



Appeal Decision

Site visit made on 6 December 2018

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th December 2018

Appeal Ref: APP/A2280/W/18/3202264

Land south of View Road, Cliffe Woods, Rochester ME3 8JQ

- 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 A Pritchard of SJP Group Ltd against the decision of The Medway Council.
 - The application Ref MC/16/3742, dated 3 September 2016, was refused by notice dated 10 November 2017.
 - The development proposed is for erection of 50 retirement homes comprising a mix of 2/3 storey apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging to meet a need within the communities of Cliffe, Cliffe Woods, Cooling and Frindsbury including new vehicular access to View Road.
-

Decision

1. The appeal is allowed and outline planning permission is granted for erection of 50 retirement homes comprising a mix of 2/3 storey apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging to meet a need within the communities of Cliffe, Cliffe Woods, Cooling and Frindsbury including new vehicular access to View Road at Land south of View Road, Cliffe Woods, Rochester ME3 8JQ in accordance with the terms of the application, Ref MC/16/3742, dated 3 September 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr A Pritchard of SJP Group Ltd against The Medway Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters other than access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.
4. The original planning application form and Council's decision notice refer to a proposal comprising a mix of 2/3 storey apartments and single storey bungalows. The appellant has indicated that the illustrative plans submitted with the outline planning application were amended to omit the erection of any 3 storey buildings and garages within the development. As, however, the application was made in outline with all matters other than access reserved, I

have treated the submitted plans and details provided as illustrative, including scale and appearance.

5. Since the determination of the application the revised National Planning Policy Framework (the Framework) was published on 24 July 2018. The main parties have had an opportunity to comment on the revised Framework and its relevance to the determination of this appeal. I have therefore considered the development against the relevant aims and objectives of the Framework.
6. A signed and completed Section 106 Unilateral Undertaking has been submitted by the appellant. This would secure the application of a No Pets Policy, discounted market value housing and contributions towards infrastructure provision and strategic mitigation measures on local Special Protection Areas (SPAs) and Ramsar sites in the area. I return to this matter later.

Main Issues

7. The main issues are:
 - (i) Whether or not the proposed development would provide suitable site for housing, having particular regard to the accessibility of local services and facilities;
 - (ii) the effect of the proposal on the living conditions of the future occupiers with particular regard to the impact of the 'No Pets Policy' on the well-being of future residents of the proposed development; and
 - (iii) the impact of the proposal on local infrastructure and whether any adverse impacts can be effectively mitigated.

Reasons

Location of development

8. The appeal site comprises an open agricultural field covering about 1.2 hectares on the south-east side of View Road. Residential development is located to the north and east, an orchard to the west and open fields to the south of the site. The appeal site has a gently sloping topography with a mature hedgerow interspersed with established trees along the front of the site. The indicative details show a residential development of 50 retirement homes with ancillary club house, gymnasium, manager's office and reception, parking, garaging and vehicular access off View Road.
9. The appeal site is located outside the built confines for the village of Cliffe Woods and in an area designated, in policy terms, as countryside. Saved Policy BNE25 of the Medway Local Plan 2003 (LP) states development will be strictly controlled and will not be permitted except where it complies with a limited range of specified categories set out in the Policy, which do not apply in this case. Consequently, the proposal would conflict with Saved Policy BNE25 of the LP that seeks to restrict inappropriate housing development outside the built confines of the village.
10. The Council considers that the scale of the development relative to the services and facilities within the area is unsustainable in this location. Paragraph 78 of the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Paragraph 38 of the Framework requires Local Planning

Authorities to take a positive approach to decision taking to secure development that can improve the economic, social and environmental conditions of the area. The appeal site is located on the southern edge of the village outside the settlement and the built-up area of Cliffe Woods.

11. The future residents would have access to the ancillary club house and gymnasium on the appeal site and Cliffe Woods has a reasonable range of facilities and services, including two small general stores including a post office, doctor surgery, pharmacy, church/community hall and all within walking distance of the site along established highway footpaths. A bus stop is situated a short walk from the site on View Road. The information provided by the appellant indicates that the village has a bus service linking the village to the larger settlements of Strood, Rochester and Chatham on an hourly basis Monday to Saturdays with a more frequent service at peak times until early evening and no service on a Sunday.
12. As such, although future residents would be likely to depend on the private car to reach the essential services and employment available in nearby larger settlements, some day to day trips could be undertaken by sustainable means. However, the Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas and different policies and measures will be required in different communities. Moreover, there is a relatively good bus service to larger settlements which would encourage new residents to utilise these public transport modes.
13. I have considered the Council's comments regarding the inadequacy of the proposed parking provision against the Council's adopted vehicle parking standards as required by Policy T13 of the LP. However, there is little substantive evidence to support the Council's arguments that the lack of on-site parking would make the development unsustainable. Given this is an outline application, the parking arrangements could be satisfactorily dealt with through appropriate planning conditions at the reserved matters stage.
14. I therefore conclude that there would be some conflict with Saved Policy BNE25 of the LP that seeks to restrict inappropriate housing development outside the built confines of the village. However, the appeal site is reasonably sustainably located adjacent to the village and built-up area of built confines for the village and would not be remote from the services and facilities in the village and nearby settlements of Strood, Rochester and Chatham. There would at least be a choice to use sustainable modes of transport to access local services and facilities and additional retirement homes in this location would support the vitality of the village and surrounding rural communities in accordance with the aims of the Framework.

Living conditions and well-being of the future occupiers

15. The Council and Natural England, as a statutory consultee, have raised a concern with regard to the site being adjacent to Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) and the impact of the proposed development on the ecological interests of the SSSI in terms of the increased cat population. This concern has been echoed by Friends of North Kent Marshes and Medway Countryside Forum.
16. Policy BNE35 of the LP states that development that would materially harm, directly or indirectly, the scientific or wildlife interests of these sites will not be

permitted unless the development is connected with, or necessary to, the management of the site's wildlife interest. This approach is broadly in line with Paragraph 175 of the Framework that seeks, amongst other things, to conserve biodiversity to ensure significant harm from the development is avoided and incorporate measures to enhance opportunities for biodiversity within and around the development.

17. The appellant has submitted a signed and completed Section 106 Unilateral Undertaking (UU) that set outs a clear No Pet Policy in accordance with the advice from National England that prevents the future occupiers of the proposed development from both acquiring new pets whilst in residence and also from bringing pets with them when they move in except for caged pets (e.g. birds) or fish. I am therefore satisfied that this proposed planning obligation is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
18. I note the Council's concerns regarding the impact of the No Pets Policy on the amenities and well-being of the future elderly residents of the proposed retirement homes in this case. However, the residents would be able to own caged pets or fish and the proposed development would include a range of facilities including a club house and gymnasium that would have additional benefits to the health and well-being of the future residents. The Council has provided very little evidence that the proposed retirement homes with a No Pets Policy would result in significant harm to living conditions and well-being of the future occupiers nor result in increased social isolation.
19. Consequently, I conclude that the proposal would not result in significant harm to the living conditions of the future occupiers of the proposed development with particular regard to well-being. It would accord with Saved Policy BNE2 of the LP that seek, amongst other things, to prevent development having a harmful effect on residents and protect the amenities of future occupants and nearby residents. It would be accord with the provisions of the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).
20. In addition, the impact of the proposed development on the ecological interests of the SSSI would be satisfactorily mitigated by the No Pet Policy Planning Obligation in the UU. Consequently, I conclude that the proposal would be accord with Policy BNE35 of the LP and paragraph 175 of the Framework.

Local infrastructure

21. Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
22. The signed and completed UU provided by the appellant shows a financial contribution of £11,179 towards the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts from the proposed development on the Thames Estuary and Marshes, Medway Estuary

and Marshes and the Swale SPAs and Wetland of International Importance under the Ramsar Convention (Ramsar Sites).

23. Having had regard to the characteristics of the proposed development and the evidence before me, including the advice from Natural England, making an appropriate assessment, I am satisfied that the proposed financial contribution towards the strategic mitigation measures identified in the SAMMS is sufficient to ensure it will not adversely affect the integrity of the local SPAs and Ramsar Sites. I am satisfied that the proposed contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and the CIL Regulations 122 and 123. I have therefore attached weight to this UU in reaching my decision.
24. The UU requires the appellant to make a contribution of £23,397.50 towards improvement to Parks Medical Practice in the village that would be necessary to mitigate the impact of the development on local health facilities. A contribution of £21,274.78 towards the provision of open space is required in accordance with the Medway Council's Developer Contribution Guide which is directly related to the development. The UU requires the appellant to make a contribution towards the reasonable costs in making a Traffic Regulation Order, yellow lines and signage for waiting restrictions on View Road. This would be necessary to mitigate the proposal's impact on the local traffic infrastructure.
25. The Council acknowledge that as the proposal is for specialist accommodation for over 55s, there would be no requirement for 25% of the units to be affordable housing. However, the UU requires the appellant to allocate and sell 12 units from the total number of proposed housing units at Discounted Market Value. The appellant has raised no objections to this requirement and would support the need for the growing older population within Medway, particularly in rural areas and the Government's objective of boosting the supply and mix of housing for different groups in the community in the Framework.
26. I am satisfied that the proposed contributions set out above are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with CIL Regulations 122 and 123. The contributions in the UU and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees, the Council's Planning Committee report and appeal statement. I have therefore attached significant weight to them in reaching my decision.

Other Matters

27. I have considered the Council's arguments regarding the disconnection of an area of agricultural land between Town Road and the appeal site from the larger agricultural holding to the south and that the granting of planning permission would set a precedent for other similar developments in this area that would be premature ahead of the new Local Plan and the Cliffe and Cliffe Woods Neighbourhood Plan (NP).
28. However, there is little substantive evidence from the Council to support this claim on how this area, including the orchard to the west, would become disconnected from either the rest of the farm nor its importance to the operation and functioning of the larger agricultural holding. The new Local Plan and NP are at an early stage in the process and as such are matters to which I accord limited weight. In any event, each planning application and appeal

- must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
29. I have noted the other developments in the area drawn to my attention by the Council. However, the residential developments at Rainham, Chattenden and Hoo St. Werburgh have different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
30. I have taken into account the petition and objections received from Cliffe and Cliffe Woods Parish Council, local residents and the third parties to the proposal. These include the development being outside the village boundary on a greenfield site, loss of agricultural land, its premature nature in advance of the new Local Plan and NP, the impact of the proposal on the local services and facilities in the village, flood risk, drainage and sewers, highway safety, access, parking, traffic, the impact on the SSSI, wildlife, biodiversity, the character of the area and the amenities of local residents, particularly during the construction period.
31. However, I have addressed the matters relating to the location of the development, the living conditions of the future occupiers, the ecological interests of the SSSI and the infrastructure provision in the main issues above. No objections were received from the Council from a Local Highway or Flood Risk Perspective, or from Southern Water to the proposal, subject to appropriate conditions. A Flood Risk Assessment and Surface Water Drainage Strategy have been provided to ensure that adequate drainage facilities are provided in connection with the development and to prevent potential flooding.
32. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions or through the UU, where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

33. Having regard to the Framework and in particular paragraph 55, I have considered the conditions based on those suggested by the Council and the submissions received from the appellant.
34. The conditions relating to the detailing of the reserved matters is necessary (1) in the interests of amenity and the character and appearance of the area. The standard time limits for submission of the reserved matters and the commencement of development are reasonable and necessary (2 & 3). A condition specifying the approved plans provide certainty (4). Those conditions relating to the samples and detailing of the external materials, hard and soft landscaping and boundary treatment are necessary in order to safeguard the character and appearance of the area (5, 6 & 7).
35. Those conditions relating to biodiversity are necessary to ensure protection and enhancement of wildlife and habitats in the area (8, 9 & 10). A condition

relating to external lighting is necessary to safeguard the amenities of the nearby residents, the landscape and wildlife in the area (11). A condition relating to archaeological works is necessary to ensure the proper assessment and recording of any features of archaeological or historic interest (12).

36. For the construction period, in order to mitigate the environmental impact of development works and to protect the amenities of local residents, the submission of a Construction Environmental Management Plan would be necessary to establish the measures required (13). Details of surface water and foul drainage arrangements and flood risk measures are necessary in order to ensure adequate drainage facilities are provided and to mitigate against potential flooding and the pollution of the water environment (14, 15 & 16). A condition to deal with any unexpected contamination found on the site is necessary in the interest of public safety (17).
37. Those conditions relating to the parking arrangements (18), access and visibility splays (19) are necessary in the interests of highway safety. A condition relating to electric charging points is necessary in order to promote sustainable transport and reduce greenhouse gas emission (20).
38. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements involve work to be done before development can start on site or before dwellings can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission.

Overall Planning Balance and Conclusion

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
40. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. The Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Consequently, Saved Policy BNE25 of the LP cannot be considered up to date. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits¹. This presumption will not apply where an appropriate assessment is required². This requirement, however, has been the subject of recent government consultation² and as a suitable mitigation strategy is in place to ensure that the proposal will not adversely affect the integrity of the local SPAs and Ramsar Sites, I consider, on balance, the presumption will apply in this case.
41. In terms of the adverse impacts, there would be limited negative effect on the area's landscape, character and appearance and loss of agricultural land. The proposal would have modest negative environmental effect in terms of use of natural resources arising from use of the private motor car in this rural

¹ Paragraph 177 of the National Planning Policy Framework

² Ministry of Housing, Communities & Local Government 'Technical consultation on updates to national planning and guidance' October 2018

location, although it is unlikely to generate a significant number of vehicle movements. The proposal accords with the overall aims of the relevant design development plan policies set out in the LP. Other potentially adverse effects would be overcome or satisfactorily mitigated by planning conditions and the Section 106 Unilateral Undertaking.

42. Against that, the proposal would provide 50 new retirement homes, of which 12 would be sold at Discounted Market Value. Given the severe shortfall in housing provision in the area and the demand for more suitable homes for the older people within Medway, particularly in rural areas, this is a significant social benefit carrying very substantial weight. The contributions towards open space and a local health facility, while necessary to mitigate the impact of the additional population from the development, would also be available to all villagers. The provision of an ancillary club house and gymnasium would have clear social benefits for the health and well-being of the future residents of the proposal and would also be available to other residents in the village. These contributions are social benefits of the scheme which carries moderate weight.
43. The site is of limited ecological value and the enhancement of wildlife and habitats, landscape planting, strict No Pets Policy and the contribution towards strategic mitigation measures on the local SPAs and Ramsar Sites would offer the opportunity to conserve and enhance biodiversity in the area, including the SSSI, a key Framework environmental objective carrying moderate weight.
44. The appeal site is within walking distance of the services available in the village, sufficient to meet some of the day to day needs of residents and the bus stop available along View Road provides access to a relatively good bus service by rural standards to nearby larger settlements. This would enable future residents to reach the essential services in these larger settlements and help reduce car dependency. These are key objectives of the Framework and are social and environmental benefits that carry moderate weight.
45. The development of the new retirement housing scheme would provide construction jobs and longer term jobs associated with the ancillary club house, gymnasium, manager's office and reception. The additional population would provide long term support for local village services and facilities, promoting the development of local businesses and supporting a prosperous rural economy. These are another key objective of the Framework and are economic benefits that carry moderate weight.
46. Consequently, overall, in my view, the adverse impacts arising from this development do not significantly and demonstrably outweigh the scheme's benefits. The adverse impacts do not outweigh the scheme's benefits even without the presumption in this case. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole. The factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
- 3) The development to which this decision relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: - Site Location Plan and Drawing no. 16-1212-03A received on 22 December 2016.
- 5) The details submitted pursuant to condition 1 shall include details and samples of all materials to be used externally. The development shall be implemented in accordance with the approved details.
- 6) The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting and boundary treatment. The scheme as approved by the Local Planning Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Local Planning Authority. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 7) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.
- 8) No site clearance or development shall take place until a detailed reptile survey and mitigation report has been submitted to and approved in writing by the Local Planning Authority. If reptiles are found, no development shall commence on site until appropriate mitigation measures have been submitted to and approved in writing with the Local Planning Authority. Thereafter, the approved mitigation measures shall be implemented and retained thereafter.
- 9) No part of any building shall be occupied until details of ecological enhancement measures including the creation of wildflower areas, the installation of butterfly houses; bee houses and brick bird nest boxes within the buildings have been submitted to and approved in writing by

the Local Planning Authority. These shall incorporate the ecological enhancement measures set out in Sections 4.6 and 4.7 of the submitted Updated Extended Phase 1 Habitat Survey and Protected Species Assessment (Corylus Ecology, May 2018). The approved shall be provided before any building is occupied and shall thereafter be retained.

- 10) No vegetation clearance shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing). All vegetation removal must be undertaken to the Method Statement submitted with the application.
- 11) Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site, the rural landscape, views of the site from View Road, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site and it shall only be used within the hours approved pursuant to this condition.
- 12) No development shall take place (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.
- 13) No development shall commence until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust, lighting and the effect on wildlife and habitats arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.
- 14) No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

- 15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed means of foul water sewerage disposal. Work shall be carried out in accordance with the approved details before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
- 16) The details submitted pursuant to condition 1 shall incorporate the flood risk mitigation measures as set out in section 6 of the Flood Risk Assessment and Surface Water Drainage Strategy dated June 2017 reference 3246 Final version v1.0. The development shall be implemented in accordance with the approved details.
- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a suitable condition for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in the approved remediation scheme are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 18) The details submitted in pursuance of Condition 1 shall show land reserved for parking in accordance with the Council's adopted the Vehicle Parking Standards. No part of any buildings shall be occupied until this approved vehicle parking area has been provided, surfaced, drained and marked out on site in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.
- 19) The access shall not be used until the area of land within the vision splays shown on drawing number 16-1212-03A received on 22 December 2016 has been reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.
- 20) Prior to first occupation of any unit within the proposed development hereby permitted a minimum of 5 electric vehicle charging points shall be provided within the car park and thereafter retained.