



Appeal Decision

Site visits made on 22 March 2016 and 4 May 2016

by **S M Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

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

Decision date: 19 May 2016

Appeal Ref: **APP/M3645/W/16/3141780**

36 Copthorne Road, Felbridge, Surrey RH19 2NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Hendy of Shanly Homes Limited against Tandridge District Council.
 - The application Ref TA/2015/1575, is dated 21 August 2015.
 - The development proposed is demolition of existing buildings and erection of 8no. two storey, four and five bed detached houses, including associated car parking, vehicular access and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 8no. two storey, four and five bed detached houses, including associated car parking, vehicular access and landscaping at 36 Copthorne Road, Felbridge, Surrey RH19 2NS in accordance with the terms of the application, Ref TA/2015/1575, dated 21 August 2015, subject to the conditions set out in **Annex A** to this decision.

Procedural matters

2. The Council had not determined the application prior to the appeal. However, its statement indicated that had it done so it would have refused the scheme due to its effects on the Ashdown Forest and the Green Belt. Local residents and the Parish Council have raised other issues, including those relating to living conditions and the operation of the local highway network. I have had regard to these matters in my determination of the appeal.
 3. As part of the appeal the appellant submitted a completed Unilateral Undertaking dated 15 March 2016. This planning obligation makes provision to pay £7,020.00 to Tandridge District Council as a contribution towards the provision of Strategic Access Management and Monitoring of Ashdown Forest (SAMM) and £11,681.00 to the Council which would be passed to Mid Sussex District Council towards provision of Suitable Alternative Natural Green Space (SANG) at East Court and Ashplats Wood. I have had regard to the provisions of this obligation in determining the appeal.
-

Main issues

4. The main issues are the effects of the proposal on:
 - a) wildlife and conservation considerations in relation to the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI);
 - b) the Green Belt as follows:
 - whether it would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - its effect on the openness of the Green Belt and if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - c) the living conditions of occupants of adjoining properties in relation to noise, disturbance and privacy;
 - d) the operation of the local highway network.

Reasons

5. Copthorne Road (the A264) is a busy road connecting East Grinstead with Crawley. It is characterised by detached properties set back from the road and screened by mature vegetation. The appeal site is a generously proportioned, deep plot on the northern side of the road within the village of Felbridge. A large, detached, seven-bedroom house with an attached pool house, boiler house and garage currently occupies the site. There is also a substantial ancillary building within the rear garden, which was previously used as a residential annex. Mature vegetation, including some trees, marks all the boundaries. Immediately to the west of the site is a development of modern dwellings accessed from Birch Grove. The site lies within the Green Belt and is just under 7km from Ashdown Forest.

Ashdown Forest SPA, SAC and SSSI

6. Ashdown Forest (the Forest) lies within Wealden District and to the south of Tandridge District. It was designated as an SPA in 1996 under EU Directive 79/409 on the conservation of wild birds (the Birds Directive), and in particular to protect two rare and vulnerable species, the Nightjar and the Dartford Warbler. It was designated as an SAC because it contains one of the largest areas of lowland heath in south-east England. The area is also an SSSI. The boundaries of the three designated areas do not precisely coincide. However, for the purpose of this appeal I am considering the combined effects of these designations.
7. The designated areas within the Forest are subject to statutory protection under the Conservation of Habitats and Species Regulations 2010. Regulation 61(5) imposes a duty on local planning authorities, as the competent authority, to consider whether any proposal may have a significant effect on such a protected

area either alone, or in combination with other plans or projects. The procedure for assessing whether or not a proposal would have a significant effect is set out within ODPM Circular 06/2005. Permission can only be granted where it can be ascertained that the proposal would not adversely affect the integrity of the site, or such harm could be mitigated through the imposition of conditions or a planning obligation. The Framework advises that when determining planning applications local planning authorities should aim to conserve and enhance biodiversity. Paragraph 119 of the Framework also states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directive is being determined.

8. As the Forest lies outside the district, policies in the Tandridge District Core Strategy (Core Strategy), adopted 2008, and the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (Local Plan Part 2), adopted in 2014, do not specifically address issues arising from its designation as an SPA or SAC. Neither do these policies consider any mitigation measures that may be necessary to protect the Forest in the event that housing sites come forward for development in the District. However, Policy CSP17 of the Core Strategy seeks to protect diversity and the plan was subject to an assessment under the Habitats Regulations to ensure it would not adversely affect protected sites outside its boundaries. In addition, Policy DP19 of the Local Plan Part 2 seeks to prevent significant harm to statutorily protected sites and requires development to incorporate mitigation measures where significant harm has been identified.
9. It is acknowledged that additional dwellings that increase the number of visits to the Forest could adversely affect the protected habitats and consequently have a harmful effect on the protected birds. Increased recreational activities (particularly associated with dog-walking) could be harmful to the ground nesting birds. Additional traffic movements across the Forest could also adversely affect air quality, which could be harmful to the protected habitats.
10. In order to address this issue Wealden District Council identified a zone of influence of 7km around the Forest as the area from which most visitors originate. This was based on Natural England's visitor survey and an extrapolation of the method adopted in relation to the Thames Basin Heaths SPA, which identified a 5km zone of influence. In any event, it represents a highly precautionary approach as, whilst acknowledging the need for further research, Natural England's visitor report did not find any evidence that the numbers of the protected birds per hectare was lower in areas with higher visitor pressure than elsewhere within the protected area of the Forest. The 7km zone around the Forest primarily affects Wealden and Mid Sussex Districts, but lies partly within Tandridge District.
11. In order to accommodate additional housing development Wealden and Mid Sussex have been developing mitigation strategies through a programme of Strategic Access Management and Monitoring (SAMM), and the provision of additional Suitable Alternative Green Space (SANG). Proposals within the 7km zone would then be expected to contribute towards the implementation of mitigation measures in order to reduce harm to the protected areas. This approach was endorsed by Natural England and incorporated into Policy WCS12

of Wealden's Core Strategy¹. It avoids the need for a site-by-site Habitats Regulation Assessment within the 7km zone. Instead residential developments within the area are required to contribute to the SAMM/SANG strategies based on a tariff. These contributions are secured by means of planning obligations.

12. Only a small area within the southern part of Tandridge District falls within the 7Km zone. Whilst the Council has acknowledged this zone of influence, it considers that further work is required to assess whether or not this is the appropriate area requiring protection and/or mitigation within the District. This will be undertaken as part of the preparation of the Local Plan. Consequently, at present there are no adopted mitigation strategies within Tandridge District towards which the appeal proposal could contribute.
13. As the appeal site is located just inside the 7Km zone, Natural England was consulted on the application. Initially it did not raise any issue with the proposal, or formally object to the scheme. However, it subsequently clarified its position stating that mitigation would be required to avoid a likely significant effect on the designated site. Whilst the 7km zone endorsed by Natural England is a matter to which I attach significant weight, its suitability has been called into question as a consequence of a recent Court of Appeal decision², which found that Wealden District Council had failed to adequately consider the possibility of alternatives to the 7km zone in its policy development.
14. In these circumstances the alternative course of action, particularly in the absence of adopted mitigation strategies, is to undertake a site-specific Appropriate Assessment. This would be consistent with the approach currently being used by Wealden District Council following the Court of Appeal's decision. Although a detailed report was submitted with the application that provided information to inform a Habitats Regulations Assessment, the Council did not carry out an assessment based on the evidence within this report. It therefore falls to me to undertake this assessment.
15. It is estimated that the appeal proposal would generate 53.3 additional visits per year to the Forest. Put another way, the development would generate 0.146 visitors out of a total of 5,198 during a 16-hour day in September. This estimate is based on the visitor surveys undertaken by Natural England and its associated model for predicting the number of visitors in the future, which takes account of the distance travelled. These estimates have not been challenged.
16. The surveys also showed that only a small proportion of visitors came from Tandridge District (less than 8%) and there were no visitor postcodes that related specifically to Felbridge. It was also suggested that only two of the households in a development of eight dwellings would be likely to keep a dog. The predicted number of trips to the Forest from the appeal proposal is therefore likely to be very small and those who would be doing so on a regular basis to exercise a dog would appear to be negligible.
17. The 7km zone has been defined on the basis of distance from the Forest, rather than on any detailed assessment of likely journey times from particular places.

¹ Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan: Adopted February 2013.

² Ashdown Forest Economic Development Llp v Wealden District Council, South Downs National Park Authority Civ 681 - 9 July 2015

However, the routes from Felbridge to the Forest are restricted due to the necessity of crossing the railway line. There are only two routes, one via the A22 through East Grinstead and the other using minor roads to the west of the town. The minimum journey time from the appeal site to the nearest car park is likely to be in the order of 15 minutes. Furthermore, the junction of the A264/A22 at Felbridge and the A22 through East Grinstead are known to experience high levels of congestion. It is therefore highly likely that the journey would take considerably longer than this minimum time. In my view occupants of the proposed development are therefore unlikely to find the Forest a particularly attractive or convenient destination for undertaking regular recreational activities (such as dog-walking).

18. In addition, there are a significant number of public footpaths and areas of open space that would be much nearer the appeal site than the Forest. These would be more convenient for residents to use, as they could be reached without the need to travel on congested or narrow country roads. This suggests to me that the actual number of visits by future residents to the Forest could well be less than that predicted by Natural England's model. I am therefore not persuaded that the likely number of visits to the Forest from the appeal site would give rise to significant harm to the protected areas.
19. The additional traffic movements across the Forest arising from the proposal are likely to be negligible. The Stage 1 Appropriate Assessment of the Tandridge Core Strategy concluded that projected increases in housing numbers across the District as a whole were unlikely to affect air quality on the Forest. Therefore, the development alone could not lead to an unacceptable deterioration in air quality that would adversely affect the protected area.
20. Taking this combination of factors into account I am satisfied that, when considered alone, the proposed development would not be likely to have a significant effect on the Forest. However, the Regulations also require the assessment to consider the effect of the proposal in combination with other plans and projects.
21. I am not aware that there are any sites allocated for residential development within Tandridge that would increase the number of dwellings within the 7km zone of influence. The Council is considering the development of strategies to mitigate any potential harm, in the event that sites are identified in the future. Two proposals for development in Mid Sussex are relevant to my assessment. The first, for 26 dwellings³, was assessed in 2013. In that case it was concluded by Natural England and Mid Sussex District Council that the proposal would not adversely affect the integrity of the SPA and so there was no reason to withhold planning permission on account of its affect on the Forest. In 2014 the situation had changed because the Council had adopted its mitigation strategies. Therefore, when an application for 32 dwellings⁴ within the 7km zone was approved, it was on the basis that the development would contribute towards mitigation measures. These contributions were secured through a S106 agreement. It is therefore accepted that these developments will not result in harm to the Forest.

³ Mid Sussex District Council Ref: 12/01796/FUL

⁴ Mid Sussex District Council Ref: 13/04364/FUL

22. Other more recent developments in Mid Sussex that were dismissed on appeal⁵ have also been brought to my attention. In these cases my colleague took a more precautionary approach in the absence of an adopted local plan. However, I can give these decisions limited weight in my consideration as the recent Court decision not only rejected the 7km zone due to an absence of the consideration of alternatives, but also recognised that the delay to development caused by the absence of mitigation measures is a matter of real concern. It therefore remains open to any applicant seeking planning permission to produce evidence to persuade the authority that the proposed development is certain not to harm the Forest, even in the absence of SANG.
23. I understand that other sites allocated for housing within Wealden and Mid Sussex Districts that lie within the 7km zone will continue to be subject to contributions being made to the mitigation strategies. The reluctance of Mid Sussex to share their SANG provision with Tandridge, or accept contributions in relation to the appeal proposal offered by the appellant by way of the Unilateral Undertaking, suggests that this is also a precautionary approach. In any event it would provide the Council with some flexibility should other developments come forward.
24. Given all these factors and provisions, it is my view that there are no other known housing developments in the area that would result in harm to the SPA/SAC that are not already being addressed by others. Furthermore, as the appeal site and the surrounding area lie within the Green Belt there are other significant constraints on development. The proposal would not, therefore, give rise either alone, or combined with other plans or projects, to significant harm to the SPA/SAC or the integrity of the Forest as a protected area. It meets the test set out in Step 4 of Circular 06/2005 and there is no reason why planning permission should not be granted.
25. No mitigation is required and there is no need for me to take into account the Unilateral Undertaking submitted by the appellant to contribute towards the SANG or the Mid Sussex District Council SANG.
26. I conclude that the proposed development would not be harmful to wildlife and conservation considerations in relation to the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). It would comply with the Conservation of Habitats and Species Regulations 2010, Part IV of the Conservation (Natural Habitats) Regulations 1994 and Paragraphs 118 and 119 of the Framework. Furthermore there would not be any conflict with Policy CSP17 of the Core Strategy or Policy DP19 of the Local Plan Part 2.

Whether the proposal would be inappropriate development within the Green Belt

27. The Framework sets out the government's approach to protecting the Green Belt. Paragraph 89 advises that local planning authorities should regard the construction of new buildings as inappropriate, unless the proposal meets one of a limited number of specific exceptions. The most pertinent of these in relation to the appeal proposal is that of 'limited infilling in villages', although the Framework does not define either 'villages' or 'limited infilling'.

⁵ APP/D3830/A/14/2211981, APP/D3830/A/13/2202266 and APP/D3830/A/13/2207529

28. The Core Strategy pre-dates the Framework and does not specifically refer to villages. Nevertheless, Policy CSP1 suggested that some infilling and small-scale development could be permitted within Green Belt Settlements, subject to their boundaries being defined within the Site Allocations DPD. Neither the Core Strategy nor the Local Plan Part 2, made any changes to the boundaries of the Green Belt.
29. The Local Plan Part 2 identifies Felbridge as a 'defined village within the Green Belt' and Policy DP12 specifically addresses the issue of developments within these villages. It states that infilling within a substantially developed frontage may be acceptable, provided it does not include subdivision of existing curtilages to a size below that prevailing in the area. The supporting text expands this approach and sets out further restrictions on development. In particular it suggests that whilst infilling of gaps will be acceptable, redevelopment of existing properties, other than like-for-like replacements, will not be acceptable.
30. Nevertheless, it seems to me that in assessing the suitability of the appeal site for development, it is also necessary to recognise that following three appeals⁶, nearly 40 dwellings have recently been built on three sites immediately to the west. These developments occupy land that is an equivalent depth to that of the appeal site. The proposed plot sizes in the appeal scheme would be compatible with those on these nearby developments and there is no evidence before me to suggest that the proposed layout would be cramped. There is continuous development along this side of Copthorne Road and the appeal site backs onto other existing development rather than open countryside.
31. Taking all these factors into consideration I am of the view that a development of eight dwellings would be 'limited infilling'. It would therefore be one of the exceptions permitted within paragraph 89 of the Framework and would accord with criterion A(1) of Policy DP12 of the Local Plan Part 2.
32. There would inevitably be some loss of openness to the Green Belt arising from the scheme. However, the site is surrounded by existing development, is part of the village and does not make a significant contribution to the openness of the Green Belt in this locality. It is materially different in character to the open area of Green Belt that lies further to the north. I am therefore satisfied that the proposal would not result in material harm to the openness of the Green Belt.
33. I conclude that the proposal would not be inappropriate development and would comply with national and local policy to protect the Green Belt, including Policies CP1 of the Core Strategy and Policies DP10 and DP12 of the Local Plan Part 2. There is therefore no need for the development to be justified by special circumstances.

Living conditions

34. No 15c Birch Groves is a detached house with a shallow rear garden. It backs onto the appeal site and on my second site visit I was able to stand in the garden in order to assess its relationship with the appeal proposal. Access to five of the proposed houses, which would be located towards the rear of the

⁶ Ref: APP/M3645/A/07/2037874, APP/M3645/A/07/2038030 and APP/M3645/A/13/2201516

appeal site, would pass close to the rear boundary of this adjoining property. I accept that there would be a limited number of vehicle movements generated by these new homes. This would represent a material change from the current situation where No 51c backs onto the garden of No 36. However, the access would be set back from the shared boundary by an area of landscaping and in my view the number of vehicular movements would be insufficient to result in unacceptable noise and disturbance for the occupants of No 15c.

35. At present the garden of No 15c is partially overlooked from the first floor windows of houses to its north and south. However, there are no direct views towards the habitable rooms. By contrast the front elevations of the proposed dwellings on Plots 4 and 5 would look towards the rear elevation of No 15c. This would give rise to some perception of loss of privacy. However, the separation distance between the proposed dwellings and the garden and house of No 15c would be sufficient to prevent harmful overlooking or unacceptable loss of privacy.
36. Although none of the trees in the vicinity of the shared boundary have been identified as high quality, it is proposed that those within the appeal site would be retained. A beech tree, T10, which would provide considerable screening, has been assessed as a tree of moderate quality with a life expectancy of at least twenty years. Its retention could be secured by means of a landscaping condition and this would assist in ensuring that the development would not give rise to unacceptable loss of privacy for the occupants of No 15c.
37. No 30 occupies a long narrow plot and is orientated in such a way that it looks towards the proposed dwellings on Plots 4 and 5. This would introduce some inter-visibility between the houses. However, the depth of the proposed plots and the oblique angles would reduce potentially harmful effects. The loss of some vegetation and trees along the shared boundary would result in the garden of No 30 being partially overlooked. Nevertheless, the scheme shows extensive planting would remain and this could be secured by imposition of appropriate conditions.
38. I therefore conclude that the proposal would not give rise to unacceptable noise and disturbance or loss of privacy for the occupants of either No 15c or No 30. It would accord with the key principle of the Framework to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Operation of the local highway network

39. The A264 is a busy road and it is known that the junction with the A22 at Felbridge experiences significant levels of congestion. However, the Framework (paragraph 32) advises that development should only be refused on transport grounds if the residual cumulative impacts of the proposal are severe. As the current lawful use of the site is as a single dwelling the development would bring about a net increase of seven houses. The number of additional traffic movements that would be generated by seven additional dwellings would be small in relation to existing flows.
40. I appreciate the Parish Council's concerns about the cumulative impact of additional development in the area. However, I have no substantiated evidence that indicates the appeal scheme would add significantly to the existing problems of congestion on the A264. I note that the highway authority has not

objected to the proposal, subject to the imposition of conditions relating to the visibility splays at the access, and the provision and retention of adequate parking on the site. I am therefore satisfied that, subject to these conditions, the proposal would be acceptable.

41. I conclude that the appeal proposal would not give rise to an unacceptable deterioration in the operation of the local highway network. It would therefore comply with the aims of Section 4 of the Framework.

Other matters

42. The proposal would result in the loss of some trees on the site. Neighbours are most concerned about those on the site boundaries. However, the arboricultural assessment indicated which trees would be retained and set out how they would be protected during the construction phase. I note that it is proposed to retain groups of trees that are closest to the shared boundaries with No 15c, No 30 and along the roadside boundary. This would assist in softening the appearance of the area and ensuring satisfactory integration of the proposal into the street scene. I am therefore satisfied that there would not be an unacceptable loss of trees. Works to protect retained trees could be achieved by the imposition of appropriate conditions.

43. Whilst I appreciate concerns relating to the possibility that the development could affect drainage in the vicinity of the site, I have no evidence to suggest that this would result in unacceptable increase in flood risk.

Conditions

44. The Council initially suggested a number of conditions to ensure that the development would be acceptable in the event that the appeal was allowed. I have also consulted the parties on the need for additional conditions in relation to the protection of trees and landscaping to take account of the recommendations set out in the appellant's arboricultural report. I have considered all these possible conditions in the light of the tests set out in Paragraph 206 of the Framework and the advice of the Planning Practice Guidance.

45. In addition to the standard time condition it is necessary to specify the plans for the avoidance of doubt and in the interests of proper planning. A materials condition is necessary to ensure a satisfactory appearance to the development and ensure compliance with Policy CSP of the Core Strategy and Policy DP7 of the Local Plan Part 2.

46. The Council requested conditions removing permitted development rights. However, the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I am therefore not satisfied that such conditions are justified in this case.

47. In order to protect existing flora and fauna on the site, a condition is required to secure incorporation of protection and mitigation measures as part of the implementation of the development. In this way the proposal will comply with Policy CSP17 of the Core Strategy and Policy DP19 of the Local Plan Part 2.

48. A condition requiring tree protection work to be carried out prior to construction and retained during the implementation of the development is necessary to protect the trees and in the interests of the appearance of the development. Similarly, a landscaping condition is required in the interests of the appearance of the development and to ensure that the development complies with Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan Part 2.
49. Conditions to secure provision and retention of the access and parking arrangements are necessary in the interests of highway safety. These will ensure that the development complies with Policy CSP 12 of the Core Strategy and Policy DP5 of the Local Plan Part 2.
50. A condition to ensure that the development incorporates appropriate on-site renewable energy capability is justified to support the move to a low carbon future in accordance with the aims of Section 10 of the Framework and to comply with Policy CSP 14 of the Core Strategy.

Conclusions

51. The Government is seeking to significantly boost the supply of housing. However, the presumption in favour of sustainable development does not apply in this case, as the site is one where an Appropriate Assessment under the Birds or Habitats Directives is required. On the basis of the evidence submitted, I have undertaken the assessment in accordance with the Habitats Regulations and the advice set out in Circular 06/2005. I have concluded that the proposal would not result in significant harm to the SPA/SAC or the integrity of Ashdown Forest as a protected area, either alone or in combination with other plans and projects. In addition, I have found that the appeal proposal would not be inappropriate development in the Green Belt. As limited infilling it is one of the exceptions permitted by the Framework.
52. I have also concluded that there would not be material harm to the living conditions of adjoining occupiers arising from noise, disturbance or unacceptable loss of privacy. Neither would the additional traffic likely to be generated by the proposal result in severe impacts on the operation of the local highway network. I have had regard to various other matters raised by local people, including loss of trees and drainage but have not found that any would give rise to unacceptable harm that would justify withholding planning permission.
53. For these reasons I conclude that the appeal should succeed, subject to the conditions set out in **Annex A**.

Sheila Holden

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans, all with the prefix 1302/Pln/: Drawing Nos 100, 102a, 103a, 104a, 105a, 106a, 107a, 108a, 109a, 110 and 111.
- 3) No development shall commence until details of the materials to be used on the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out strictly in accordance with the recommendations and mitigation measures set out in Section 6 of ACD Ecology's Appraisal Report, Ref: SH20061Eco, dated August 2015.
- 5) No development, site clearance or building operations shall begin until tree protection measures detailed within the ACD Arboricultural Impact Assessment and Method Statement, Ref: SH20061aia_ams, dated 28 August 2015, tree protection plan, SH20061-01 and method statement have been implemented. The following restrictions shall be strictly observed, unless undertaken with the prior written approval of the local planning authority:
 - No bonfires shall take place within the identified root protection areas (RPAs);
 - No trenches, drains or service runs shall be sited within the RPA of any retained tree;
 - No changes in ground levels or excavations shall take place within the RPA of any retained tree.
- 6) No development shall commence until details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. These details shall include:
 - Proposed finished levels or contours;
 - Means of enclosure;
 - Vehicle parking layouts;
 - Other vehicle and pedestrian access and circulation areas;
 - Hard surfacing materials;
 - Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc).

Details of soft landscaping works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. Any trees or plants which within a

period of five 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.

- 7) No dwelling shall be occupied until the proposed access to Copthorne Road for vehicles, pedestrians and cyclists has been constructed and provided with visibility zones measuring 2.4m back from the edge of the carriageway and 43m to the nearside kerb in both directions in accordance with a scheme to be submitted and approved in writing by the local planning authority. The visibility zones shall be retained thereafter and kept clear of any obstruction more than 0.6m above the road surface.
- 8) No dwelling shall be occupied until the parking and turning areas have been laid out within the site in accordance with the approved drawings. The parking and turning areas shall thereafter be retained and kept available at all times for the parking and turning of vehicles.
- 9) No dwelling shall be occupied until the solar panels, or other renewable energy sources as may be agreed in writing with the local planning authority, have been installed in accordance with the approved details. The panels or other renewable energy sources shall be retained thereafter as approved.