



Appeal Decision

Site visit made on 14 April 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2023

Appeal Ref: APP/Y2003/W/22/3305713

The Haymaker, 75 Main Street, Bonby, Brigg DN20 0PY

- 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 Mr Keith Simpson against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/2201, dated 5 November 2021, was refused by notice dated 11 March 2022.
 - The development proposed is demolition of an existing vacant restaurant and attached owner/occupier flat, and erection of 6 semi-detached family homes.
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Decision

1. The appeal is allowed and planning permission is demolition of an existing vacant restaurant and attached owner/occupier flat, and erection of 6 semi-detached family homes, at The Haymaker, 75 Main Street, Bonby, Brigg DN20 0PY in accordance with the terms of the application, Ref PA/2021/2201, dated 5 November 2021, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for an award of costs has been made by Mr Keith Simpson against North Lincolnshire Council. This is the subject of a separate decision.

Preliminary Matter

3. I have omitted reference to a previous application in the description of the proposal above as this does not refer to an act of development. The description is otherwise taken from the application form as originally submitted.

Main Issue

4. The main issue in this case is whether the proposed change of use would result in the unjustified loss of a local community facility.

Reasons

5. The development plan for the area includes the Core Strategy (June 2011) (the CS) and the saved policies of the North Lincolnshire Local Plan (May 2003) (the NLLP). Policy CS22 of the CS sets out that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. Policy C2 of the NLLP sets out a similar requirement that proposals which would lead to the loss of key village services will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance

- have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.
6. The Council is currently preparing the Draft North Lincolnshire Local Plan (DNLLP), but I note it is still at a stage where any objections have not been fully resolved and may yet be subject to change. As such, the weight to be afford to these policies is limited. However, I have had regard to draft Policy CSC10 in reaching my decision.
 7. The appeal site comprises a two-storey building dating from the 1970s with a surface car park to one side. The building was historically in use as a public house with associated living accommodation. Between 2012 and 2019, the commercial space operated as a restaurant, since when no commercial activity has taken place. The former trading area is now in a state of some disrepair, with the bar area and commercial kitchen facilities largely removed. The proposal seeks to demolish the building and erect six dwellings in three semi-detached pairs in a linear pattern addressing the street.
 8. A previous proposal in 2019 for similar development was refused permission by the Council and dismissed at appeal in 2020.¹ The Inspector at that time concluded that the evidence was not sufficiently robust to determine that the site was no longer viable as a public house or other community facility. However, the Inspector also noted the small size of the village, the long-term decline in demand for rural pubs over recent years, and the fact that most trade would be car-borne were the pub to trade again.
 9. A further material consideration at the time was the building's designation as an Asset of Community Value (ACV) in January 2020. This meant that the owner was required to give notice to the Council of an intention to dispose of the land, and consequently a relevant community group has the opportunity to purchase the building with a six-month period to raise funds. The evidence before me indicates that an acceptable bid has not been forthcoming, and the relevant time periods under the ACV process have elapsed as of July 2022, meaning the owner may dispose of the property on the open market. The present application was recommended for approval by the Council's officers but refused following a meeting of the Council's planning committee, with members regarding the proposal as substantially the same as previously refused.
 10. The evidence before me is that the current owners acquired the property in 2007 and initially made sales of around £60,000 per annum, split 60/40 between food and drink sales. The appellant states this was not sufficient to maintain a good standard of living for the two owners and, in 2012, the building was re-opened as a steak restaurant. Financial details put to me show that, despite some initial trading success following the re-opening, turnover declined in the following years, with losses made each year from 2016 to 2019, after which the restaurant ceased trading, and the space is vacant since.
 11. Marketing evidence put to me details an asking price of £395,000 for the site, a figure accepted as reasonable by the Council. The site has been marketed continuously since January 2021 following the previous appeal decision. This generated some 47 email requests but only two viewings. The main interest in the building has come from a local group, the Low Villages Pub Group (LVPG), which submitted two offers under the ACV process: £225,000 in April 2022 and

¹ Appeal Ref: APP/Y2003/W/20/3255113

£250,000 in May 2022. Both offers were rejected. The LVPG made representations to the committee meeting in March 2022 where it was stated that £107,000 had been raised at the time. It was also suggested that a business plan was being formulated, though a plan has not been put to me.

12. It is quite clear from the evidence before me that the public house was not a viable concern as far back as 2012 when it ceased trading, and the replacement steak house fared little better until its closure. These outcomes are understandable when factors referred to by the previous Inspector are taken into account, particularly the small population of Bonby and the progressive decline in demand for rural public houses in recent years. The fact that a large proportion of trade would need to be drawn from outside the village, with visitors having to arrive by car, further restricts the potential level of trade, particularly sales of alcohol. The large and open internal layout of the premises is further highlighted as a drawback to its re-use as a public house.
13. The lack of interest shown in the property reflects an acknowledgement of these constraints by the market. Moreover, the appellant has set out estimates of the costs of bringing the building back into use which may run to £150,000 or more. Having seen the present condition of the site, these estimates appear reasonable and similar costs have been mentioned by the LVPG. As such, the costs of firstly acquiring the site and then restoring it to an appropriate condition would be substantial for any party, whether seeking to operate a public house or any other community use.
14. Given this, the level of offers made by the LVPG, and the quoted level of funds available, indicate a proposal falling significantly short of what would be required to purchase and re-open the building as a public house. Whilst the LVPG may seek to justify a lower offer for the building on the basis that it is in need of significant refurbishment, the appellant is still entitled to obtain a market price for the site. Moreover, although the LVPG points to other public houses being available at lower prices, it is difficult to draw comparison with these given differences in location and the properties themselves, and there is no substantive evidence that the site was not marketed at a realistic price.
15. There is also no business plan or other evidence from the LVPG to demonstrate the expected level of trade it would generate were the premises to re-open as a public house. Even if annual sales were comparable to the £60,000 reached initially by the current owners, this is very unlikely to sustain the business given the high initial costs and the fact that running costs would be deducted from this, leaving little return for those investing in the business. I also see as cogent the comments of the appellant's surveyor who points to the difficulty of succeeding in the licenced trade in the present day, a challenge that would be even greater for those with no prior experience of it. The indication from the appellant that the LVPG has been dissolved as of October 2022 is perhaps an acceptance of these challenging conditions.
16. It is evident that the Council's planning committee placed significant weight on the offers made by the LVPG as evidence of a continuing need for the public house. However, there is little to suggest that members balanced these aspirations, for that is what they were at the time, against the documented evidence of the appellant of longstanding trading difficulties and lack of interest from the wider market.

17. The Council argues that the level of interest shown by the LVPG and local residents demonstrates a 'need' for the building to be retained in community use and that it is a 'valued community facility'. However, it is inescapable that, despite the Council's assertions, the public house has not traded as such for some 11 years at this stage, and therefore it has not provided a community facility in that time, given that the restaurant use would have had a different focus, not offering the same opportunity for impromptu social gathering as a public house.
18. Consequently, whilst I recognise the desire of local residents for a public house in the village, this must be weighed against the fact that it is not an existing, well-used facility that is under threat, and that when it last operated, there was not a level of local custom that was sufficient to maintain it as a viable concern. This leads me to the view that the facility has not in reality been valued as highly as those supporting its retention claim, and on the evidence before me, there is little to suggest that a new venture would consistently draw the numbers of patrons needed to succeed, particularly as this would require a notable reversal of the long-term decline of the rural pub industry. This ultimately limits the weight I ascribe to the argued need for the public house.
19. I accept that redevelopment of the site for housing would extinguish any future opportunity for it to be used for community purposes. However, as was made clear by the previous Inspector, it was incumbent on any interested parties to come forward with a viable, sustainable proposal. That has not come to pass in the intervening two-and-a-half years, over which time the site remains in a state of vacancy and increasing disrepair. However genuine the desire of local residents to see a pub operate in the village again, they cannot expect to have indefinite time to propose a viable scheme, a prospect which seems increasingly unlikely when robust efforts over a long period to market it to those with experience in the licenced trade have proven unsuccessful.
20. I also recognise the previous Inspector's comments that a public house provides a community facility which is quite distinct from that provided by a shop or a village hall, and I am also told that a vegan restaurant that operated from the post office has closed; however, the village hall close to the appeal site is still a community facility capable of use for events and other gatherings, and I noted at my site visit that a pop-up bar is operating from the village hall on Friday evenings. As such, whilst this is not comparable to a traditional public house, it is an actual facility providing a service to locals that means the loss of the public house would not wholly deprive residents of any form of community use or opportunity for social gathering within the village.
21. Taking these factors together, I am satisfied that the appellant has demonstrated that the Haymaker is no longer viable as a public house or restaurant, and a robust period of marketing has not demonstrated any realistic interest in the building as an alternative community use. Nor has any other potential viable community use been advanced by the Council or interested parties.
22. For these reasons, I conclude that the proposed change of use of the site would not result in the loss of a valued community facility. No conflict therefore arises with the aforementioned requirements of Policy CS22 of the CS and saved Policy C2 of the NLLP, or the aims of Paragraph 93 of the National Planning

Policy Framework (the Framework) which seeks to guard against the unnecessary loss of valued facilities and services.

23. Neither would the proposal conflict with the aims of draft Policy CSC10 of the DNLLP which sets out similar requirements that the loss of community facilities will only be justified where there is no longer a need for the land or building in any form of community use, to be demonstrated through an appropriate marketing exercise, or there is an acceptable alternative means of meeting such need.

Other Matters

24. The proposal would provide a development of three semi-detached pairs of dwellings in a linear layout fronting the road. Each would have two parking spaces and adequate garden spaces to the rear. The dwellings would generally respect the scale of surrounding development and would use similar materials including red brick that would help to integrate the dwellings into the streetscape. Although at a higher density than set out under Policy CS7 for rural development, I am satisfied that the dwellings would not appear squeezed onto the site or represent an excessive quantum of development. I also note the previous Inspector found the site to be suitable for housing, and I concur that if left without a productive use, the site fabric would deteriorate further which, in light of my findings above, is a very likely outcome. This also weighs in favour of the proposal.
25. Concerns have been raised in respect of the level and location of parking proposed, but no objection has been raised by Lincolnshire County Council as the local highway authority. The site is located on a relatively straight stretch of road which has good visibility and is subject to a 30mph limit. Although my visit was only a snapshot, I observed low levels of traffic through the village, and there is nothing substantive in evidence to suggest that the proposed parking spaces would be any more hazardous than other perpendicular spaces to nearby dwellings which would also require a reversing manoeuvre either into or out of the space. Nor is there anything to suggest the proposed level of parking is too low or would result in indiscriminate parking on the main road.
26. The site is located in Flood Zone 1 and is therefore at the lowest risk of flooding. Although no details of surface water drainage have been proposed, the existing site is wholly covered in hard surfacing, and the introduction of rear gardens to the dwellings would represent an improvement in this respect. Subject to the conditions recommended by the lead local flood authority, I am satisfied that the proposal would be capable of suitably addressing flooding and drainage matters.
27. The proposed dwellings would have front and rear facing windows, with balconies proposed to the rear second floor windows at the roof level. The dwelling to the rear, Fieldview, would be separated by more than 30 metres with mature foliage significantly filtering views. The Mullings to the south-west would be further from the proposed dwellings at around 40 metres, which would be sufficient to prevent invasive views. The nearest dwelling would be Rowley House, located in front of The Mullings, which stands perpendicular to the road with the front elevation facing the proposed rear gardens of the dwellings. The two storey garage wing of Rowley House would form a physical barrier between the nearest dwelling on Plot 1 that would prevent the closest views. There would be some higher level views over the front driveway of

Rowley House and a small area of the garden, but these would be mainly from dwellings further into the site and thus at greater distances and narrower angles. These areas are also subject to some views from the upper floors of The Mullings. As such, there would be no significant worsening of the living conditions for occupants of this dwelling, whose main garden spaces to the far side of the dwelling would not be affected by the proposal.

28. I have had regard to the comments made by all parties in respect of other material considerations, including pollution, land contamination, archaeology, biodiversity, landscaping and proposed retention of the cottage on the site. However, the evidence before me does not lead me to findings of harm in these other matters. As such, they would not weigh against the proposal in the planning balance and therefore it is not necessary to consider them further.

Planning Balance

29. On the main issue of the appeal, I have found that the appellant has demonstrated that the existing site is not viable as a public house and that marketing exercises and the ACV process have not shown a viable new public house or other community use is likely to come forward. Therefore, the loss of the public house is not a matter weighing against the proposal in the overall planning balance.
30. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites. Therefore, pursuant to paragraph 11(d) of the Framework, the presumption in favour of sustainable development is engaged.
31. I have found that the other material considerations in this case do not raise significant adverse impacts, with any concerns being minor in nature and capable of being addressed by condition. Conversely, the proposal would deliver significant benefits in terms of delivering housing to address the acknowledged shortfall in supply, with associated economic benefits arising from the construction of the dwellings. In the context of Paragraph 11, therefore, there are no adverse impacts associated with granting planning permission which would significantly and demonstrably outweigh the benefits.
32. Moreover, even if I were to ascribe harm arising from the loss of the public house, the circumstances I have set out above are such that the level of harm would be limited, and still not sufficient to significantly and demonstrably outweigh the substantial benefits of the proposal.
33. Overall, therefore, the proposal accords with both the development plan for the area and the Framework, and the appeal should succeed.

Conditions

34. I have had regard to the list of suggested conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant test for conditions set out in the Framework. The appellant has also confirmed their agreement to those conditions which would be pre-commencement.
35. In addition to the statutory time limit for implementation [1], a condition setting out the approved plans [2] is necessary to provide certainty.

36. Conditions are required in respect of a surface water drainage scheme [3], surface water run-off [4] and disposal of foul water [5] to address flood risk, site drainage and highway safety. Details of landscaping [6] are required to secure a satisfactory appearance. A construction traffic management plan [7] is necessary to ensure highway safety. Conditions requiring archaeological [8] and land contamination [9] investigations are sought to preserve archaeological evidence and minimise risks of contamination to humans and the environment respectively. These are all pre-commencement conditions as they relate specifically to the construction phase and would be ineffective or lead to harm or loss were they required to be addressed at a later stage.
37. Other conditions are required in respect of working hours during construction [10] and use of obscured glazing [14] to protect living conditions. A biodiversity management plan [11] is necessary to deliver enhancements in line with the aims of the Framework. Details of facing materials [12] and boundary treatments [13] are required to ensure a satisfactory appearance.
38. Finally, conditions are required in respect of footway works along the site frontage [15], the provision of access and parking areas [16], the use of loose surfacing materials [17] and maintaining visibility along the site frontage [18], all in the interests of highway and pedestrian safety.

Conclusion

39. For the reasons set out, and taking all relevant matters into consideration, I conclude that the appeal should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

Time Limit/Plans

- 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: (100-01) Rev P1; (100-01) Rev P1; (100-02) Rev P1; (100-03) Rev P1; (100-04) Rev P1; (100-05) Rev P1; (100-06) Rev P1; (100-07) Rev P1; (100-08) Rev P1; (100-09) Rev P1; (00)-01 Rev S1.

Pre-Commencement

- 3) No development shall take place until a detailed surface water drainage scheme for the site (including surveys of existing outfalls) has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change, which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The drainage scheme shall be implemented in accordance with the approved details and completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise approved in writing with the local planning authority.

- 4) No development shall take place until details showing effective methods of preventing surface water run-off from hard paved areas within the site onto the highway, and conversely from the highway onto the developed site, have first been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.
- 5) No development shall take place until a scheme for the disposal of foul water has first been submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until it is connected to the approved drainage system.
- 6) No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on

the site, and details of any to be retained, together with measures for their protection during the course of development.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

- 7) No development shall take place until a construction phase traffic management plan has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period. The construction phase traffic management plan shall include the following details:
- all associated traffic movements, including delivery vehicles and staff/construction movements;
 - any abnormal load movements;
 - contractor parking and welfare facilities;
 - storage of materials; and
 - traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as may be required.
- 8) A) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:
- i. measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development;
 - ii. methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts;
 - iii. post-fieldwork methodologies for assessment and analyses;
 - iv. report content and arrangements for dissemination, and publication proposals;
 - v. archive preparation and deposition with recognised repositories such as North Lincolnshire Museum and the ADS digital archive;
 - vi. a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;

- vii. monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works;
- viii. a list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

B) The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

C) The final dwelling constructed on site shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

D) A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

- 9) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
 - human health;

- property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and a proposal of the preferred option(s).

Part 2: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of unexpected contamination

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 in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

During Construction Phase

- 10) Construction, demolition, and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

No heavy goods vehicles (HGVs) shall attend the site outside these hours during the construction phase without prior written approval from the local planning authority. No installation of equipment shall take place on site outside these hours during the construction phase without prior written approval from the local planning authority.

- 11) Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline within the red line boundary of the submitted Existing Site Plan drawing number (00)-02;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Prior to the occupation of the fifth dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

- 12) No development shall take place above slab level until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development. The dwellings shall thereafter be constructed in the approved materials.

Prior to occupation

- 13) No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any dwelling is occupied and once built/planted it shall be retained.
- 14) Before any dwelling is first occupied, the bathroom and en-suite window in its side elevation shall be fitted with obscured glazing. 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.
- 15) No dwelling shall be occupied until an enhanced footway arrangement has been provided across the whole of the site frontage in accordance with details to be first submitted to and approved in writing by the local planning authority. The details to be submitted shall address:
 - extension/widening of the existing facility;
 - resurfacing ;
 - the removal of any redundant access points; and
 - the relocation of existing street furniture.
- 16) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Ongoing Compliance

- 17) No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.
