



Appeal Decision

Site visit made on 28 February 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/C2741/W/22/3305435

The Magnet Public House, Osbaldwick Lane, York YO10 3AY

- 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 Moorside Developments Ltd against the decision of City of York Council.
 - The application Ref 21/00304/FUL, dated 19 January 2021, was refused by notice dated 16 March 2022.
 - The development proposed is the demolition of the existing buildings and erection of 8no. residential dwellings with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and erection of 8no. residential dwellings with associated parking and landscaping at The Magnet Public House, Osbaldwick Lane, York YO10 3AY in accordance with the terms of the application Ref 21/00304/FUL, dated 19 January 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Preliminary Matters

3. The reason for refusal refers to Policies D1, D2, D7 and DP3 of the City of York Local Plan – Publication Draft (2018) (PDLP). The Council consider that in accordance with paragraph 48 of the National Planning Policy Framework (the Framework) these draft policies can now be afforded significant weight with the Plan close to adoption, their high degree of consistency with the Framework policies and principles, and with only very minor amendments to text proposed in the forthcoming consultation. The appellant highlights that policy D7 goes further than what is required by the Framework. Based on the information before me, consultation on main modifications is on-going relating to the relevant policies. Although the Council highlights that minor or very inconsequential changes are proposed, there is some uncertainty about the final form of the policies. Thus, having regard to the evidence presented, I give moderate weight to the policies.

Main Issue

4. The main issue is whether any harm resulting from the demolition of the non-designated heritage asset would be outweighed by public benefits.

Reasons

5. The Magnet is a purpose-built public house which has been identified as a non-designated heritage asset. The Magnet ceased trading in September 2018 and has not been occupied since.
6. The building was constructed in the 1930s and occupies a prominent position on Osbaldwick Lane. It maintains a degree of landmark status and would have been a meeting place and social community building in the area. The building is two-storeys in height (with accommodation within the attic), brown brick, has a hipped slate roof and round-headed windows on the ground floor. The building is centrally positioned within the site and set back from Osbaldwick Lane behind a car park and there are outbuildings towards the rear of the site.
7. Osbaldwick Lane was formerly a rural lane leading to the village of Osbaldwick. It became increasingly developed during the first half of the 20th century as the City of York expanded. The Magnet sits at the transition of 1920s York Corporation housing to the west and private housing dating from the 1930s onwards to the east. It was designed by Sir Bertram Wilson and built for John Smith's Brewery in 1934 specifically to serve the adjacent newly constructed housing estate. The building represents an example of an 'improved pub' which was designed to decrease the focus on alcohol consumption and instead provide a community building that fulfilled a social role within the community.
8. My attention has been drawn to extracts from the City of York Historic Characterisation Project in 2013, Historic England survey, Tang Hall East Character Area Report and SPD Local Heritage List for York 2013 to demonstrate the significance of the building. Campaign for real ale's (CAMRA) Pub Heritage Group (which is a group with specialist expertise in this area) considers The Magnet to be the best surviving example in York of an 'improved pub'. This is stated in a number of places including within the Council's Historic Environment Record, York Open Planning Forum List Description and CAMRA Pub Heritage Group's Description. However, it is not wholly clear how this conclusion has been reached and this claim does not appear to be supported by an up-to-date systematic study of other 'improved pubs' in York.
9. The appellant has provided a comparative study which assesses the significance of other surviving examples of 'improved pubs' in York built during the 1930s. The appellants submission sets out that the Knavesmire PH (non-designated), the Winning Post (non-designated) and the Masons Arms (Grade II) are better examples of an 'improved pub' in York on the basis of their architectural, historical, artistic, communal, group and townscape values. The study also provides a list of comparable 'improved pubs' in York (including The Ainsty, The Black Bull, The ClockHouse, Clifton Hotel, The Victoria Vaults). The findings of this study have not been robustly disputed.
10. The appellant's Historic Building Assessment describes the internal and external condition of the existing property in detail. This acknowledges that the overall walling of the building is structurally sound, but the present poor condition of the building is such that extensive renovation and refurbishment would be required for it to be habitable and operational as a public house.
11. I agree with the Council's conservation officer that the exterior of the building is relatively unexceptional in terms of quality compared to other 'improved pubs' of the inter-war period within York. I do not doubt that The Magnet

previously had charm and a positive presence in the streetscene, but the exterior of the building is now in a poor state of repair. It has been suggested that there has been deliberate and cynical run down of the building, and a section 215 notice has been served. The Committee report also highlights that the building has deteriorated since planning officers first considered the proposals. The condition of the building does not form part of the appellant's case. Therefore, in line with paragraph 196 of the Framework, I do not give weight to the deteriorated condition of the building.

12. The significance of The Magnet is largely derived from its interior as the original layout survives, along with various original features, fixtures and fittings (such as original furniture, upholstered bench seating, veneered timber fire surrounds, the structure of the central bar area, tilework, veneered panelling, panel doors, staircase, plaster cornices and arch-headed windows). The qualities of Wilson's pub interiors are recognised in the Grade II listing of The Golden Ball in Bishophill. However, The Magnet is not listed, and its interior is not protected. Thus, the interior could be removed without planning permission and such features would inevitably be lost to any other use.
13. Overall, taking into account the evidence submitted, I consider that the heritage value of the building is low in a national context (due to its limited architectural interest, lack of distinction as a rare building type, diminishing communal value and limited townscape value/ significance). Nonetheless, I consider that it has modest local heritage value due to its limited architectural interest, historic interest (as a relatively unaltered 'improved pub'), landmark status/ townscape significance (albeit limited) and community significance/ communal value (although very limited as the building has not provided any use or benefit to the community for a number of years and as set out below the marketing exercise has shown that a community use of the building has not been secured).
14. I understand that 'improved pubs' are not rare in the UK, and not particularly rare in York. Whilst The Magnet has some local interest, it is not an especially notable example of this building type. For the reasons given above and having regard to the information presented, The Magnet is not the best surviving example of an 'improved pub' in York.
15. Paragraph 189 of the Framework acknowledges that heritage assets include buildings of local historic value and are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 197 of the Framework states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
16. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
17. As the proposal is for demolition, it would result in the complete loss of The Magnet, and the scheme would not enhance or preserve the non-designated heritage asset. The demolition of The Magnet would lead to the loss of all

heritage significances, aesthetic, historical and communal, which would be locally-significant in terms of the architectural and historical interest of the Osbaldwick Lane and Tang Hall area. There would be some harm to the local character and landscape of the area as it would result in the removal of a building that contributes to the history of the area. A full photographic record could be required by planning condition, but as set out in paragraph 205 of the Framework this should not be a factor in deciding whether such loss should be permitted.

18. Policy HW1 of the PDLP seeks to preserve and re-use existing community assets. It sets out that development proposals which involve the loss of existing community facilities, or facilities last used for community purposes, will not be supported unless it can be demonstrated that they meet one of four stated criteria. The Magnet is not an existing facility which would close because of the development and has not operated as a pub for many years.
19. It has been suggested that The Magnet should be retained in its current use or as an alternative community use, possibly with modest development in its grounds. It has been highlighted that a prospective buyer (who was allegedly denied a viewing) wanted to retain the public house and integrate some small-scale residential development onto the site (a sketch of a potential site layout has been provided), and that this opportunity should be further investigated for viability. The retention of the pub, and possible development within the site, would most likely secure the internal fittings, fixtures and layout associated with its original use.
20. It has also been suggested that The Magnet should become a community pub. However, there is no clear evidence to demonstrate that this would be viable or that there has been a genuine interest in this regard and my role is to determine the appeal based on the planning merits and impacts of the proposed development before me.
21. The appellant commissioned a report concerning the economic viability of reopening and sustaining a public house use, and this report was provided during the application process. The Economic Viability Report concludes that the property does not have a credible or economically sustainable future trading as a public house, and it is not capable of generating a satisfactory profit performance to make it viable/sustainable for the reintroduction of a public house use. It has been suggested that further viability information should be provided (including trading accounts). Nonetheless, no substantive evidence has been presented to dispute the findings of the Economic Viability Report.
22. The appellant also undertook a marketing exercise (more than double the 12 month required by Policy HW1). There was interest in the building/ site, but this did not progress to an offer. The marketing exercise (which has been found to be adequate) demonstrated that there has been no interest by a national or local landlord / brewery to continue with operating the building as a pub. The marketing exercise also established that an alternative use of the building has not been secured, and in any event an alternative use would result in significant internal alterations (including loss of historical features and altered layout), that the Council would have no control over.
23. Concerns have been raised regarding the sale process and marketing exercise. The Council commissioned an independent review of the marketing undertaken.

This found that the marketing to be sound, and if an interested party seriously wished to purchase The Magnet, they would have come to light, and a sale would have progressed.

24. The Council's statement of case does not raise any issues regarding the marketing of the building or the Economic Viability Report. Having regard to the requirements of Policy HW1 of the PDL and information presented, I am satisfied that adequate marketing has been undertaken and sufficient evidence has been provided to demonstrate that The Magnet is no longer financially viable.
25. There are also alternative pub facilities in the locality. The Derwent Arms, the Black Bull and Beeswing Ale House are within walking distance from the appeal site, albeit they are not 'improved pubs'. The reason for refusal does not relate to Policy HW1 of the PDL, the Council set out in the Committee Report that the proposal would be in accordance with Policy HW1, and I see no clear reason to disagree.
26. In line with paragraph 203 of the Framework, a balanced judgement is required having regard to the loss of the non-designated heritage asset, significance of the heritage asset and benefits of the proposed development. The benefits of the proposal include eight new dwellings, that would contribute to housing supply, on a brownfield site. It would also provide economic benefits (including employment during the construction phase). The appeal site is located in a sustainable location as it is within walking distance to local services and facilities with good access to public transport.
27. Applying the balancing exercise set out in the Framework and Policy D7 of the PDL, I find that the harm resulting from the demolition of the non-designated heritage asset would be outweighed by the benefits of the development, having regard to the scale of the harm and significance of the heritage asset. Consequently, the proposed development would comply with paragraphs 130, 189, 197 and 203 of the Framework. These seek, amongst other matters, to ensure developments are sympathetic to local character and history and establish or maintain a strong sense of place. The Framework also aims to conserve and enhance the historic environment and balance public benefits against any harms identified.
28. The proposed development would also comply with Policies D1, D2 D7 and DP3 of the PDL. These state, amongst other matters, that developments which remove non-designated heritage assets will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset. Furthermore, development proposals will be supported where they improve existing urban environments, respect and enhance the historic character and landscape of York, enhance York's special qualities and better reveal the significances of the historic environment.

Other Matters

29. In addition to matters relating to the main issue, I have considered in detail the other matters raised in the objection comments. The concerns relate to a range of matters and relate to design (generic, not contextual, building line), Policy DHE2 'Heritage Assets' in the City of York Local Plan Preferred Options document, nearby sheltered housing for older people (access required, not

burn waste due to varied health conditions, working hours, should exclude student accommodation). In addition, drainage, any damages shall be made good, no need for additional housing, should be a car free development, path alongside plots 6/7/8, reference to similar planning applications, mature tree and shrubs removed. The Council did not refuse the planning application on these grounds.

30. In terms of the design of the proposals, there are a mix of residential developments in the locality including semi-detached and terraces, and modern infill. The drawings show soft landscaping to the front. Setting the terrace further back would impact the rear garden and parking areas. Having regard to the character of the locality, on balance, the proposed design and layout of the development would be acceptable and would be in keeping with the area.
31. Little information has been provided regarding Policy DHE2 of the City of York Local Plan Preferred Options document and its status. The Council has not raised concerns in relation to this policy and it does not form part of the development plan. In any event, I am satisfied that the public benefits outweigh the harm, as required by this policy.
32. I am also satisfied that the proposed development would not have an adverse effect on the nearby sheltered housing, including its access and student accommodation is not proposed. A planning condition ensuring a construction method statement could be attached to ensure that the working hours are appropriate and a scheme for recycling/disposing of waste resulting from demolition and construction works is provided.
33. Having regard to the consultation responses from the Flood Risk Management team and Yorkshire Water, I am satisfied that the development would be adequately drained. Any damage resulting from construction, if that were to occur, is essentially a private matter and there is no evidence that the development would intrinsically result in adverse effects in this regard subject to an appropriate approach to construction.
34. The concerns relating to adequate housing in the area, that the development should be car free, path alongside plots 6/7/8, and mature tree and shrubs have been removed do not amount to reasons to withhold planning permission. In terms of the similar planning applications, I understand that in the Carlton Tavern case, that pub was still trading. Therefore, that decision cannot be directly compared to the proposal before me as The Magnet has been closed for many years.
35. Consequently, subject to appropriate conditions, there is no credible evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised, or that could justify the dismissal of the appeal on these grounds.

Conditions

36. I have assessed the Council's suggested conditions, and those suggested in consultation responses. In light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision. The appellant and Council were given the opportunity to comment on the altered conditions, and the appellant has confirmed that they agree to the conditions.

37. It is necessary to attach a condition specifying the approved plans as this provides certainty. In the interest of visual amenity of the area, conditions relating to materials and a landscaping scheme are necessary, and also to ensure that the variety, suitability and disposition of species across the site are suitable. As part of the landscaping works condition details are required relating to boundary treatments in the interests of the character and visual amenities of the area and the amenities of neighbouring properties. Furthermore, the landscaping works condition requires identification of existing trees and measures for their protection. This is because the mature Sycamore is a sizeable tree and highly visible within the street, to which it adds valuable amenity.
38. It is necessary to attach a condition requiring a Written Scheme of Investigation and heritage recording as The Magnet is of special historic and archaeological interest. Conditions relating to a Construction Method Statement (which includes demolition and construction working hours) and obscure glazing are necessary in order to protect the amenity of local residents and due to the nearby school.
39. Conditions relating to an electric vehicle charging point (included within the landscaping works condition) and cycle parking are also reasonable and necessary in order to encourage sustainable solutions and also to reduce the impact of vehicular emissions, in line with the Framework, and congestion. I note that the Council highlights that the cycle parking shown on the drawings is not of sufficient size and should be reviewed to be in accordance with the Council's Cycle Parking Guidance v3 (2017).
40. In the interests of highway safety, conditions relating to a Construction Method Statement, and parking and manoeuvring of vehicles and cycles are necessary. In the interest of satisfactory and sustainable drainage and to ensure proper provision of the disposal of foul and surface water discharge has been provided, drainage conditions are necessary.
41. Conditions relating to contamination are necessary to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
42. A condition relating to noise insulation measures is necessary to protect the amenity of occupiers of the new dwellings from externally generated noise due to the nearby commercial units. To take account of and enhance the biodiversity and wildlife interest of the area, a condition requiring the provision of two integrated features to provide roosting crevices for bats and two nesting boxes for birds is necessary.
43. I have not imposed suggested condition 3. I recognise that paragraph 204 of the Framework states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. However, the condition is not reasonable or enforceable. The Council would have no control over the contracts and there is no evidence before me to suggest that the development would not go ahead. Thus, based on the information presented, the condition is not necessary.

44. I have also not imposed suggested condition 6. This relates to additional technical requirements that exceed the minimum standards required by Building Regulations in respect of emissions and water efficiency. Planning Practice Guidance is clear that such requirements should be evidence-based to justify the setting of appropriate policies in the local plan. In this case, the requirements are rooted in the PDLP which has not been formally adopted, and of which I have no clear information of the current status of Policies CC1 and CC2. As previously stated, consultation on main modifications is on-going, thus there is some uncertainty about the final form of the policies. Consequently, I give the policies moderate weight and see no clear justification for the suggested condition.
45. In addition, I have not imposed suggested condition 20. Traffic Regulation Orders (TRO) are legal orders made by traffic authorities that are needed to change a road's use or its design. The appellant would need to apply for a TRO to carry out the highway works, and that is subject to a consultation exercise outside of the planning process. Thus, the developer would have no control over the success of the TRO. Therefore, the condition is not enforceable or necessary.
46. The Committee report sets out a list of notes for the appellant to be aware of in relation to informatives included within consultation responses.

Conclusion

47. I recognise that this decision will be disappointing to those opposing the development. I have taken full and careful account of all the representations that have been made however, taking everything into account, there is no compelling reason to withhold planning permission in this case.
48. Consequently, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal succeeds.

L Wilson

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: Location Plan, Proposed site plan (04 revision E), Proposed plots 1-5 floor plans and elevations (02 revision C), Proposed plots 6-8 floor plans and elevations (03 revision B).
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. indications of all existing trees and hedgerows on the land, and neighbouring trees, identify those to be retained and set out measures for their protection throughout the course of development;
 - ii. planting plans;
 - iii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iv. schedules of plants noting species, plant supply sizes and proposed numbers/ densities;
 - v. boundary treatment[s];
 - vi. hard surfacing materials;
 - vii. bin store[s];
 - viii. the provision of electric vehicle charging facilities on the site;
 - ix. an implementation programme, (including phasing of work where relevant).

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. measures to control the emission of dust and dirt during construction;

- vi. measures to control construction site noise and vibration;
- vii. lighting;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- ix. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Prior to the commencement of development, details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the local planning authority. Thereafter the drainage scheme shall be implemented in accordance with these approved details. The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent buildings. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby buildings.

Details of the future management and maintenance of the proposed drainage scheme shall be provided for approval in writing by the local planning authority and adhered to for the lifetime of the development.

- 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 7) No development shall take place where (following the risk assessment approved by condition 6) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and

programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the development is occupied.

- 8) Any contamination that is found during the course of construction of the permitted development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 9) No demolition shall take place until a Written Scheme of Investigation (WSI) shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - i. the programme and methodology of site investigation and recording;
 - ii. the programme for post investigation assessment;
 - iii. the provision to be made for analysis of the site investigation and recording;
 - iv. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. the nomination of a competent person or persons/organization to undertake the works set out within the WSI.All works shall be carried out in accordance with the approved WSI.
- 10) No demolition shall take place until a written description and photographic recording of The Magnet, to Historic England Level of recording 2, has been undertaken in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority. The scheme shall include the timescale for recording, the methodology to be used, and details of how the record will be maintained.
- 11) No work above ground level shall take place until a detailed scheme of noise insulation measures for protecting the occupiers of the permitted development from externally generated noise has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with these approved details. Upon completion of the insulation scheme works, no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the

local planning authority. The approved insulation works shall be retained thereafter.

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hours) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

- 12) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority prior to any works commencing above ground level. The development shall be carried out in accordance with the approved materials.
- 13) House 8 (shown on drawing Proposed site plan (04 revision E)) hereby permitted shall not be occupied until the windows on the side elevation (shown on drawing Proposed plots 6-8 floor plans and elevations (03 revision B)) have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 14) None of the dwellings hereby permitted shall be occupied until details of the cycle parking areas, including means of enclosure, have been submitted to and approved in writing by the local planning authority. The dwellings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall thereafter be kept available for the parking of cycles.
- 15) None of the dwellings hereby permitted shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and the gate to the car park installed. Thereafter such areas shall be retained solely for such purposes.
- 16) The development hereby permitted shall be carried out in accordance with the submitted Bat Survey Report (dated 18 June 2021, prepared by Tyler Grange) and prior to first occupation of the development hereby permitted, two integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings, and two boxes provided for nesting birds. These features, must be provided on a plan or drawing

showing the location of the boxes and their specifications and, shall be submitted to, and approved in writing by the local planning authority. Thereafter they shall be incorporated into the construction of the development.

- 17) There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no dwellings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 18) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 19) The development hereby permitted shall be carried out in accordance with the submitted Drainage Statement (dated 9 January 2019, revised 7 September 2021, prepared by Stevenson Associates) and CCTV drainage survey report (dated 29 September 2021, prepared by insitu technical services limited).