



Appeal Decision

Site visit made on 1 April 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/C3430/W/20/3265585

Waggon and Horses Public House, Bridgnorth Road, Wombourne WV5 0AQ

- 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 Marston's Estates Ltd against the decision of South Staffordshire Council.
 - The application Ref 19/00814/FUL, dated 22 October 2019, was refused by notice dated 26 June 2020.
 - The development proposed is erection of 9 dwellings and associated works, including the re-location of the beer garden and re-configuration of the pub car park.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 9 dwellings and associated works, including the re-location of the beer garden and re-configuration of the pub car park, at Waggon and Horses Public House, Bridgnorth Road, Wombourne WV5 0AQ, in accordance with the terms of the application Ref 19/00814/FUL, dated 22 October 2019, subject to the conditions in the attached Schedule of Conditions.

Procedural Matters

2. The appellant has submitted plans that did not form part of the plans the Council made its decision on, ie 2 amended plans - proposed landscape plan 05-D5 and boundary treatment plan 07-D6 - and an additional plan - mechanical services drawing JBR20015-M-001-P3. I consider no one would be prejudiced should I accept these plans at this stage. I have therefore taken account of them in reaching my decision.
3. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. I have sought the views of the main parties as to the relevance of any changes. I have taken account of the revised Framework and the responses received in my decision. Whilst some content has been added and the paragraph numbers changed, the substance of the Framework with respect to the main issue of the case has not.

Main Issue

4. The main issue is whether the proposal, in terms of layout and future use of the Public House, would provide satisfactory living conditions for future occupiers of the dwellings, with particular regard to noise and disturbance.

Reasons

The site

5. The site consists of the Wagon and Horses Public House (PH), its associated outdoor seating, play and car parking areas and an area that I shall describe as disused scrubland, which extends north of the existing PH delineated rear boundary. The land level of the scrubland is lower than that of the PH, associated outdoor areas and car park, and lower than the rear gardens of dwellings located on Waterdale.
6. The site is located on the northern side of the B4176 Bridgenorth Road. There are commercial and industrial premises around 100 m from the proposed dwellings, and open countryside south of Bridgenorth Road. The Staffordshire & Worcestershire Canal passes the western boundary of the site, beyond which is residential development, and there is residential development beyond the north-eastern and south-eastern boundaries of the site. In planning policy terms, the site is within the Wombourne development boundary and the western boundary is adjacent to the Staffordshire & Worcestershire Canal Conservation Area.

The proposal

7. The proposal consists of reconfiguring the car parking and outdoor seating areas, creating an access road off Waterdale, and constructing 9 No. residential properties with associated works. The proposal would retain the existing car parking level of 59 spaces; the extent of the outdoor seating area would be reduced. The overall layout would result in there being car parking associated with the PH sited immediately to the rear of the rear gardens of proposed residential plots numbered 7, 8 and 9, and the reconfigured outdoor seating area would be close to the side boundary of the proposed dwelling on plot number 6. Most of the proposed dwellings would be closer to the PH than the existing dwellings in the area.

Noise sources

8. The main sources of potential noise and disturbance to future occupants of the proposed dwellings are existing traffic; the commercial and industrial units south of the B4176; the reconfigured PH car parking area; existing PH plant; deliveries and collections to/from the PH; patrons of the PH, when using both indoor and outdoor areas, and music from the PH, live and recorded, played in both indoor and outdoor areas. The main areas within which future occupiers of the proposed dwellings could experience noise are outdoors in their private gardens, and indoors.

Noise assessment criteria and relevant guidance and policies

9. I acknowledge that the Council has maintained its concerns regarding the effect of noise and disturbance on the living conditions of future occupants of the proposed dwellings, and that it considers the methods utilised by the appellant to assess the likely noise impacts to be inadequate. However, the Council has not provided any indication of methods it considers to be more suitable. Consequently, from the evidence before me, I have no justifiable reason to conclude that the British Standards methods utilised by the appellant¹ are not

¹ BS8233:2014 and BS4142:2014

the most satisfactory methods available for assessing the likely noise levels that future occupiers of the proposed dwellings would experience as a result of the proposal, within the given context and the policies and guidance they have drawn upon.² I have therefore reached my decision taking account of, among all other evidence, the results of the assessments carried out by the appellant, relevant policies and guidance regarding noise disturbance, the site-specific circumstances, consultee comments, third-party representations, the views of the Council as expressed in its Decision Notice and appeal submissions and my observations on site.

10. In summary, the guidance, policies, and assessment methods utilised collectively seek to ensure that new development provides satisfactory living conditions for future occupiers. I consider satisfactory living conditions to include future occupiers of the proposed dwellings only experiencing noise and disturbance at a level, frequency of occurrence, time of day and/or duration that would not adversely affect their health, well-being or quality of life.

Areas of disagreement and acceptance

11. Taking account of the amended and additional plans noted above, and the range of mitigation measures proposed by the appellant, the outstanding key concerns of the Council relate to noise from patrons of the PH, particularly when using the reconfigured outdoor seating area; noise from motor vehicles using the proposed PH car parking area located at the eastern side of the site, and noise from music (live or recorded) either from within the PH or from the outdoor area. I am satisfied, subject to the range of mitigation measures proposed, that the levels, frequency of occurrence, time of day and/or duration of noise and disturbance from existing traffic, the commercial and industrial units south of the B4176, deliveries and collections to/from the PH and existing plant at the PH would not harm the living conditions of future occupiers of the proposed dwellings.

Noise from music/films

12. With regard to music emanating from the PH, I consider the appellant has not provided conclusive evidence regarding the potential effects of noise on the living conditions of future occupants of the proposed dwellings, from either live or recorded music, both from within the PH and from the outdoor areas, or from projecting films in the outdoor areas of the premises. I consider it likely that noise from such sources could have an adverse effect on the health, well-being, and/or quality of life of future occupiers of the proposed dwellings.
13. That said, the appellant suggests that due to the infrequency of live music events occurring at the PH, and the unlikelihood of films being projected in the outdoor areas of the premises, it was intended to have such activities removed from the PH licence. However, the appellant has confirmed that this has not yet occurred. However, the appellant has also confirmed that they would accept suitable conditions preventing the occurrence of such activities, should the appeal be allowed, and I deem it necessary for such conditions to be attached.
14. Bearing these factors in mind, I consider my concern regarding noise or disturbance emanating from live or recorded music, or the projection of films, from the PH premises, both indoors and outdoors, could be overcome by

² National Planning Policy Framework, Planning Practice Guidance, World Health Organisation, Noise Policy Statement for England and local development plan policies and guidance.

suitable conditions being attached to the decision. As such, I consider the living conditions of future occupiers of the proposed dwellings would not be adversely affected by noise and disturbance from music or films.

Noise from patrons

15. The proposed dwellings on plots 6 and 7 would be the ones closest to the reconfigured outdoor area, and therefore future occupiers of the dwellings on these plots would potentially be the most affected by noise and disturbance emanating from patrons using the outdoor area. The appellant has proposed the installation of a 2.4 m high acoustic fence along the boundary between the proposed dwellings and PH outdoor and car parking areas.
16. With the 2.4 m high acoustic fence erected, the level of noise future occupiers of the dwellings would experience whilst in their gardens would be 44 dB LAeq at peak times and 40 dB LAeq out of peak times. These levels are below the level of 50 dB LAeq recommended by the World Health Organisation, (WHO), and BS8233.
17. With the 2.4 m high acoustic fence erected and with windows closed, patron noise levels in living/dining/kitchen areas would be less than 20 dB LAeq, even at peak times; and patron noise levels in bedrooms, during the day at peak times, would be less than 25 dB LAeq. Patron noise levels in bedrooms at night would be less than 15 dB LAeq. These levels are below the BS8233 recommended limits.
18. With windows open, and the 2.4 m high acoustic fence installed, the limit levels in BS8233 are expected to be met in all but the bedroom daytime scenario, where it is possible that at peak times the level would be 13 dB LAeq higher than the BS8233 recommended limit. However, in addition to the acoustic fence, the appellant proposes enhanced glazing and ventilation systems for the dwellings on plots 6 & 7, which are recognised methods of reducing noise whilst also providing attenuated ventilation (features which can be secured by condition). Future occupiers of these dwellings would therefore have the option to close windows to ensure the noise level would be within the recognised acceptable level; and they could achieve this without sacrificing ventilation
19. With the proposed mitigation measures of a 2.4 m high acoustic fence and enhanced glazing and ventilation systems for the dwellings on plots 6 & 7, secured by conditions, I am satisfied that future occupiers of the proposed dwellings would not be adversely affected by noise emanating from patrons using either the outdoor or indoor areas of the PH.

Noise from car parking

20. The reconfigured car parking area introduces an area of car parking to the east of the site. The proposed dwellings potentially most affected by cars parking in this area are those on plots 7, 8 and 9.
21. With a 2.4 m high acoustic fence installed and enhanced glazing and ventilation systems for the dwelling on plot 7, with windows open the noise level experienced indoors from the car park would be 48 dB LAeq, which is 3 dB LAeq above the recommended max. of 45 dB LAeq. However, it is only from one car parking space where this level of noise would occur. With windows closed, at worst the noise level experienced by future occupiers when indoors would be 36 dB LAeq, which is within the recognised limits. The WHO guidance

advises that individual noise events should not exceed 45 dB LAeq on more than 10 occasions per night; below this threshold the impact of noise on sleep is regarded as negligible.

22. I consider that the number of individual noise events exceeding the recommended 45 dB LAeq, due to the extent of use of the car parking space of concern, is unlikely to exceed the threshold recommended by WHO. Therefore, with a 2.4 m high acoustic fence erected and enhanced glazing and ventilation systems installed in the dwelling on plot 7, secured by conditions, I am satisfied that future occupiers of the proposed dwellings would not be adversely affected by noise emanating from the PH car parking area.
23. Bearing the above factors in mind, I conclude that the proposal, in terms of layout and future use of the Public House, would provide satisfactory living conditions for future occupiers of the dwellings having particular regard to noise and disturbance. As such, the proposal accords with policies EQ9 and EQ11 of the Core Strategy Development Plan Document (2012), paragraphs 174, 185 and 187 of the Framework and guidance in the Planning Practice Guidance. Collectively, and among other things, these policies and guidance require development to be of the highest quality, compatible with other uses and integrate effectively with existing businesses, which should not have unreasonable restrictions placed on them because of the development.³ New development should not be at risk of noise pollution; it shall take account of the likely effect on living conditions, mitigating against adverse impacts of noise on health and quality of life.

Other Matters

24. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA). I consider the CA derives its significance from key factors such as the contribution the canals made to national and international transport routes and the subsequent industrial and economic expansions; the associated civil engineering accomplishments, and, specifically within the vicinity of the site, the contribution the canal makes to the quality of the surrounding countryside and townscape.
25. Given that the proposed built development within proximity of the canal would be relatively small-scale and the buildings would be set-back from the canal side, which itself would be unaltered, I consider the proposal would preserve the character and appearance of the CA.
26. Paragraph 174 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by, among other things, providing net gains for biodiversity. Although proposed landscape and boundary treatment plans have been submitted with the appeal, and parties have suggested a condition for the provision of bird boxes, I am not satisfied that the proposal overall, even with such a condition attached, would provide net gains for biodiversity. However, I consider this matter could be addressed via a suitable condition(s).
27. Paragraph 131 of the Framework advises that planning decisions should ensure new streets are tree-lined, unless, as noted in footnote 50, there are clear,

³ As the developer has proposed conditions that would place restrictions on the business I consider such restrictions would not be unreasonable, and therefore accord with paragraph 187 of the Framework

justifiable, and compelling reasons why this would be inappropriate. I note the comments received from parties regarding this matter. Although I disagree with the suggestion that the 3 trees proposed would satisfy the requirements of paragraph 131, I consider a 'tree-lined' street, within the constraints of the site, could be achieved; at minimum, for example, by planting trees around the western edge of the proposed open space located to the front of the dwellings. Again, this matter could be addressed via a suitable condition(s).

28. Various concerns were raised during the planning application process and representations have been submitted with the appeal. In addition to the matters discussed above, the other matters raised can be summarised under the following headings: highways; living conditions (occupiers of existing properties); trees; ecology/biodiversity; character and appearance of the area; drainage; crime; utility services; local services; maintenance of an existing boundary wall between Waterdale and the Public House, and the implications regarding a previous refusal of planning permission for houses on the site.
29. I am satisfied that the proposed new road junction off Waterdale, the access and turning areas, the extent of traffic potentially generated by the proposal, the level of proposed on-site parking for the dwellings and the retained parking spaces for the PH, would neither cause any significant highway safety issues nor have any significant detrimental impact on the surrounding highway network. I also note that the Local Highway Authority did not raise any objections to the proposal.
30. The nearest existing dwellings to the proposed development would be numbers 22 and 23 Waterdale. Concerns have been raised by residents regarding light, privacy, outlook and noise and disturbance. Although a detached, single garage would be sited close to the rear boundary of these properties, given that a) the rear gardens of numbers 22 and 23 would be around 1.5 m higher than the resultant ground level where the garage would be sited, b) the eaves height of the garage would be around 2.2 m, c) its ridge height would be around 3.7 m, d) the roof of the proposed garage would slope away from the rear gardens of numbers 22 and 23, and e) there is an existing shed in the corner of the garden of number 23 and a storage box in the corner of the garden of number 22, I consider the proposed garage would not have a detrimental effect in respect of light and outlook for existing occupiers of numbers 22 and 23, or occupiers of other neighbouring properties.
31. Additionally, I consider the proposed layout, siting, orientation and size of each dwelling, positioning of windows, mass of proposed development and distances from existing properties, are such that the proposal would not have significant impacts on existing levels or quality of light, privacy or outlook for occupiers of existing surrounding properties.
32. Concern has been raised regarding noise and disturbance experienced by existing residents from the PH and associated car parking area. However, any noise and disturbance currently experienced by existing residents is outside the scope of this appeal. It is a matter that should possibly be taken up with the Council's environmental health services.
33. In terms of the effect of the proposed development on existing properties in respect of noise and disturbance, I note that the outside seating area would be further away from existing residential properties than the existing outdoor seating area, and that conditions are to be attached to the approval preventing

live music events and the projection of films in the outdoor area of the PH. I consider such changes will be an improvement on the existing situation in respect of any noise or disturbance resulting from such sources. Additionally, the amended layout of the car park would not significantly alter the relationship of it with surrounding properties. For these reasons, I consider the proposed development would not have a detrimental effect on the living conditions of occupiers of existing properties in respect of noise and disturbance.

34. Concern has been raised regarding the impact of construction work on the structural integrity of the retaining wall along the rear gardens of properties on the south-western side of Waterdale. Although I appreciate the concern, should any damage be caused, this would be a civil matter between the respective parties.
35. I am satisfied that the future well-being of trees within the site and net gains to biodiversity can be achieved via suitable conditions.
36. I consider the layout (including the layout of gardens), density, overall design and fenestration details are in keeping with the layout, density, garden arrangements, general design and fenestration details of surrounding residential development. As such, I consider the proposed development would not harm the character or appearance of the area.
37. Residents have questioned whether existing drainage systems could cope with additional demands. I have not been provided with any substantive evidence that the current systems cannot cope. Additionally, I have attached conditions to ensure appropriate foul, waste and surface water drainage systems are provided.
38. I note that comments have been submitted suggesting that the proposal may result in an increase in crime, that other existing utility and services and local services will be insufficient to meet demands, and that existing overhead cables could affect the health of future occupants of the proposed dwellings. However, I have not been provided with any substantive evidence to support any of the claims. Additionally, I do not consider that design aspects of the proposal will promote crime; and I believe the size of the proposed development, which is relatively small, would not have any significant impact on existing utility or local services.
39. Although comments have been submitted regarding maintenance of an existing boundary wall between Waterdale and the PH, this is an existing situation and not related to the proposal. That said, a condition is attached regarding details of boundary treatments to be submitted and approved, which should ensure all boundary treatments are acceptable.
40. I understand there has been a previous refusal of a residential planning application on the site. However, I have not been provided with any evidence, including any policy requirement, that only bungalows would be allowed on the site.

Conditions

41. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance (PPG), the tests within the Framework and parties' comments. Some have been amended or amalgamated for clarity or to avoid

- duplication. Some may have been eliminated, taking account of policy and guidance.
42. I have attached a condition specifying the approved plans for the avoidance of doubt. As the appellant submitted a materials schedule, I have attached a condition requiring works to be carried out in accordance with those details, to protect the character and appearance of the area.
43. Although amended boundary treatment and landscape plans were submitted with the appeal, as a) I am not satisfied the proposal would achieve net gains for biodiversity, b) an up-dated Framework has been published (which requires streets to be 'tree-line') and c) addressing these matters may have implications for boundary treatments, I have attached conditions related to landscaping and boundary treatments, to protect the character and appearance of the area and achieve net gains for biodiversity.
44. A drainage condition is attached in the interests of public health, to protect biodiversity and to prevent flooding. A Construction and Environmental Management Statement condition is attached to ensure works are carried out in a manner that protects the waterway, its users and flora and fauna; in the interests of highway safety, to protect the living conditions of occupiers of neighbouring properties during the development, to ensure works are carried out in a safe manner and to protect the environment. I have attached conditions to protect trees. Although a Tree Report was submitted with the application, I consider changes made to the plans and the additional information that is required regarding landscaping, including tree planting, resulted in the recommendations in the Tree Report not being up-to-date and accurate.
45. Conditions are attached related to completion of highway works and retention of car parking spaces in the interests of highway safety. I have not attached a condition requiring the single garages to be retained for parking as these spaces are not required to ensure sufficient levels of car parking are provided for the development.
46. In the interests of biodiversity, I have attached conditions requiring details of bird boxes to be approved and installed, details of external lighting to be approved, boundary treatment details to include gaps for hedgehogs to move around freely, and for works to be carried out in accordance with several submitted ecological reports.
47. I have attached a condition removing some permitted development rights, although I consider not all the suggestions from the Council were justified, to ensure the net gains to biodiversity eventually achieved and the structural integrity of the canal wall is not undermined.
48. I have attached conditions related to the installation of acoustic fences, alterations to existing plant on site, the installation of enhanced glazing and attenuated ventilation systems and restricting entertainment and use of the outdoor seating areas within the PH and its grounds, to ensure future occupiers of the approved dwellings are provided with satisfactory living conditions with regard to noise and disturbance.

Conclusion

49. For the reasons outlined above, I conclude that the appeal is allowed, subject to the conditions in the attached schedule.

J Williamson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 D1, 04 D4, B1 01 D6, B2 01 D6, B3 01 D7, B1 02 D6, B2 02 D6, B3 02 D7, SG 01 D4, 11 D4, 06 D3, 19-7673-202 P3, JBR220015/M/001 P3.⁴
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall be as specified in the submitted Materials Schedule Rev D2.
- 4) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and types of boundary treatments to be erected (including details of the boundary treatment along the western boundary of the site and the Staffordshire & Worcestershire Canal). The details shall include appropriate gaps at the base to allow the passage of hedgehogs. The boundary treatments shall be completed in accordance with the approved details and maintained as such for the lifetime of the development.
- 5) Prior to commencement of the development hereby approved, details for the disposal of foul, waste, and surface water, including any pollution prevention measures, shall have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to any of the dwellings hereby permitted being first occupied.
- 6) No development shall take place, including any works of demolition, until a Construction and Environmental Management Statement, (CEMS), has been submitted to and approved in writing by the local planning authority. The CEMS shall provide details of:
 - i) mitigation measures to prevent pollution of the waterway or other damage to the Staffordshire & Worcestershire Canal infrastructure, vegetation, or its users during all phases of the approved development;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in during all phases of the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during all phases of the development;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

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- ix) delivery, demolition and construction working hours;
- x) measures to protect residents of surrounding properties from unreasonable levels of noise and disturbance during all phases of the development;
- xi) a timetable of the phasing of all works on site;
- xii) Details of the persons responsible for: I. Compliance with legal consents relating to nature conservation; II. Compliance with planning conditions relating to nature conservation; III. Installation of physical protective measures during construction; IV. Regular inspection and maintenance of the physical protective measures and monitoring of working practices during construction; and V. Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

All works shall be carried out in accordance with the approved CEMP.

- 7) Prior to commencement of the development hereby approved, details of all hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. The details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage & sewers, power & communication cables, pipelines etc. indicating lines, manholes supports etc.); retained historic landscaping features and proposals for restoration where relevant; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation program. The landscaping should deliver net gains for biodiversity and create a 'tree-lined' street. Any plants or trees that are removed or die or become seriously damaged or diseased within a period of 5 years from the date of planting shall be replaced with others of similar size and species in the next planting season. The approved details shall be fully implemented in accordance with the program agreed as part of the details.
- 8) Prior to commencement of the development hereby permitted, a schedule of landscape maintenance, including details of the arrangements for its implementation, for a minimum period of 5 years, shall have been submitted to and approved in writing by the local planning authority. Landscape maintenance shall be carried out in accordance with the approved schedule.
- 9) Prior to commencement of the development hereby permitted, details of earthworks shall have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 10. In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and

paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the last dwelling to be occupied.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with tree protection details, to be first submitted to and approved in writing by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

- 10) If construction work is to take place within the Root Protection Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted to and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will take place and be managed, and how the trees etc. will be adequately protected during such a process. All works shall be undertaken in accordance with the approved details.
- 11) The development hereby permitted shall not be brought into use until the approved access to the site within the limits of the public highway has been completed in accordance with the approved plans.
- 12) The development hereby permitted shall not be brought into use until the approved access road, parking and turning areas have been provided in accordance with the approved plans.
- 13) Prior to the dwellings hereby approved being first occupied, the car parking spaces shown on the approved plans for the Public House and the dwellings shall be laid out and available for use. The spaces shall be retained thereafter for the lifetime of the development without impediment to their designated use.
- 14) Prior to the dwellings hereby approved being first occupied, details of bird boxes (type and location), which shall include one group of 3 swift bricks plus 2 house sparrow terraces to be installed on north or east aspect of new buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to any of the approved dwellings being first occupied and retained thereafter for the lifetime of the development.

- 15) Prior to the dwellings hereby approved being first occupied, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall be designed in accordance with Bat Conservation Trust/Institution of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK. The approved details shall be fully implemented prior to the dwellings hereby approved being first occupied. No other external lighting shall be installed on any of the residential plots or properties.
- 16) All works, including site and vegetation clearance, shall be carried out in accordance with recommendations in the White-Clawed Crayfish Survey (Middlemarch Environmental, August 2019), the Preliminary Ecological Appraisal (Middlemarch Environmental, July 2019), and the Otter and Water Vole Survey (Middlemarch Environmental, August 2019).
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), or any other subsequent equivalent order, no development as described shall be carried out:

Any enlargement, porch, garden buildings, enclosure, pool, oil or gas storage container or hard surfacing usually allowed by Schedule 2, Part 1, Classes A, D, E and F of the GPDO; any gate, wall, fence or other means of enclosure, or means of access usually allowed by Schedule 2, Part 2, Classes A and B of the GPDO.
- 17) Prior to the dwellings hereby approved being first occupied, a 2.4 m high acoustic barrier shall be erected along the boundary between the proposed outdoor seating area of the Public House and plot number 6, in accordance with the particulars of the application. The fence shall be retained for the lifetime of the development. If it needs to be replaced it shall be replaced with one that is similar and achieves the same standards of noise mitigation.
- 18) Prior to the dwellings hereby approved being first occupied, a 2.4 m acoustic barrier shall be erected along the boundary between the Public House car parking area and plot numbers 7, 8 and 9., in accordance with the particulars of the application. The fence shall be retained thereafter for the lifetime of the development. If it needs to be replaced it shall be replaced with one that is similar and achieves the same standards of noise mitigation.
- 19) Prior to any of the dwellings hereby approved being first occupied, the works detailed on Plan Ref JB220015/M/001 P3, mechanical services and acoustic treatment, shall have been completed. The works shall be retained for the lifetime of the development. If any of the equipment needs to be replaced it shall be replaced with equipment that is similar and achieves the same standards of noise mitigation.
- 20) Prior to the dwellings hereby approved on plots 6 and 7 being first occupied, the enhanced glazing and attenuated ventilation systems detailed in the particulars of the application, shall be installed and fully operational. The glazing and ventilation systems shall be retained thereafter for the lifetime of the development. If Any of the equipment needs to be replaced it shall be replaced with equipment that is similar and achieves the same standards of noise mitigation and ventilation.

- 21) There shall be no live music performed within the public house or any outdoor areas within its boundary, nor shall any films be presented in any of the outdoor areas.
- 22) The outdoor seating areas associated with the public house shall not be used after 23:00 or before 10:00 on any day.

<<<<End of Schedule>>>>