
Appeal Decision

Site visit made on 27 March 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 19th April 2023

Appeal Ref: APP/P4605/W/22/3309386

Site of Nos 165-169 Cole Valley Road, Hall Green, Birmingham B28 0DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Owens Homes Limited against the decision of Birmingham City Council.
 - The application Ref 2022/00348/PA, dated 17 November 2021, was refused by notice dated 28 April 2022.
 - The development proposed is "erection of 6 dwellings (4 x 4-bed houses and 2 x 2-bed bungalows)".
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 6 dwellings (4 x 4-bed houses and 2 x 2-bed bungalows) on land known as 165-169 Cole Valley Road, Hall Green, Birmingham B28 0DG, in accordance with the application Ref 2022/00348/PA, dated 17 November 2021, subject to the conditions set out in the attached schedule.

Background matters

2. The appeal site is located within the Birmingham urban area, close to a local shopping parade and bus services, and not far from schools and other local facilities. The Council and appellants both agree that the location is sustainable in terms of its accessibility. The Council has no objection to the principle of residential development on the site.
3. The site is understood to have once had three houses on it, which were demolished several years ago. The land has since been cleared and is now vacant. The site has a history of planning permissions for redevelopment for up to three houses, going back to 1991, none of which has been implemented.
4. The Council acknowledges that the supply of housing land in Birmingham equates to 3.15 years. This figure is not disputed by any party.

Relevant planning policies

The Birmingham Development Plan (the BDP), adopted January 2017

5. In the BDP, Policy PG1 defines an objectively assessed housing need figure of 89,000 new dwellings for the Birmingham city area over the plan period, up to 2031. The policy states that 51,100 of these dwellings are to be accommodated within the city itself, with the balance being made up within neighbouring authorities.
6. Policy PG3 seeks to ensure that all developments are of high quality design, and contribute to a sense of place and local distinctiveness. Schemes are also

to make efficient use of land, in order to support the plan's overall strategy. Policy TP27 aims to ensure that housing schemes contribute to creating sustainable neighbourhoods, and Policy TP28 sets out criteria for the location of new housing, which include accessibility to shops and services. Policy TP7 seeks to maintain the city's green infrastructure, including trees.

The Development Management DPD (the DMDPD), adopted December 2021

7. In the DMDPD, Policy DM2 seeks to ensure that new housing protects the residential amenities of occupiers and neighbours. Policy DM4 requires high quality landscaping, and protection for existing quality trees. Policy DM10 deals with residential development standards, including separation distances between buildings, and cross-refers to the Council's supplementary guidance.

The Birmingham Design Guide, adopted September 2022

8. In September 2022 the Council adopted the Birmingham Design Guide (the BDG) as a Supplementary Planning Document (SPD), which includes the Healthy Living and Working Places City Manual (the HLWPCM). These replace some of the earlier SPGs which were referred to in the refusal notice. Where relevant, I have had regard to the policies of the new SPD.

The National Planning Policy Framework (the NPPF)

9. In the NPPF, paragraph 60 states the national policy objective of significantly boosting the supply of homes. Paragraph 69 emphasises the important role of smaller sites and urges support for windfall sites within settlements. Paragraph 74 sets out the requirement for a 5-year supply of deliverable sites. Footnote 8 provides that, in the absence of a 5-year supply, relevant policies in the development plan may be considered out-of-date. In such situations, Paragraph 11(d) requires the use of the 'tilted balance', favouring the grant of permission unless any adverse impacts outweigh the benefits of development significantly and demonstrably.
10. Paragraph 119 advocates the effective use of land to meet housing needs. Paragraph 124 requires decisions to support the efficient use of land, whilst taking account of other considerations including the area's character and the importance of good design.
11. In areas where there is a shortage of land, Paragraph 125 emphasises the need to make optimal use of each site, avoiding low densities. In such cases, a flexible approach is advocated to daylight and sunlight standards, where these would result in inefficient use of the land.

Main issues

12. From the submissions before me, it seems to me that the main issues in the appeal are:
 - the effects of the proposed development on the character and appearance of the area, with particular regard to the layout, the house designs, and the impact on existing street trees;
 - the effects on living conditions for existing and future occupiers;
 - and how much weight should be given to the development's benefits.

Reasons for decision

Effects on the area's character and appearance

Layout

13. Cole Valley Road is a suburban street of inter-war or mid-20th century, mainly semi-detached properties. The houses are arranged in conventional linear fashion, facing towards the road, with long rear gardens. Both the buildings and the layout are typical of their period. The street is reasonably attractive, with a pleasing sense of consistency in terms of architectural style and building lines. But nevertheless, these characteristics could not be described as anything out of the ordinary. Overall, the street's character is unremarkable.
14. The development now proposed would comprise four 2-storey semi-detached houses on the front part of the site, with two semi-detached bungalows behind. The 2-storey houses would front the existing street, but the bungalows would be turned at an angle of 90 degrees, to face onto a new private driveway, running along the site's northern side boundary.
15. There is no doubt that the positioning of the two proposed bungalows would represent something of a departure from the existing pattern of development. But to my mind, the character of the street is not so visually sensitive that any such departure would necessarily be harmful.
16. The four 2-storey houses would be sited across the width of the site frontage. Their siting would conform with the existing building line, and with the spacing of the other properties along the street. These new houses would be fully open to view from the street, and would appear as an integral part of the street scene. As such, their effect would be to maintain and reinforce the street's existing, predominantly linear development pattern.
17. In contrast, the two bungalows to the rear would be visible only through a few relatively narrow gaps in the frontage. All that would be seen of them would be their shared driveway, fencing, and parts of their roofs. In these circumstances, even though they would be set on gently rising ground, this would not significantly increase their visual presence. Consequently, the two bungalows would be unobtrusive, and would appear as no more than a minor element in the street scene. Despite their presence, the street's existing character would be largely unchanged and unaffected.
18. The rear gardens of the new 2-storey houses would be shorter than those of the existing properties in the street. But the length of the existing gardens is not generally apparent in public views, and consequently this is not a significant factor in the area's character. This aspect of the proposed scheme would therefore not have any material effect.
19. I note that the Inspector in an appeal at Billesley (APP/P4605/W/22/3299527) came to a different view on matters relating to character and appearance. But my decision is based on the specific characteristics of the present appeal site and its surroundings.
20. I appreciate that BDP Policies PG3 and TP27, and the BDG, seek to promote good design and a strong sense of place, allied to respect for the site's context and local character. But in the present case, for the reasons that I have explained, I am satisfied that the inclusion of the two bungalows in the appeal

scheme does not conflict with these policy aims. Although the bungalows would represent a departure from the existing pattern and grain of development, their effect would not be a harmful one.

21. Furthermore, even if one were to take a different view on the above matters, any adverse effects in this regard would have to be weighed against the acknowledged shortfall in the city's land supply, and the need to make optimal use of land which is well-located and suitable for housing. In this context, it is salient in my view that the inclusion of the two bungalows enables the present appeal scheme to achieve a 50% increase in the site's dwelling capacity. There is no evidence that an acceptable scheme for the same number of units could be achieved in any other way, without utilising the site's full depth. I will return to consider these matters further when I address the planning balance, later in my decision.
22. In any event I conclude, for the reasons already stated, that in my view the inclusion of the two bungalows in the proposed development would cause no harm to the area's character or appearance. Furthermore, the layout of the scheme as a whole would reinforce the area's existing character and sense of place. In these respects, the scheme would seem to me to give rise to no conflict with any of the identified policies.

Design

23. The four 2-storey houses on the front part of the site would form two matching pairs. Each pair would have a full-height gabled bay, spanning the central part of the front elevation, with the front doors recessed on either side of this. The central bays would have large windows on both ground and first floors, and decorative timberwork to their pediments.
24. Through the inclusion of these features, the design clearly attempts to reflect some elements of the street's prevailing, inter-war architecture. To my mind, this attempt is largely successful, in that the design relationship to the style of the surrounding properties is clearly recognisable. This reference to the area's positive qualities adds to the scheme's distinctiveness, and weighs in favour.
25. I appreciate that the footprints of the units would be deeper than those of most neighbouring properties, but their height would be lower, thus offsetting any impression of excessive bulk or mass. The crown roofs would differ from the simpler roof forms seen nearby, but apart from simply being different, the Council does not identify any actual harm that would arise from this. The roof form, and the extra depth, would be discernible from only a limited number of viewpoints. In any event, these seem to me fairly commonplace features in modern housing, and not intrinsically controversial. In the evidence before me, there is no clear or cogent explanation as to why these elements are not regarded as acceptable in this location.
26. I note the Council's other criticisms of the design of these units, including with regard to scale, massing, proportions and plot coverage. But for the most part these comments are generalised and subjective. It might well be that officers would have preferred an alternative design, but this does not make the appeal scheme unacceptable. None of these submissions show convincingly that the proposed design would cause harm, or that it would conflict with the design aims of the relevant local policies, including PG3, TP27 and the BDG.

27. The design of the rear bungalows does not seem to be objected to, and on this I see no reason to disagree.
28. I conclude that the design of the proposed 2-storey units would be of an acceptably high quality, reinforcing the area's positive characteristics, and contributing to local distinctiveness and sense of place. In this regard, the scheme complies with the policies that I have identified.

Trees

29. Tree T1 is a mature London Plane, with a height of 18m and a canopy spread of around 5-7m, graded as Category A2 (high quality). The tree contributes significantly to the existing avenue which runs along both highway verges in Cole Valley Road. The access to one of the proposed parking spaces for Plots 1 and 2 would pass close to the tree, and through its root protection area. There is no dispute that the loss of T1 would some cause harm, and I note the Council's concerns in this regard.
30. But nevertheless, the appellants' arboricultural report confirms that the tree could be retained, by using a 'no-dig' Cellular Confinement System (CCS) for the base, topped with a porous surface, with minimal excavation and little or no compaction of the soil. Whilst it is acknowledged that this would not be entirely without risk, I note the evidence that London Planes are reasonably tolerant of some root disturbance and hard surfacing; and that this particular tree is in good health; and that the ground conditions appear suitable; and that, if necessary, root bridging could be used instead of CCS. None of these technical matters appears to be disputed. Overall, the evidence suggests that it is likely that T1 could be retained successfully.
31. In the case of T2, a Common Lime, there is no dispute that the tree would have to be removed, to create the new driveway to the rear part of the site. Again the tree is graded A2. The effect of its loss would be adverse. However, T2 is a good deal younger and smaller than T1, and consequently its contribution to the street scene is less noticeable; to this extent, the loss that would arise from its removal would be the loss of its future potential rather than its present value. Replacement planting is proposed, and given the existing tree's relative youth, it seems to me that such planting would be capable of making up for the loss within a reasonably short timescale. In this context, I also note the appellant's proposal to use a semi-mature specimen for the replanting, and I agree that this would help to further reduce the harm.
32. T3 is a very young, recently planted Turkish Hazel, graded category C1. The tree would be close to the new driveway, but it seems to be agreed that it could be retained. I see no reason to disagree.
33. I have had full regard to BDP Policy TP7, and DMDPD Policy DM4, which together require developments to enhance landscape character, and to avoid the loss of trees of quality, particularly including street trees. I have also kept in mind those provisions of Policy PG3 that are concerned with local distinctiveness and sense of place. In this case there would be some harm, resulting from the loss of T2 and the degree of risk to T1. However, having regard to T2's small size, and the low level of the risk to T1, this harm would be limited. The extent of the conflict with these identified policies is therefore equally limited, in my view.

34. Given the limited nature of the harm, I conclude that, on balance, the development's effects on the trees in question would be acceptable.

Conclusion with regard to the scheme's effects on character and appearance

35. Overall, having regard to its layout, design, and impact on trees, I conclude that the proposed development would cause no significant harm to the area's character or appearance, and in this regard would generally accord with the relevant development plan policies.

Effects on living conditions

Living conditions at neighbouring properties

36. The Council's refusal reason No 3 (RR3) alleges adverse impacts on the adjoining properties Nos 163 and 171A¹ Cole Valley Road, by way of overbearing and overshadowing effects.
37. No 163, as I saw on my visit, has two first floor windows in its side elevation, facing north towards the appeal site, and it seems likely that either one of both of these will serve bedrooms. Whilst the internal layout is unknown, it is noted that the property has only one first floor window in its front elevation, which could indicate that one of the side windows acts as the sole light source to a room. However, No 163 has a garage at the side, and the new dwelling on Plot 1 would also have a gap between it and the site's southern boundary, so that the overall distance between the two buildings, at first floor level, would appear to be about 5m. The submitted plans show that the new building would have a lower eaves and ridge height than No 163, and would be set on lower ground. The slope of the new roof would also be angled away from the neighbouring property. In the absence of any detailed evidence, it seems to me that this combination of spacing, height and shape would be sufficient to avoid any undue impacts in terms of either overbearing or loss of daylight. In any event, given that the appeal site is to the north of No 163, there would clearly be no interference with direct sunlight, and thus no overshadowing.
38. In the case of No 171A, the neighbouring property has a single window, positioned between ground and first floor levels at about 1m from the appeal site's northern boundary. The intermediate height of this window, between floors, indicates that it is likely to serve a stairwell. Within the appeal site, the proposed 4.5m driveway to the rear bungalows would run along this side of the site, so that the overall distance from No 171A's window to the new building on Plot 4 would appear to be about 7m in total. Given its southerly orientation, it is likely that the window in question would suffer some minor loss of direct sun. However, given the spacing between the buildings, and the height and shape of the proposed roof, the level of natural daylight would be likely to remain good. For the same reasons, the development's visual impact would not be unacceptably overbearing. In any event, given that the window in question serves a non-habitable space, living conditions would not be significantly affected.
39. In addition to matters of overbearing and overshadowing, RR3 also alleges a failure to achieve what is referred to as a 12.5m 'separation distance', between opposing flank walls. This suggestion is repeated elsewhere in the Council's submissions. As far as I can tell, this 12.5m distance appears to relate to a

¹ The adjoining property to the north is numbered 171A, not 171 as stated in RR3

recommendation originally contained in an earlier SPG, and now carried forward in the BDG and HLWPCM. In these documents however, the 12.5m separation is described only as a 'privacy distance', and from the supporting text it is clear that the intended purpose of this policy relates to matters of privacy and overlooking, and not to overbearing or overshadowing. In the present case, privacy is not identified as an objection in any of the reasons for refusal. And in any event, the Council's officer report acknowledges that in this case adequate privacy from flank windows could be secured by the use of obscure glazing where necessary.

40. The Council's submissions also make reference to a '45 degree code', which again is now incorporated into the HLWPCM, and which is said to relate to overshadowing and overlooking. However, that document itself acknowledges that the code is more suitable for cases affecting rear, rather than side, windows, and I agree.
41. Having regard to all of the above, I find that the development now proposed would have no significant harmful effects on living conditions at any neighbouring property. In this respect therefore, I find no conflict with the aims of the BDG or the HLWPCM, nor with DMDPD Policies DM2 and DM10, which seek to protect residential amenity, or any other development plan policies.

Living conditions of future occupiers within the development

42. BDP Policy PG3 seeks to ensure that developments create safe environments, with good natural surveillance, to design out crime. DMDPD Policy DM2 requires proposals to take account of safety considerations, crime and anti-social behaviour, and the need to minimise fear relating these issues.
43. In the proposed scheme, the bungalows at the rear of the site would be approached by a private driveway between houses. For much of its length, the driveway would have no active frontage, and parts of it would be overlooked only obliquely, or from non-habitable rooms. There would be no passing traffic, either vehicular or pedestrian. The degree of natural surveillance would therefore be less than in a situation where houses front a through road. The driveway would also present a potential opportunity for unauthorised entry to adjoining properties including some of those within the development. To this extent, the scheme would not completely eliminate the risk of crime.
44. But on the other hand, the driveway would be relatively short, and a significant portion would be visible from the upper floor windows of neighbouring properties. The residual risks could be mitigated to some extent through careful design of boundary treatments, landscaping, and lighting. These can be secured by conditions.
45. If the appeal site were one that could be developed efficiently without requiring this type of access arrangement for any of the plots, then I agree that might have been a preferable solution. But on this particular site there is no evidence that any other form of layout could be devised that would make equally good use of the land, nor any that would improve on the present scheme from a community safety point of view. I note that the West Midlands Police are content with the scheme, subject to conditions.

46. Having regard for the nature of the site and its constraints, it seems to me that the appeal proposal goes as far as is reasonably practicable to create a safe residential environment. The scheme thus accords with the relevant provisions of Policies PG3 and DM2.

Conclusion with regard to effects on living conditions

47. In the light of the above matters, I conclude that the proposed development would provide acceptable living conditions both for neighbouring properties, and for its own future occupiers, thus complying with the various development plan policies identified.

The benefits of the development

48. The development would provide six new homes, of varying sizes, including some suitable for families and some for smaller and older households, on a well-located urban site with good access to all local facilities. The City of Birmingham evidently has a significant shortfall against its 5-year housing land supply target, which itself is insufficient to meet the City's full objectively assessed need. Given this clearly evidenced under-provision of housing in the area, the opportunity to increase the local housing stock represents a substantial social benefit, carrying correspondingly substantial weight in the planning balance.
49. In addition, the development would bring benefits for the local economy, through capital investment, supply-chain effects, construction jobs, increased local spending, and local finance incentives. The appellants' evidence on the extent of these benefits has not been challenged. These economic benefits add further significant weight in favour of the scheme.
50. The development would also enhance the local environment, through bringing an unsightly area of vacant land back into use, and replacing it with a reasonably attractive modern development. The improvement in the site's visual condition carries moderate weight.
51. I note that Council's characterisation of the scheme's housing benefits as limited and nominal, but no explanation has been provided as to why this is considered to be so. The economic and environmental benefits do not appear to be acknowledged at all. But in its existing state, the site clearly provides no benefit to the local community. There is no suggestion that any alternative scheme for the site could deliver greater benefits; and indeed, it seems likely that any scheme that sought to satisfy the Council's stated concerns in full would produce significantly smaller benefits. The present scheme's benefits are material considerations that are required, under the relevant planning legislation, to be taken properly into account.
52. In the circumstances of this case, it seems to me that the appeal scheme's social, economic and environmental benefits are collectively worthy of significant weight.

Other matters

53. RR5 relates to cycle storage. However, the Council now appears to accept that this could be dealt with by condition, and I agree.

54. In RRs 1 and 3, which relate to the issues of character and appearance and effects on neighbours, the Council also cites DMDPD Policy DM6. However, that policy, which relates to noise, is unconnected with these issues. In any event, I am satisfied that noise can be adequately covered by condition.
55. I note the issues raised by local residents with regard to traffic, access and car parking. However, the proposed access driveway would allow vehicles to pass when necessary, and the turning area would allow cars to turn without undue difficulty. The proposed parking provisions appear adequate. In all these respects, the proposed scheme appears to meet the relevant standards. I therefore see no reason why the development should result in any worsening of conditions on Cole Valley Road.
56. I note also the comments of the West Midlands Fire Service. However, the points raised appear to relate to requirements arising under the Building Regulations. I am not aware of any reason why the matters identified should not be capable of resolution through that process.

The planning balance

57. In relation to all of the above matters, I have found no conflict between the appeal proposals and any development plan policy, other than a limited conflict with Policies TP7 and DM4, resulting from the loss of one tree and a potential, albeit low, risk to one other. Taking the development plan as a whole, it is clear that the proposed scheme, delivering housing in an accessible and sustainable location, would be generally compliant. On this basis, applying NPPF paragraph 11(c), approval should be granted without delay.
58. Alternatively, if the minor conflict with Policies TP7 and DM4 were considered to put the proposal into conflict with the development plan, then given the lack of a 5-year housing supply, the scheme would fall to be considered under NPPF paragraph 11(d), using the tilted balance. However, for the reasons set out in this decision, I have found all of the proposed scheme's alleged adverse impacts to be either unsubstantiated or insignificant. Whereas, the several benefits that I have identified, to housing provision, the economy and the local environment, are substantial and largely self-evident. For the reasons already explained, I find these to carry significant weight. These benefits are therefore not significantly or demonstrably outweighed; indeed, in my judgement, the balance falls clearly the other way.
59. On either basis, whether under sub-paragraph (c) or (d), the effect of applying NPPF paragraph 11 is that permission should be granted. And in any event, there are no material considerations that justify a decision other than in accordance with my finding that the scheme is in general compliance with the development plan.

Reasons for conditions

60. In the light of the above, I have considered the conditions suggested by the parties. Those that I intend to impose are set out in the attached schedule. Where necessary, I have edited their wording in the interests of clarity and conciseness.
61. A condition specifying the approved plans is considered necessary for the purposes of avoiding uncertainty. A condition to protect the retained trees during construction is necessary, to safeguard the character of the street

scene. A condition requiring further drainage details is needed, to ensure that the development is adequately drained, and to minimise any risks of flooding or pollution. Control over the external materials is needed to ensure a satisfactory appearance. A landscaping scheme is required for the same reason; and in this case I have amended the suggested condition to incorporate boundary treatments, avoiding the need for a separate condition dealing with that matter. A requirement for noise insulation is necessary, to ensure satisfactory internal living conditions, but in the absence of any other technical evidence, I have made this condition less onerous, to reflect more closely the findings of the appellants' acoustic report. Storage facilities for refuse are needed to ensure an orderly appearance, and cycle storage is also required, to facilitate sustainable transport choices. As set out elsewhere in this decision, obscure glazing is needed for the first floor side windows, for reasons of privacy, and external lighting to the shared driveway is needed to ensure safety and security for occupiers and other users. I have therefore imposed these conditions accordingly.

62. In the absence of any evidence of any risk of contamination, the suggested conditions relating to this are not justified. Nothing in the NPPF appears to me to require such conditions where there is no known risk, such as from natural hazards or former land uses. Policy PG3 does not appear relevant in this context. A condition requiring further details of building facades, windows, cills, lintels, verges, external doors, roof and rainwater goods, external vents and flues is not necessary, as sufficient details of the proposed buildings' appearance have already been submitted. In my view, the additional control suggested over these finer details is not needed to ensure a satisfactory development. The proposed separate condition relating to hard surfacing would be duplicatory, as this is already covered in the landscaping condition. I have therefore not imposed these latter conditions.

Overall conclusion

63. The proposed scheme would make good use of a well-located site, within an area with a shortfall in its 5-year supply. In my judgement, it would not cause any significant harm, nor would it involve any material conflict with any development plan policies. I have taken account of all the other matters raised, but none changes these conclusions. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development shall be commenced not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans:
 - PAL.03 Block Plan
 - PAL.04 Site Plan
 - PAL.05 Floor Layouts Plan
 - PAL.06 Proposed Elevations
 - PAL.07 Proposed Street Scene Elevation
 - PAL.08 Proposed Site Sections
- 3)
 - i) No existing tree on or adjacent to the site shall be felled, uprooted, destroyed, removed or damaged, other than in accordance with the proposals set out in Appendix A of the Arboricultural Impact Assessment report, by Shields Arboricultural Consultancy, dated October 2022.
 - ii) No construction work shall be commenced until a scheme of tree and root protection measures has been installed, in accordance with an Arboricultural Method Statement, to be submitted to the local planning authority and approved in writing.
 - iii) The details to be included in the Method Statement shall also include details of the construction method to be used to form the accesses to the site, in the vicinity of trees T1 and T3.
 - iii) Thereafter, the development shall be carried out in full accordance with the details thus approved, and the tree and root protection measures installed for the purposes of construction shall be retained during the whole of the construction period of the development.
- 4) No construction work shall be commenced until a scheme of foul and surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall demonstrate how the development is to be provided with a satisfactory system of drainage, preventing or avoiding the exacerbation of any local flooding, and minimising any risks of pollution. Thereafter, no new dwelling on the site shall be occupied until the drainage infrastructure serving that dwelling has been installed and brought into operation, in accordance with the details thus approved.
- 5) No above-ground construction work shall be commenced until samples of the materials to be used on the external surfaces of the proposed buildings have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out using the materials thus approved.
- 6) No new dwelling on the site shall be occupied until a scheme of hard and soft landscaping has been implemented, in full accordance with details to be submitted to the local planning authority and approved in writing. The details to be submitted shall include all planting, seeding and turfing, plus all hard surfacing materials, boundary treatments, and proposed finished land levels. Thereafter, within a period of 2 years from the date of first occupation, if any new tree or shrub shall die, or become seriously diseased or damaged, or is removed or lost for any reason, it shall be replaced with another of similar size and species, within the next planting season.
- 7) No new dwelling on the site shall be occupied until a scheme of noise insulation has been implemented, in accordance with details to be submitted to the local planning authority and approved in writing. The submitted details shall demonstrate how the

internal target levels recommended in 'ProPG: Planning and Noise (2017)' can be achieved, taking account of any proposed new boundary fencing, and allowing for windows to be opened for ventilation.

- 8) No new dwelling on the site shall be occupied until facilities for the storage of household refuse and recyclables for that dwelling have been provided, in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the reuse storage facilities shall be retained and maintained as approved, and kept available for their intended purpose.
- 9) No new dwelling on the site shall be occupied until secure, covered facilities for the storage of bicycles for that dwelling have been provided, at the rate of one cycle space per bedroom, in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the cycle storage facilities shall be retained and maintained as approved.
- 10) The proposed new dwellings on Plots 1 - 4 shall not be occupied until obscure glazing has been fitted to the windows in the first-floor side elevations of each. These windows shall also be designed to be non-openable below a height of 1.7m from internal floor level. Thereafter, these windows and the obscure glazing shall be retained as installed.
- 11) The proposed new dwellings on Plots 5 and 6 shall not be occupied until a scheme of external lighting, including the driveway, has been installed in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the lighting shall be retained and maintained as thus approved.

[END OF SCHEDULE]