst it is necessary to

approach this junction with care I am not convinced that it presents unacceptable danger to pedestrians wishing to cross. Perhaps the greatest impediment to journeys on foot in the New Costessey direction is the bridge over the River Tud. The footways stop either side and it is necessary for the pedestrian to walk into the carriageway to cross the river at this point.

39. It has already been noted that the appeal scheme includes widening the footway between the appeal site and Folgate Lane and constructing a new footbridge. Both of these would be significant improvements to the pedestrian environment and would not only benefit those living in the new development but also existing residents wishing to walk between the two settlements. Although the local facilities would be beyond the 800 metres acceptable walking distance in the CIHT Guidelines they would not significantly exceed the preferred maximum. It is probable that not as many new residents would walk as may have been the case if the facilities were closer. However the journey would be manageable for many to make and would offer the opportunity to travel on foot to meet day to day shopping needs.
40. The CIHT guidelines indicate that the acceptable walking distance is 1 km and the preferred maximum is 2 km for schools and employment. There are primary schools in both settlements that would be within the preferred maximum but secondary schools and employment areas would be in excess of that distance. In addition key services such as doctors' and dentists' surgeries are between 2 km to 2.7 km away. Whilst these would be unlikely to be accessible to most people on foot they would be within a reasonable cycling distance.
41. I heard from a number of local people that cycling is a chosen travel mode although the traffic and hilly terrain seem to act as a disincentive for some. The location of the site means that journeys would involve an incline but on the other hand the return journey would be downhill. The Transport Statement indicated that Townhouse Road is relatively lightly trafficked in terms of the existing traffic flows. The traffic generated by the proposed development is not likely to significantly change this situation.

#### *Bus Travel*

42. There are bus stops close to the entrance of the appeal site and a bus service that runs half hourly on weekdays. It is appreciated that this does not compare with the 10 minute service that is anticipated for the Bus Rapid Transit routes into Norwich. However at present it is not certain when these routes, including that along the Dereham Road corridor, will be introduced. In view of the need to address the Council's housing deficit it is clear that sites are going to have to come forward that do not necessarily benefit from a 10 minute bus service.
43. I appreciate that several local people mentioned the reliability of the existing bus service in Costessey but there is little evidence that this is a widespread problem. I acknowledge that my site visit was a snapshot in time but over its duration I observed several buses travelling along Townhouse Road and Norwich Road in both directions. It is worth noting that there is also a bus stop close to the shops and services in both Costessey and New Costessey.
44. The appeal proposal includes providing bus shelters, timetable information and dropped kerb crossings with tactile paving to make it easier to cross from one

side of Townhouse Road to the other. These would undoubtedly improve the attractiveness of the bus service as a modal choice and would also provide a benefit to existing residents using the bus.

### *Conclusions*

45. It is noted that there is no specific guidance in the JCS as to how the requirements of Policies 1 and 6 should be assessed. It appears that in its Strategic Housing Land Availability Assessment the GNPD used a distance of 800 metres to key services such as schools, healthcare, local employment and shops. This has been used by the Council as one of a number of indicators to inform the preferred locations for new housing in the emerging SSAP. This may well be an appropriate indicator and I was told that following initial consultations no objections have been raised to it. However at the moment the SSAP preferred locations have not been tested at Examination and the Council has a problem with meeting its housing requirements. In the circumstances the fact that the appeal site is not within 800 metres of key facilities and services is a matter of little weight.
46. The appeal site may not be in as accessible a location as other sites that the Council prefers. However neither is it so inaccessible that new residents would have no other travel choices. There would be the opportunity to walk, bicycle or use the bus for a reasonable number of daily trips. Furthermore there would be significant improvements to the bus, cycling and walking environment, including the bus shelters, pavement improvements and new footbridge. These would be enhancements of a proportionate scale to the size of the development and are necessary for it to go ahead. Whilst Policy 6 seeks to promote improvements to the transport network in the absence of a CIL charging schedule this cannot be a requirement of all developments regardless of impact. In this case there would be no justification for asking for a contribution towards the Bus Rapid Transit along Dereham Road and the Council has not sought to do so.
47. For all of the reasons given above I conclude that this is a reasonably sustainable location for housing and that the development would allow new residents travel choices other than the private car. Nevertheless insofar as it would not minimise the need to travel or have walking and cycling as the primary means of travel there is some conflict with the strategic objectives of Policies 1 and 6 of the JCS.

### **Other Matters**

#### *Trees*

48. The Appellants' Arboricultural Constraints Report identifies no significant trees on the site itself. Whilst there are a few in adjoining gardens these give no cause for concern in terms of proximity to any future building especially bearing in mind that the layout of the development is a reserved matter. There are trees within the hedgerows along Townhouse Road but I have already considered this aspect of the development under my second main issue. Carr's Hill Wood lies immediately to the north of the appeal site and is semi-natural woodland protected by a Tree Preservation Order. Many of the trees are identified as veteran trees due to their age and I saw for myself that many grow close to the boundary. The Report indicates that the roots would

therefore encroach onto the site and recommended a protection zone of 15 metres to be kept free of construction requiring significant excavation.

49. The amended Masterplan includes such a protection zone and the provision and management of this area could be controlled by a planning condition. I note that the owners of Carr's Hill Wood have commissioned their own arboricultural assessment. Whilst this recommends a protection zone of 20 metres I am not satisfied from the available evidence that the additional 5 metres is critical to ensuring the health of the trees especially as it is proposed that the land should not be publicly accessible. In the circumstances the appeal proposal complies with saved Policy ENV 19 in the LP relating to protected trees. As the layout is a matter for future consideration there is no reason why the design and orientation of the dwellings should not ensure that gardens and windows are not unacceptably shaded and that views of the trees are not unduly disrupted such as to diminish their public amenity value. As this is privately owned woodland I note the owners' concerns about insurance liabilities but this is a private matter to be resolved between the relevant parties concerned.

### *Ecology*

50. There have been several ecological surveys on behalf of the Appellants and the owners of Carr's Hill Wood. The majority of the appeal site is grassland and there is no evidence that this is home to protected species that would be significantly affected by the proposed development. Hedgerows along the southern and western boundaries which provide foraging habitat for bats and also a good habitat for breeding birds would not be affected. The proposed buffer zone between Carr's Hill Wood and the development site would protect reptiles that may be present within the sandy banks along the woodland edge.
51. There was concern from local objectors that bat activity surveys had not been carried out and that these were necessary to inform potential mitigation. Reference was made to the Bat Conservation Trust document: *Bat Surveys: Good Practice Guidelines*. Whilst this provides good advice it is important to understand that its guidelines are not mandatory and have no statutory effect. The ecological survey commissioned by the owners of Carr's Hill Wood indicated the suitability of the veteran trees, including those on the woodland edge, for bat roosts. I was also told about a survey by the Big Norwich Bat Project that recorded significant bat activity in the wood.
52. Bats may well fly over the appeal site from time to time although there was no specific evidence that they use it as a foraging ground. It seems to me that any concern about disturbance to the roosts in the woodland would be addressed by the publicly inaccessible buffer zone. Furthermore the new hedgerow along the eastern boundary, which would also include tree planting, would provide a wildlife corridor between Carr's Hill Wood and the trees and vegetation further south. The loss of hedgerow along Townhouse Road would result in some reduction in potential foraging habitat in the short term but this would be replaced by the new hedge to the rear of the visibility splay in due course. It is noted that the Council's Ecologist raised no specific objection to the scheme but commented amongst other things that light pollution should be kept to a minimum. This, along with other mitigation measures could be addressed through an Ecological Management Plan. In the circumstances there would be no significant harm to protected species or nature conservation interests.

53. The River Wensum Site of Special Scientific Interest and Special Area of Conservation is about 0.4 km away. There is no evidence that the appeal proposal would significantly affect the integrity of the protected site either on its own or in combination with other plans and projects. An Appropriate Assessment under the relevant statutory requirements is therefore not required. I note that this is also the conclusion of Natural England who has raised no objections to the appeal development.

#### *Traffic*

54. There is some local concern that the local highway network could not cope with the traffic generated by the appeal development. However the proposal has been discussed extensively with Norfolk County Council as Highway Authority and subject to the mitigation measures proposed it has not raised objections to the appeal scheme. There is no evidence that the capacity of Townhouse Road or the other roads in the vicinity would be unable to accommodate the additional vehicle flows generated by the proposed development. In the circumstances it is considered that the development would not have an adverse effect on the free flow of traffic or highway safety.

#### **Planning Obligations**

55. Three fully executed Planning Obligations were submitted at the Inquiry. It is necessary to consider whether the obligations within these documents meet the statutory requirements in Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations in order to determine whether or not they can be taken into account in any grant of planning permission. These require that the obligations must be necessary, directly related and fairly and reasonably related in scale and kind to the development in question. The Unilateral Undertakings both contain clauses that the contributions are conditional on my finding that they comply with the CIL Regulations.

56. The Planning Obligation by Agreement is between the Appellants and the Council. It makes provision for 33% affordable housing which accords with the requirements of Policy 4 in the JCS. The Schedule indicates that the affordable homes would be built and ready for occupation prior to the completion of 35 market homes. This seems a reasonable trigger point to provide comfort that the affordable housing element of the scheme would actually materialise. My concerns raised at the Inquiry about the link between the developer and the affordable housing provider were addressed by a change in the wording of the Schedule. There is a considerable need for affordable homes in the NPA and I am satisfied that the obligation meet the CIL Tests and can be taken into account.

57. The two Unilateral Undertakings covered various contributions relating to provision of recreation space, community facilities, education and libraries. Policy 20 in the JCS recognises that contributions towards infrastructure that is essential to secure sustainable development will be made through Planning Obligations in advance of a local CIL charging regime.

58. A recreation contribution of £52,468.50 is included. An assessment undertaken in 2007 indicated that open space provision in Costessey does not meet the needs of existing residents. From the evidence it appears that the Parish Council is particularly pro-active and that there are projects in the pipeline to improve older children's recreation needs at Breckland Park and Longwater

Lane. Both locations are reasonably accessible to the appeal site, especially by bicycle. I agree with the Appellant that the way that the contribution has been worked out is not altogether clear although it is based on the Council's Supplementary Planning Guidance (SPG): *Recreational Open Space Requirements for Residential Areas*. Whilst the contributions from this development cannot be expected to meet existing shortfalls I consider that, on balance, the information provided is sufficient to be satisfied that the recreation contribution is justified and complies with the CIL Tests. It can therefore be taken into account.

59. The Norfolk County Council Document entitled *Infrastructure, Service and Amenity Requirements for New Development* was published in March 2012. It explains how the education and library contributions have been worked out and I understand that this is applied consistently to development projects throughout the county. Nevertheless I was told that the document has not been subject to public consultation and therefore it has only limited weight.
60. The evidence suggests that there is a shortfall in provision for infant and nursery education. There is a contribution of £110,618 to address this matter. However it is not at all apparent whether the sum in question is fairly and reasonably related in scale and kind to the appeal development. This is because the calculations rely on a multiplier and it is unclear on what this is based. Furthermore there is considerable uncertainty about how the money would be spent. The County Council as Education Authority indicates that it is appraising various options. However it does not say whether this is to address existing shortfalls in provision or how the monies provided in the obligation would contribute towards facilities to benefit the children living in the appeal development. In the circumstances the contribution does not meet the CIL requirements and has not been taken into account.
61. A contribution of £3,720 is made towards library provision. The *Infrastructure, Service and Amenity Requirements for New Development* document indicates that a standard charge would be levied and the County Council has indicated that the money would be spent on library stock and equipment at Costessey library. I appreciate that it may be difficult to ascertain whether there is a shortfall in existing capacity to ascertain whether existing library facilities would be able to accommodate the needs of the new residents. However such information is necessary to be satisfied that the CIL requirements are met and it has not been made forthcoming.
62. The contribution towards community facilities is £100,000. However there is little available information on what this sum is based or whether there is a problem with the existing capacity such that the needs of new occupiers cannot be accommodated. Whilst I appreciate that the Parish Council has indicated projects to which the payment would contribute it is impossible to conclude that the contribution is justified. The Council commented that other developers had paid contributions for this purpose but this does not seem to me to provide a reasonable justification. Furthermore on the evidence given there does not appear to have been any consistency in terms of the amount of money that has been covenanted by different projects. In the circumstances I cannot conclude that the contributions towards library provision or community facilities are either fair or necessary. They do not comply with the CIL tests and cannot be taken into account.

### **Planning Conditions**

63. I have considered the planning conditions suggested by the main parties bearing in mind advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I have reworded them where necessary in the interests of precision, relevance and enforceability. Wherever possible I have imposed conditions that reflect the Secretary of State's model conditions in the circular.
64. In order to contribute to the housing land supply shortfall in the short term it is reasonable to reduce the implementation period from that normally applied to outline proposals. The provision and future management of the 15 metre wide buffer zone in the northern part of the site needs to be carefully controlled. I have imposed a clearer and more focused condition that requires the details to be approved before development commences in order to ensure protection occurs during as well as following the construction period. The insertion of the buffer zone would result in a reduction in housing numbers and it is reasonable that this should be reflected in a condition. Whilst a revised Masterplan was submitted during the course of the Inquiry indicating the changes referred to in Paragraphs 2 and 3 of this decision, it was only illustrative and a further Masterplan is required to show the design principles in greater detail.
65. Taking account of the visual assessments and to protect the living conditions of nearby residential occupiers it is appropriate to limit the height of the new houses and the Appellants agreed that this would be a maximum of 8 metres. In view of the sloping nature of the land the ground floor slab levels and site levels are also important to establish. However I do not consider that it is necessary to require an element of single storey dwellings in order to provide an appropriate mix of housing in accordance with Policy 4 of the JCS. Landscaping is a reserved matter and there is no need to include a condition relating to it at this stage. The evidence suggests that the site may hold some archaeological interest and that an evaluation would therefore be appropriate. Whilst there is little evidence of contamination on the site it is possible that this could emerge as an issue once development commences. Bearing in mind comments from the Environment Agency a condition would not be unreasonable.
66. It is proposed to dispose of surface water through a Sustainable Drainage System (SuDS). The success of this approach in the longer term is particularly dependent on the management regime. A condition requiring details of the SuDS and the future arrangements to ensure it continues to operate effectively is therefore required. Other measures to improve the sustainability credentials of the scheme relate to water usage and use of green energy resources. Whilst roof-mounted solar panels may be visually intrusive the Appellant's outline energy statement indicates that there are other options that could be used to meet the requirement for providing energy in a sustainable manner. Conditions concerning these matters are supported by policies in the JCS.
67. In view of my conclusions on ecological issues it is appropriate to ensure appropriate mitigation measures and enhancements. However I am not convinced that it is necessary or useful to include a detailed specification at this stage. The requirement would be best delivered by requiring an Ecological Management Plan which can focus on the matters of particular importance to the ecological value of the site. It was clarified at the Inquiry that there was concern about harm to the trees and hedges in the vicinity of the visibility

splays. Protection is reasonable as these features are important to the rural character of the valley corridor but I have been more specific in the condition I have imposed. The details to be subsequently approved can include such matters as construction exclusion zones and what can and cannot take place within them.

68. Although layout is a reserved matter it is not unreasonable to require details of internal roads, footways and parking areas and to ensure that individual dwellings are not occupied before access to the public highway has been provided. The footbridge would be the subject of a separate planning application and so it is not appropriate to require further details. The submitted plans show the arrangements for the junction with Townhouse Road and the visibility splay. Whilst it is thus unnecessary to require further details to be provided it is justifiable to require the implementation of the splay and to ensure that sight lines are not impeded in the interests of highway safety. In order to ensure the free flow of traffic along Townhouse Road it is necessary to require a Construction Method Statement to deal with matters such as operatives' parking and unloading arrangements. This will also include wheel washing arrangements to ensure excess mud is not deposited on the highway.
69. As has been previously discussed there are a number of measures to improve accessibility including the new footbridge. I have concluded that these provide necessary improvements to the sustainability credentials of the site and it seems reasonable that they should be available to new residents by the time the site is occupied. A Grampian style condition would therefore be appropriate. In the interests of the safety of future occupiers it is necessary to provide fire hydrants. The scheme includes an open space for children's play. Its future maintenance is dealt with through the Planning Obligation but in order to meet the needs of future occupiers a condition is required for its provision.

### **Overall Conclusions**

70. I appreciate that there is considerable local opposition to the appeal scheme. That was evidenced by the large number of people who attended the Inquiry and gave their views orally and in writing and also by the Parish Council and Townhouse Road Action Group who participated as a Rule 6 Party at the Inquiry. I appreciate that the local community is not against new housing as a matter of principle and I have no doubt that it favours a pro-active approach. However it remains the case that there is a serious shortfall in housing land and the development plan is unable to deal with it. Whilst there is a new local plan emerging this is at an early pre-submission stage. Even though some public consultation has taken place the document is still evolving and has not been subject to the rigour of testing at a public Examination. This is why it cannot be relied upon at present.
71. The shortfall in deliverable housing sites over the next 5 years means that the requirement for housing in the NPA is not able to be met and the growth allocated to South Norfolk district cannot be accommodated. In such circumstances Paragraph 49 of the Framework makes clear that development plan policies relating to the supply of housing should not be considered up-to-date. In such circumstances it is necessary to consider whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

72. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development to which there are three dimensions – economic, social and environmental. For the reasons given in Issue Three, and notwithstanding some conflict with JCS Policies 1 and 6, I have concluded that overall this is a reasonably sustainable location for housing. The proposal would therefore fulfil an economic role by delivering land to improve choice and competition in the market place. The proposal would fulfil a social role by providing a mix of market and affordable housing to reflect local needs. There is no reason why the detailed design should not result in a high quality built environment that integrates successfully with its host community. There are also wider benefits to the pedestrian environment and improvements to help make the bus a more attractive modal choice. The proposal would fulfil an environmental role by providing open spaces and new hedgerows and it would offer efficiencies in terms of its energy provision and water use.
73. Nevertheless there would be substantial environmental harm as identified in Issue Two. The Tud Valley landscape is highly valued by the local community and the landscape and visual impacts would be significant and harmful. This would conflict with JCS Policies 2 and 12. Whilst the proposal would also conflict with Policy ENV 8 it seems inevitable that in order to address housing shortfalls greenfield land outside of existing settlement boundaries will need to be used. Furthermore the blanket restriction provided by Policy ENV 3 means that housing development is effectively excluded from the river valley landscape. This includes a significant part of the NPA in South Norfolk district. I have carefully assessed this harm against the serious deficiency of housing land. However I have come to the conclusion that, taking the policies of the Framework as a whole, the proposal does, on balance, represent sustainable development. The adverse impacts of granting planning permission in this case would not significantly and demonstrably outweigh the benefits that would be gained and there are therefore material considerations that override the conflict with the development plan.
74. I have considered all other oral and written representations but have found nothing to alter my conclusion that the appeal should succeed

*Christina Downes*

INSPECTOR



- 5 Paper by Mr A Gardiner entitled "*Visible autumn migration in west Norwich*" (October 2011)
- 6 Plan showing location of housing sites in Costessey and New Costessey submitted by the Parish Council
- 7 Statement of Common Ground between the Appellant and the Council
- 8 Bat Survey Good Practice Guidelines submitted by Mr Reed
- 9 Information about Phase 2 of the Lodge Farm development
- 10 Plan showing the permissive footpath to the east of the appeal site
- 11 Plans of settlement boundaries for Easton, Longwater, Costessey and New Costessey
- 12 Constraints table of potential housing sites
- 13 Indicative Masterplan for the appeal site relating to the 2012 planning application
- 14/1 Representation made to the Inquiry by Councillor Tim East
- 14/2 Representation made to the Inquiry by Councillor Vivienne Bell
- 15 Joint Core Strategy for Broadland, Norwich and South Norfolk (as adopted and without the remitted text to reflect the High Court decision on Broadland housing sites)
- 16 Supplement to the Design and Access Statement submitted by Mr Carpenter
- 17 Letter and plan relating to land purchase to construct the footbridge
- 18 Identification of views from residential properties submitted by Mr Holland
- 19 Letter from Norfolk Wildlife Services dated 18 July 2012 relating to bat surveys submitted by Mr Ivory
- 20 Information from Norfolk County Council on contributions requirements submitted by Mrs Townsend
- 21 Norfolk County Council document entitled "*Infrastructure, service and amenity requirements for new development*" (March 2012), submitted by Mrs Townsend
- 22 Extract from South Norfolk Local Plan including saved Policy LEI 7
- 23/1 Letter from Mr C Dole about bat surveys at Carr's Hill Wood (19 July 2012)
- 23/2 Correspondence from Mr G Watt including the document entitled "*Conservation Strategy for the River Wensum SSSI*" (19 July 2012)
- 24 Revised Indicative Masterplan for the appeal scheme showing a 15 metre buffer to the woodland
- 25 Plan showing Appellants' land ownerships adjacent to the appeal site
- 26 Statement by Costessey Parish Council and the Townhouse Road Action Group concerning the Statement of Common Ground (Document 7)
- 27 Further information from Norfolk County Council on contributions requirements submitted by Mrs Townsend
- 28 Proposed draft conditions
- 29/1 Planning Obligation by Agreement between the Appellants and South Norfolk District Council (affordable housing)
- 29/2 Planning Obligation by Unilateral Undertaking given by the Appellants to Norfolk County Council (education and libraries)
- 29/3 Planning Obligation by Unilateral Undertaking given by the Appellants to South Norfolk District Council (recreation space and community facilities)

## **PLANS**

### **A Application plans**

## **SCHEDULE OF CONDITIONS**

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission. The development hereby permitted shall begin either before the expiration of three years from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) 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 begins and the development shall be carried out as approved.
- 3) There shall be no more than 62 dwellings erected on the site. Dwellings shall be no more than 2 storeys with a maximum ridge height of 8 metres from finished ground level.
- 4) An ecological protection zone of 15 metres in width shall be provided between Carr's Hill Wood and the development area and shall be retained for the lifetime of the development. This area shall only be accessed for the purposes of management and maintenance and shall not include garden land. Before development commences a protection plan and method statement for the existing protected trees, a planting scheme, a timetable for implementation and provisions for future management and maintenance of the zone shall be submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.
- 5) No development shall take place until a detailed Masterplan for the site has been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved Masterplan. The Masterplan shall include the following information:
  - a) Phasing of the construction of the 62 dwellings;
  - b) Dwelling mix;
  - c) Structural landscaping;
  - d) Open space and play areas; principal roads, footpaths and cycleways.
- 6) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until a detailed scheme for the disposal of surface water, incorporating sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall include arrangements for future maintenance and management of the scheme and shall be implemented in accordance with the approved details prior to the first occupation of any dwelling hereby permitted.
- 8) If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority detailing how the unsuspected contamination shall be dealt with. The approved

remediation strategy shall be carried out as approved in accordance with the timetable.

- 9) The dwellings shall achieve Level 4 of the Code for Sustainable Homes in respect of water usage. No dwelling shall be occupied until the local planning authority has been notified in writing that the measures to achieve Code Level 4 in respect of water usage have been achieved for that dwelling. The measures shall be retained thereafter.
- 10) No development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of the mitigation to be provided for loss of habitats, measures to be taken to improve the biodiversity value of the site and a timetable for implementation. The Ecological Management Plan shall be carried out in accordance with the approved details and timetable.
- 11) No development shall take place until details showing how the existing trees and hedgerows that are to be retained along the Townhouse Road frontage will be protected during the course of construction have been submitted to and approved in writing by the local planning authority. The details shall accord with BS 5837: *Trees in Relation to Construction*. All approved tree and hedge protection measures shall be in place prior to the commencement of construction and shall be retained thereafter until construction has been completed.
- 12) No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn 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.
- 13) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved shall be submitted to and approved in writing by the local planning authority as a part of the reserved matters submissions required by Condition 2. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter.
- 14) No development shall take place until full details of all roads, footways, cycleways, parking and turning areas and associated drainage and visibility splays have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.
- 15) Before any dwelling is first occupied the roads, footways and cycleways shall be constructed to binder course surfacing level between the dwelling and Townhouse Road.
- 16) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities;

- 17) Before the first dwelling is occupied a visibility splay measuring 4.5x120 metres shall be provided to each side of the access where it meets Townhouse Road and such splays shall thereafter be retained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent carriageway.
- 18) No development shall take place until a detailed scheme for the off-site highway improvement works as shown on Drawing Nos: 250802-FA01-100 Rev P1 and 250802-FA01-001 Rev P1 have been submitted to and approved in writing by the local planning authority. These works shall be completed in accordance with the approved details before any dwellings are occupied. The works shall include:
  - a) The provision of a footbridge over the River Tud;
  - b) Real Time enabled bus shelters at the two closest bus stops on Townhouse Road;
  - c) Widening of the pavement between Folgate Lane and the river bridge;
  - d) Dropped kerbs and tactile paving close to the junction with Folgate lane and Townhouse Road.
- 19) No development shall take place until details of the location of fire hydrants served by mains water supply has been submitted to and approved in writing by the local planning authority. At least one fire hydrant shall be provided for every group of 50 dwellings or less and shall be installed prior to the occupation of any dwelling in that group.
- 20) No development shall take place until full details of the open space and play equipment have been submitted to and approved in writing by the local planning authority. Occupation of the 50<sup>th</sup> dwelling on site shall not take place until the open space and play equipment have been provided.

*End of conditions.*