



Appeal Decision

Site visit made on 23 January 2024

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/D3505/W/23/3316955

The Red Lion, The Street, East Bergholt, Colchester CO7 6TB

- 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 Peachey (Langham Property Company (Essex) Ltd) against the decision of Babergh District Council.
 - The application (Ref: DC/22/03042), dated 14 June 2022, was refused by notice dated 27 January 2023.
 - The development proposed is the construction of 5 no. dwellings, storage building with two bed and breakfast rooms for the hotel and brasserie, public convenience building (following demolition of existing toilet block) and alterations to the car park.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 5 no. dwellings, storage building with two bed and breakfast rooms for the hotel and brasserie, public convenience building (following demolition of existing toilet block) and alterations to the car park at The Red Lion, The Street, East Bergholt, Colchester CO7 6TB in accordance with the terms of the application (Ref: DC/22/03042), dated 14 June 2022, subject to the conditions set out in the schedule at the end of this decision.

Application for Costs

2. An application for a full award of costs was made by Mr Peachey against Babergh District Council. This application is the subject of a separate decision that will be issued after this decision.

Preliminary Matters

3. On the 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework) which was further updated on the 20 December 2023. This is a material consideration that took effect from the day of publication which applies to all subsequent decision-making. Bearing in mind the facts of this case, I am satisfied that none of these changes, or those introduced on 5 September 2023, prejudice the interests of any party.
4. The Babergh Local Plan (2006) was superseded by the Babergh and Mid Suffolk Joint Local Plan- Part 1 in November 2023 (the LP). The policies that the Council relies upon in the 2006 plan have not been saved and are therefore no longer part of the development plan. As I do not find these policies relevant to the determination of this appeal, I am satisfied that no party has been prejudiced by this change.

5. During the course of the appeal, a further application for the construction of 4 no. dwellings, storage building with 2 no. bed and breakfast rooms for the hotel and brasserie, public convenience building (following demolition of existing toilet block) and alterations to car park on the same site was approved on the 18 December 2023 (Ref: DC/23/00740). This has been taken into account in my decision-making.
6. Bearing in mind that the proposed scheme would be situated within a conservation area and the setting of listed buildings, I have had special regard to s72(1) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The Council has not identified any harm to the relevant heritage assets. I am satisfied, from my own observations, that the proposal would preserve the significance of these assets and have determined the appeal accordingly.
7. Whilst the appeal form does not state that the description of the development has changed, I note that it has been amended and no longer includes a "garden office". I have used the amended description, as shown on the decision notice and appeal form, as this more accurately reflects the nature of the proposed development. I have also not included the plan related to this structure in my decision as this is no longer part of the proposed development.
8. A Unilateral Undertaking (UU), dated 29 September 2023, was submitted which secures a planning obligation in the form of an additional area of car parking within which two car parking spaces would be provided. It confirms the appellant is prepared to secure the planning obligation in the event that the appeal is allowed and planning permission is granted.

Main Issue(s)

9. The main issue is whether the existing level of public parking provision within the village would be maintained.

Reasons

10. The appeal site comprises an area of approximately 0.38 ha which includes part of a garden associated with the Red Lion public house (the pub), an adjacent area of grassland and a car park. The car park is owned by the appellant and is leased on a non-renewable, fixed term basis to East Bergholt Parish Council. It serves as parking for the patrons of the pub and for the general public. It also provides access to an adjacent cemetery and a BT telephone exchange. A public convenience is situated within the car park along with a number of mature trees.
11. The importance of the car park is emphasised in the East Bergholt Neighbourhood Plan 2015-2030 (2016) (NP) and has led Babergh District Council to designate it as an Asset of Community Value, which expires in July 2026. Policy EB11 of the NP states that the car park shall be safeguarded for parking and that a change of use shall only be permitted if alternative parking provision of a similar size is provided in a location accessible to the local facilities in the "Village Heart".
12. The commentary on policy EB11 of the NP notes that a parking survey revealed that the car park was being underused and that it was necessary to devise a policy to encourage greater use and to safeguard off-road parking opportunities at the centre of the village. It is linked to project EB12 which seeks to

reconfigure the car park to increase its capacity and promote its use for cars and coaches. A parking survey undertaken by the Parish Council over 21, non-consecutive days shows a parking exceedance (above 32 cars) on two days with the number of parked cars varying between 9-27 on other occasions.

13. The proposal comprises a small-scale development of five cottages and a storage building with two bed and breakfast rooms which would serve the hotel and brasserie associated with the pub. The proposal aims to support the long-term viability of this business and provide additional homes. It would maintain the same number of car parking spaces in the main car parking area and lead to the creation of two additional parking spaces for the proposed bed and breakfast rooms, on the southern side of the car park access, as well as hardstanding for a further two vehicles in the rear service yard of the pub¹. It would also provide a parking space for a coach and a hearse as well as a new public convenience building.
14. The Council objects to the proposal due to the reduction in the overall parking area and the loss of a coach parking bay that it acknowledges cannot be used by two full-sized coaches. It is of the opinion that the scheme would hamper the delivery of project EB12 because it has an unspecified "larger plan in mind for attracting more tourism into the village to celebrate the life and works of John Constable". It suggests that the proposal would not be consistent with the environmental and social objectives of the Framework because it would increase parking on the main street.
15. The appellant initially maintained that the proposal would lead to a loss of around 22 square metres of parking, which would amount to a net loss of less than 1% of the total parking area². The appellant subsequently revised this estimate and suggests that there would be a net increase of around 50 m² on the basis of further measurements³. This Council has not provided any alternative measurement of the loss of the operational parking area but simply observes that the two additional parking spaces in the service yard would be "considerably smaller than the loss of land of the car park".
16. In the event that the loss of the parking area is deemed unacceptable, the Council also objects on the basis that the development would fail to meet the necessary parking standards for the proposed dwellings and lead to a "cramped form of overdevelopment". As the appellant points out, this objection relates to a theoretical development where the parking to serve the proposed dwellings would lie entirely within the land that is part of the beer garden and adjoining grassland. As this is a different proposal to the one that is before me, I find the objection and associated policy conflict to be without merit and unarguable. Added to this is the fact that only policy EB2 of the NP still applies and the Council has not chosen to defend this aspect of its case, when given the opportunity, in the light of the newly adopted plan.
17. The appellant observes that the Council has introduced a new issue at the appeal stage which was not part of its reasons for refusal, namely the loss of a coach parking space. This matter was considered at the application stage where it was agreed that the two existing spaces did not comply with the necessary standards. A swept path analysis confirmed that coaches could not

¹ Additional four spaces were secured through a completed Unilateral Undertaking dated 29 September 2023.

² Paragraph 5.17, Appellant's Statement of Case

³ Appendix C, Appellant's Supporting Appeal Statement

adequately manoeuvre when both bays are occupied. The committee report also observes that the bays are “too small and severely restrict disable access around the coaches and access for luggage”. It also states that area is only large enough for one coach according to the Highways Authority.

18. In its statement of case, the Council suggests that it would be possible to manoeuvre a large coach in the presence of a smaller one within the designated spaces. However, there is no mechanism to control access to the car park and there would be no way of ensuring that coaches of a suitably contrasting size would be able to utilise the existing spaces at any one time. It is clear from the evidence before me that the existing spaces, in functional terms, can only safely accommodate a single coach at the current time. The fact that two spaces are shown does not alter this fact. In functional terms, the proposal would consequently not lead to a loss of coach parking capacity.
19. The Council also takes issue with the additional parking bays which have been secured via the UU. This is not only because they are smaller than the total area of land that would be lost but that parking cars in this area would cause congestion given the associated loss of an area currently used for deliveries to the pub. It maintains that this may cause traffic to queue onto The Street, thus affecting the free flow of traffic through the village. It also notes that the additional parking spaces have not been subject to consultation with the Highways Authority because it did not form part of the original application submission.
20. The Appellant states that the use of the service area for deliveries is intermittent and usually confined to mornings with the majority of deliveries currently taking place via the unrestricted parking at the front of the pub. The dimensions of the existing space are such its use is restricted to smaller delivery vehicles which would still be able to access the rear of the building when the proposed parking places are unoccupied. Even if this were not the case, I observed that the width of the access from The Street is such that cars would still be able to gain access to the car park if the spaces are occupied and a smaller delivery vehicle is only able to partially reverse into the yard.
21. Turning to the delivery of project EB12, I note that paragraph 188 of the NP states that the projects do not form part of the Neighbourhood Development Plan and are only aimed at supporting the policies. As such, they do not carry the same weight as the policies but are nevertheless a material consideration. However, this project is broadly drawn and I have no specific evidence before me to suggest exactly how the proposed development might compromise future aspirations beyond a negligible loss of total car park area. If anything, I find that the proposal would lead to an improvement given the archaic public convenience in dire need of renovation that I encountered during my site visit.
22. Bringing all this together, it is clear that the overall area of the car park would be reduced but that this includes non-functional areas that do not directly contribute to the existing parking capacity. The parties agree that the same number of spaces would be maintained but that an existing coach parking space would be lost. The facts before me establish that this space is not compliant with the necessary standards and that the existing coach parking spaces are only suitable for the safe manoeuvring and parking of one coach according to the Highways Authority. Consequently, there would be no loss of

functional coach parking capacity and the proposal would encourage a safer utilisation of the available space.

23. Whilst the proposal would lead to a change of use of part of the existing area, there would be no effective loss of parking provision. If only cars are considered, the proposal would actually increase the number of available spaces by two whilst the overall parking area would increase by 50 m². Consequently, I find that parking at this central location would be safeguarded and that it would continue to serve the local community despite a negligible loss in terms of the total area. As such, the proposal would not conflict with policy EB11.
24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This includes relevant policies of the newly adopted plan as well as the established NP and any saved policies. The appellant highlighted the most relevant policies of the emerging plan that have since been adopted and I am satisfied that none of these would conflict with the proposal.
25. Turning to paragraph 8 of the Framework, I find that it would make effective use of land and provide housing in a sustainable location. It would also provide employment, additional tourist accommodation and storage facilities that would support the vitality and long-term viability of the pub, not only in economic terms but also in terms of securing the optimal use of this historic building. It would also provide a much-needed upgrade to the quality of the public conveniences although this benefit would be partially negated through their reduced extent. In these terms, the proposal would gain support from the environmental, social and economic objectives associated with sustainable development. In a similar vein, it also gains support from policies EB15, EB16 and EB20 of the NP that seek to expand existing businesses, safeguard employment premises and community facilities and support tourist facilities.

Other Matters

26. The UU It includes a plan (Ref: 1429/A/20 "E") whereby the proposed public convenience building is in an alternative location to that proposed within the application and advanced under the appeal. The 'Car Park Area' secured by the UU refers to the area edged and hatched yellow on the plan. The trigger for providing this area is prior to the commencement of the "Development", which is the development to be carried out pursuant to a "Planning Permission" being granted at appeal. The UU also refers to the 'Site' as defined by reference to the land edged red on a further plan (Ref: 1429/A/1/D).
27. Paragraph 6.4 of the Council's statement of case sets out its position in relation to the UU. It does not object to the change in the location of the public convenience but does take issue with the fact that the UU does not mention "coach parking" and relates only to the parking of cars. The UU seeks, among other things, to secure additional car parking spaces and it is unclear why a coach parking space needs to be secured given the matters it seeks to address which the Council has already indicated would have made its reason for refusal "obsolete" had it been party to a planning agreement which secured the same mitigation⁴.

⁴ Paragraph 2.9, Appellant's Supporting Appeal Statement

28. The Council also asserts that the two car parking spaces secured through the UU are to off-set the loss of the car parking area in the public car park and that their size would be "considerably smaller" than the loss of land in the car park. However, the area that would be lost includes an area of land unrelated to parking. As such, this is not a valid comparison as the policy aim is to maintain parking provision rather than the absolute area of the car park.
29. Given the evidence before me in relation to the above matters, I consider that the measures in the UU are necessary, related directly to the development and fairly related in scale and kind. As such, they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) as well as the tests for planning obligations set out in the Framework.
30. The Parish Council and a number of interested parties have highlighted some additional concerns including: a protected right of way; a reduction in the capacity of the public convenience; a loss of public money spent on improving the surface and drainage of the car park; a reduction in the size of the parking bays; a loss of trees and wildlife impact; the lack of an established housing need; and the effect of additional residents on local services.
31. The appellant points out that no protected rights of way would be impeded, that there is no policy basis for maintaining the same level of public convenience provision, that the trees to be removed are of limited arboricultural significance and that there would be no significant, unmitigated ecological impact. In the absence of substantiated evidence to the contrary, I agree with these views. I note the loss of public money that has been spent improving the car park, whilst regrettable, this does not provide sufficient planning grounds for refusal.
32. Turning to the alleged lack of an established housing need, the development would contribute five additional dwellings that would respond positively to the need for smaller units and housing for 'older people' identified by the LP as supported by policy SP01. Whilst I appreciate the presence of other development in the wider area, I do not find that the occupants of five dwellings would place a significant additional burden on local services.
33. The appellant has a fallback position that is available and lawful. This comprises a permission for the construction of four dwellings without the loss of any land associated with the existing parking area. I do not doubt that the proposal would be implemented given its similarity to the desired outcome and purpose of the current appeal. Bearing in mind the delivery of fewer dwellings that this would entail, I find that it would fail to make use of the available land effectively, when compared to the existing proposal. Whilst not harmful, I find this would be inconsistent with the Framework.
34. Given the above, I conclude that the existing level of public parking provision within the village would be maintained and that this would satisfy the requirements of paragraph 8 of the Framework and would be consistent with policy EB11 of the NP. Consequently, the proposal would be in accordance with the development plan.

Conditions

35. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 56 of the Framework. Subject to minor adjustment to reflect standard wording and to ensure the necessary implementation clauses, I am satisfied that they meet the necessary requirements. Furthermore, all pre-commencement conditions have been accepted by the appellant in writing and are consequently compliant with the necessary legislation⁵.
36. I have deleted the condition requiring the erection of 1.5 m close-boarded fences between residential plots because a natural hedge, as specified in the landscape plan (1429-A-8 REV C), would provide greater biodiversity benefits and would not be as visually oppressive to future occupants bearing in mind the limited size of the proposed gardens.
37. I have made substantive adjustments to the following conditions:
- [12] I find the first season after commencement is impractical on such a small site because it would unreasonably restrict building activities and the flexible implementation of the scheme. I have changed it to first season after the completion of the built infrastructure but prior to first occupation as a result.
- [26] I find the requirement for all heat pumps to be operated and maintained in accordance with manufacturer's instructions to be unenforceable given that this can only be determined by a technical specialist and that no record of maintenance would be available to the Council. I have consequently deleted the associated text.

Conclusion

38. For the reasons given above and considering all other matters, I conclude that the appeal should be allowed subject to conditions.

R Catchpole

INSPECTOR

⁵ The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site 1429-A-2 A; Existing Site Location 1429-A-1 REV D; Coach Parking Bay 1429-A-19; Sections 1429-A-9 A; Terrace Layout and Elevations 1429-A-10 A; Semi-Detached House Layout and Elevations 1429-A-11 A; Pub Store/B&B Layout and Elevations 1429-A-12; Public Convenience Layout and Elevations 1429-A-14 A; Boundary Wall Layout and Elevations 1429-A-15; Landscaping Plan 1429-A-8 REV C; Service Vehicle Access 1429-A-7 REV C; Coach and Private Vehicle Access 1429-A-6 REV C; Site Plan 1429-A-5 REV B; and Car Parking Areas 1429-A-20.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3) The function of the Pub Store/B&B Building shall be ancillary to the public house and shall be used for no other purpose for the lifetime of the development.

Reason - To ensure the continued viability of the public house.

- 4) All of the dwellings hereby approved shall be built to Building Regulation Part M4(3) (Wheelchair User Dwellings) or equivalent standard.

Reason - To ensure that the dwellings would be suitable for older and less able-bodied residents, thereby meeting an identified housing need within the East Bergholt Neighbourhood Plan.

- 5) No occupation of any of the buildings shall take place until the associated parking areas and charging points, as shown on Drawing No. 1429-A-5 REV B, have been provided. Those areas shall be retained and used for no other purpose for the lifetime of the development.

Reason - To ensure that sufficient space for parking is provided and maintained to avoid any detriment to highway safety and to help deliver sustainable development.

- 6) No development above slab level shall take place until details of the areas to be provided for secure cycle storage have been submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into first use and shall be retained thereafter and used for no other purpose.

Reason - To promote sustainable travel by ensuring the provision and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking (2023).

- 7) No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing, by the Local Planning Authority. The strategy shall include:

- a methodology for avoiding soil from the site tracking onto the highway together with a remedial strategy should this prove to be ineffectual;
- site operating hours;
- means of access, traffic routes, vehicle parking and manoeuvring areas covering site operatives and visitors;
- area for loading and unloading of plant and materials;
- wheel washing facilities;
- hours of operation and vehicle movements;
- lighting;
- location and nature of compounds and storage areas, including maximum storage heights and factors to prevent wind-whipping;
- waste storage and removal;
- temporary buildings and boundary treatments;
- dust management measures;
- noise and vibration management including any arrangements for monitoring and specific arrangements for any piling operations where necessary; and
- litter management during the construction phases of the development.

The CMP shall cover both demolition and construction phases and shall be in accordance with BS 5228:2009. The approved CMP shall be fully implemented and adhered to during both the demolition and construction phases of the development hereby approved.

Reason - In the interest of highway safety and to protect the living conditions of nearby residents.

- 8) No development shall take place above slab level until details of the areas to be provided for the storage and collection/emptying of refuse and recycling bins has been submitted to, and approved in writing, by the Local Planning Authority. The approved bin storage and collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose for the lifetime of the development.

Reason - To ensure that space is provided for refuse and recycling bins to be stored, emptied and left by operatives after emptying without causing obstruction and danger to road users.

- 9) No development shall take place until details of the access road and footpaths have been submitted to and approved, in writing, by the Local Planning Authority. This shall include layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage. These works shall be carried out as agreed and retained thereafter for the lifetime of the development.

Reason - In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.

- 10) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least 'binder course' level, or better, in accordance with the details approved in Condition 9.

Reason - In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

- 11) No development shall take place until a scheme of hard and soft landscaping and boundary treatments have been submitted to and approved, in writing, by the Local Planning Authority. This shall include any proposed changes in ground levels and accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection. The scheme and its implementation shall fully comply with BS 5837:2012. The soft landscaping plan should include plant species, number, location and sizes of the proposed planting. The plans should clearly show the position of any new fencing in relation to existing and proposed planting.

Reason - In the interests of preserving the character and appearance of the local area.

- 12) All the landscaping details, as approved in Condition 11, shall be carried out in full during the first planting season (October-March inclusive) following completion of the built infrastructure associated with this scheme and prior to first use or occupation. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species where practicable.

Reason - In the interests of preserving the character and appearance of the local area.

- 13) No development shall take place until a Landscape Management Plan (LMP) and associated work schedule have been submitted to and approved, in writing, by the Local Planning Authority. This shall be for a minimum period of 5 years and shall include all new and existing vegetation, along with surface treatments, SuDS features and any other landscaping detail approved in Condition 11. The content of the LMP shall include the following:

- a) Drawings showing the extent of the LMP.
- b) A written specification detailing:
 - i. All operations and procedures for soft landscape areas including inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting;
 - ii. All operations and procedures for hard landscape areas including inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges and

painted or finished surfaces and maintaining street furniture such as bins, benches and signage; and

- iii. All operations and procedures for surface water drainage systems including the inspection of linear drains and swales, removal of unwanted vegetative material and litter.

- c) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Reason - To support plant establishment and ensure appropriate management is carried out and to maintain functionality and visual amenity.

- 14) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Bright Green Environmental Ltd, June 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason - To conserve species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 15) No development shall take place above slab level until a Biodiversity Enhancement Strategy (BES) has been submitted to and approved, in writing, by the Local Planning Authority. This shall have regard to protected species and species of conservation concern. The content of the BES shall include:
 - Purpose and conservation objectives for the proposed enhancement measures;
 - Detailed designs and product descriptions to achieve the stated objectives;
 - Plans showing the locations and, where appropriate, orientations and heights of proposed enhancement measures (where applicable); and
 - Details of initial aftercare and long-term maintenance (where applicable).

The works shall be implemented in accordance with the approved details shall be retained for the lifetime of the development.

Reason - To enhance biodiversity and allow the LPA to discharge its duties under the Framework, Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 16) No development shall take place above slab level until details of the manufacturer, type and colour of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and retained for the lifetime of the development.

Reason - To secure an orderly and well-designed finish sympathetic to the character of existing buildings and in the interests of preserving the character and appearance of the local area.

- 17) No development shall take place above slab level until precise details of the eaves and verges have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and shall be completed prior to first use or occupation and retained for the lifetime of the development.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing buildings and to preserve the character and appearance of the local area.

- 18) No development shall take place above slab level until precise details of the rainwater goods have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and retained for the lifetime of the development.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing buildings and to preserve the character and appearance of the local area.

- 19) No development shall take place above slab level until large scale elevation and section drawings of windows, doors, shutters or louvres have been submitted to, and agreed in writing, by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and retained for the lifetime of the development.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing buildings and to preserve the character and appearance of the local area.

- 20) No development shall take place above slab level until details of all boundary treatments and edging, including all kerbstones, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be implemented in full accordance with the approved details and retained for the lifetime of the development.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing buildings and to preserve the character and appearance of the local area.

- 21) A sample panel of brickwork for the walls, no less than 1 metre square, is to be constructed and photographs submitted to and agreed, in writing, by the Local Planning Authority. The agreed sample panel shall remain on site for the duration of the construction phase. The development shall be implemented in full accordance with the approved details.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing buildings and in the interests of preserving the character and appearance of the local area.

- 22) A lighting scheme shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall specify the level of illumination and the measures that would be taken to control light pollution. More specifically, it shall ensure that:

- Each pole or wall mounted light would be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical;
- All pole or wall mounted lighting would be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 0%;
- An isolux diagram, with contour lines of 0, 1 and 2 lux, is submitted showing the predicted luminance in the vertical plane at critical locations on the boundary of the site and at adjacent sensitive properties, including those within the scheme where appropriate; and
- It complies with the relevant Institution of Lighting Professionals Guidance Note so that it is the minimum needed for security and operational processes and installed to minimise potential pollution caused by glare and spillage.

The development shall be implemented in full accordance with the approved details and retained for the lifetime of the development.

Reason - To secure an orderly and well-designed finish that is sympathetic to the character of the existing buildings, to preserve the character and appearance of the local area and to protect the living conditions of existing and future residents.

- 23) Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), there shall be:

- a) no enlargement, improvement, insertion of new openings or other alteration of any dwelling houses;
- b) no garage, car port, fence, gate, wall or any other means of enclosure, building or structure erected; and
- c) no change to the render colour or external hard surfaces.

except pursuant to the grant of any planning application made to that effect.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of preserving the character and appearance of the local area and to safeguard local distinctiveness.

- 24) All first-floor habitable rooms shall be fitted with either System 3 (Continuous Mechanical Extract) or System 4 (Continuous Mechanical Supply and Extract with Heat Recovery) extractors. Full details of the ventilation scheme, including its own noise output, shall be submitted to and approved, in writing, by the Local Planning Authority prior to installation. The approved works shall be carried out as agreed and retained for the lifetime of the development.

Reason - To ensure suitable living conditions for the future residents of the proposed dwellings.

- 25) Windows to habitable rooms in facades facing the car park and public house shall have a glazing specification of 35 dB(A) Rw. All other windows to habitable rooms shall be glazed to a specification of 32 dB(A) Rw. Full details of the glazing scheme shall be submitted to and approved, in writing, by the Local planning Authority prior to installation. The approved works shall be carried out as agreed and retained for the lifetime of the development.

Reason - To ensure a good level of residential amenity for future residents of the dwellings.

- 26) All Air Source Heat Pumps shall be limited to the 'Aerona HPID6R32' and each unit shall be installed at a minimum distance of 2 m from any neighbouring residential property boundary.

Reason - To ensure adequate living conditions for existing and future residents.

- 27) All construction works and ancillary operations, which are audible at the site boundary shall be carried out only between the hours of 08:00 and 18:00 on Mondays to Fridays and between the hours of 09:00 and 13:00 on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

Reason - To protect the living conditions of existing residents in the area.

- 28) No burning of any material shall take place on the site during the site clearance and construction phases.

Reason - To protect the living conditions of nearby neighbours in the area.

- 29) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved, in writing, by the Local Planning Authority. The WSI shall include the following:

- A programme and methodology of site investigation and recording;
- A programme for post investigation assessment;
- Provision for analysis of the site investigation and recording;
- Provision for the publication and dissemination of the analysis and records;
- Provision for archive deposition of the analysis and records; and
- Nomination of a competent person or persons to undertake the works set out within the WSI.

The site investigation shall be completed after site clearance but prior to any ground works associated with demolition or construction activities.

Reason - To safeguard archaeological assets within the approved development boundary and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets.

- 30) No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and

approved, in writing, by the Local Planning Authority in accordance with the programme set out in the WSI approved under Condition 29.

Reason - To safeguard archaeological assets within the approved development boundary and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets.

- 31) The protection of trees to be retained on the site shall be carried out in accordance with the Arboricultural Impact Assessment (Bright Green Environmental Consultancy Ltd) dated 24th July 2023 and the requirements of BS 5837 2012.

Reason - To safeguard existing trees through the development of the site.