

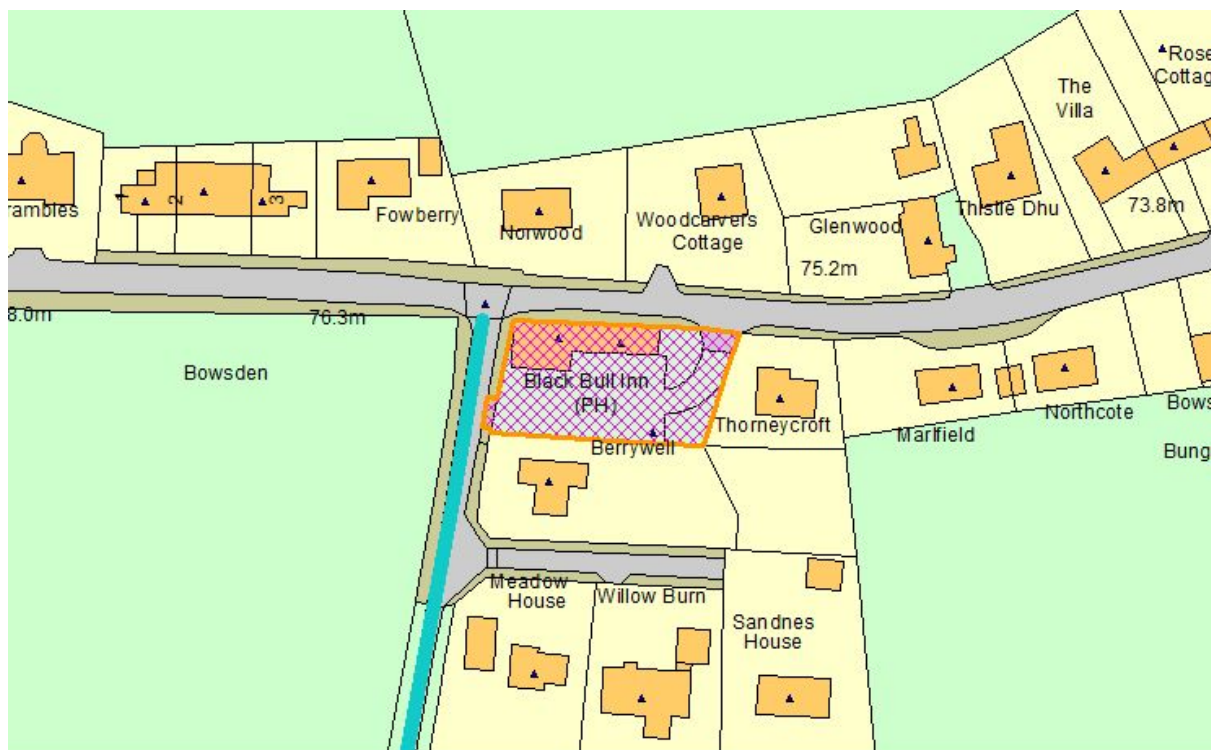


Northumberland County Council

Virtual Strategic Planning Committee 7th July 2020

Application No:	19/02150/FUL		
Proposal:	Proposed demolition of former public house and erection of 2no. dwellinghouses.		
Site Address	Black Bull Inn Bowsden Berwick-Upon-Tweed Northumberland TD15 2TN		
Applicant/ Agent	Mr Aidan Hume, Aidan Hume Design, 113 Channel Street Galashiels Scotland, TD1 1BN		
Ward	Norham And Islandshires	Parish	Bowsden
Valid Date	22.07.2019	Expiry Date	19.08.2019
Case Officer Details	Name: Mrs Haley Marron Job Title: Senior Planning Officer Tel No: 01670 625 547 Email: haley.marron@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 On 12th May 2020 the Council's Cabinet and the Chief Executive agreed amendments to the constitution and governance measures in response to the coronavirus pandemic. As a result of these measures, this application has been reviewed by the Director of Planning and the Chair and Vice Chair of Strategic Planning Committee and it has been determined that the application should be determined by the Virtual Strategic Planning Committee.

2. Description of the Site and the Proposals

2.1 The application site relates to Black Bull Inn in Bowsden. The Public House is currently vacant. The former public house is of stone and render construction with a mixture of pantile, flat and sheeted roofs. The property sits gable on to the road with main access and car parking to the rear of the site. It is understood the Public House formally closed in 2014.

2.2 Full planning permission is sought for the erection of two, two storey detached dwellings with associated garden space, access and car parking.

3. Supporting Information

- Planning Statement
- Bat and Bird Survey
- Supporting Statement re Public House Viability

4. Planning History

Reference Number: C/90/B/651

Description: Outline application for residential development for six dwelling houses on land connected to pub.

Status: Permitted 13th November 1990 - EXPIRED

Reference Number: N/99/B/0023

Description: Change of use from public house to dwelling.

Status: Permitted 5th March 1999 - EXPIRED

5. Planning Policy

5.1 Development Plan Policy

Berwick Local Plan (BLP) - 1999

F1 Environmental Wealth

F4 Intermediate Area of Landscape Value

F31 Social and Economic Welfare

M14 Car Parking Standards

5.2 National Planning Policy

National Planning Policy Framework (2019) - NPPF

National Planning Policy Guidance (2019) - NPPG

5.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications as submitted 29th May 2019

STP 1 Spatial strategy (Strategic Policy)

QOP 1 Design Principles (Strategic Policy)

QOP 2 Good Design and Amenity

TRA 1 Promoting Sustainable Connections (Strategic Policy)

TRA 2 Effects of Development on the Transport Network

TRA 4 Parking Provision in New Development

ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

ENV 2 Biodiversity and Geodiversity

ENV 7 Historic environment and heritage assets

INF 3 Local village convenience shops and public houses

5.4 Other Documents/Strategies

National Design Guide (2019)

6. Consultee Responses

Bowsden Parish Council	<p>Objects to the application on the following grounds</p> <ol style="list-style-type: none">1. The site is too small for the number, size and style of the houses proposed.2. The proposal of 2 x up to 5 bedroom 1.75 storey high quality houses is out of character with the established surrounding houses. The proposal therefore does not respect the scale and proportions of the surrounding housing.3. The proposed houses are rear facing to the main road. Bowsden is a linear village with all housing front door facing the main road.4. There is a possible overlooking issue that may affect the privacy and enjoyment of neighboring gardens.5. Hedgerows on the eastern and part of the southern boundary should be proved as they provide wildlife habitat and important screening for neighboring properties (Berrywell and Thorneycroft). Grubbing out of hedges would be unacceptable.6. Landscaping proposed on the northern edge of the site could endanger traffic on or entering the C14 main road.7. The site hosts a glass recycling point for the community. Suitable alternative arrangements would need to be made.8. The parish council are unsure as to whether the application meets the "Self-Build and Custom Build" criteria and ask planners to check before affording it any weight or influence.
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	<p>9. The Black Bull is akin to an Asset of Community Value. It is a landmark and iconic part of Bowsden village.</p> <p>10. The parish council disagree with the dismissal of the relevance of the July 2018 Draft Northumberland Local Plan in deciding this application.</p> <p>11. The parish council does not believe that there is a housing supply or shortfall problem in Bowsden for this application to help overcome.</p>
Highways	No objection subject to conditions
Building Conservation Officer	On balance we consider the Black Bull Inn has a degree of heritage significance meriting consideration in planning decisions and paragraph 197 is engaged. This will require a balanced judgement in the planning process. In this instance the loss of the NDHA would be total although building recording could be conditioned to address any evidential value. In reaching the balanced judgement we recognise the building would fall significantly short of statutory listing criteria.
Countryside/ Rights Of Way	<p>Parish of Bowsden Byway Open to All Traffic No.21 passes adjacent to the west of the proposed site.</p> <p>I have no objection to the application on the condition that the public right of way is protected throughout.</p>
County Ecologist	No objections to the proposals on ecological grounds are raised on condition that the avoidance, mitigation and enhancement measures detailed in the report are carried out in full together with some simple enhancement measures.
Northumbrian Water Ltd	<p>Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:</p> <p>Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:</p> <ul style="list-style-type: none"> ' Discharge into ground (infiltration) ' Discharge to a surface water body ' Discharge to a surface water sewer, highway drain, or another drainage system ' As a last resort, discharge to a combined sewer

7. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	9
Number of Support	0
Number of General Comments	0

Notices

Site notice - Public Right of Way 2nd August 2019

Berwick Advertiser 15th August.2019

Summary of Responses:

9no. objections have been received in response to the publicity of the application. The objections can be summarised as follows:-

- No need for housing
- Site too small for 2no. dwellings
- Out of character
- Too high and too many dwellings for the site, overdevelopment.
- Loss of amenity, privacy and overlooking concerns
- The pub is an asset to the village bringing character
- The pub should be brought back into use
- The pub sector is in decline but bringing the pub back into use would breathe new life
- Parking concerns
- Access and visibility concerns
- The pub is a landmark building and should be retained for other community uses
- The single storey additions should be demolished for a bungalow to sit along side the pub
- The previous planning permissions for housing have expired and are not relevant
- Impact on bats and birds

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

8. Appraisal

8.1 The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan for the area within which the application site is located, comprises the saved policies of the Berwick upon Tweed District Local Plan 1999 (Saved Policies 2007).

8.2 In accordance with paragraph 48 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF; and the extent of unresolved objections to the emerging plan. The Northumberland Local Plan is subject to Examination In Public. In accordance with the NPPF; the policies contained within the document at this stage carry some weight in the appraisal of planning applications.

8.3 The main issues in the consideration of this application are:-

- Principle of Development
- Impact on Amenity
- Impact on Character
- Impact on Heritage Assets;
- Parking and Highway Safety;and,
- Ecology & Biodiversity matters.

Principle of Development

Location

8.4 The NPPF seeks to promote sustainable development. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element.

8.5 The NPPF then establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

8.4 Berwick Local Plan Policy F1 gives primary importance to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.

8.5 Berwick Local Plan Policy F4 is underpinned by F1 as an area based policy that supports development that;

- i) is within or immediately adjoining an existing settlement;
- ii) accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access;
- v) accords with policies elsewhere within the plan.

8.6 Policy F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.

8.6 The application site is located within the settlement of Bowsden and is therefore a suitable location for housing development in locational terms. Furthermore the site would constitute previously developed land and represents efficient use of land. The proposal would also provide a small increase in market housing provision in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services.

Loss of Public House

8.7 The NPPF supports a prosperous rural economy and Paragraph 83 states that “planning policies and decisions should enable:.....d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship” .

8.8 The NPPF Paragraph 92 states that “planning policies and decisions should:.....c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” .

8.9 Furthermore the emerging Northumberland Local Plan carries some weight and Policy INF 3 Local village convenience shops and public houses is relevant to the application. Policy INF3 states that Proposals that result in the loss through demolition, redevelopment or change of use of local convenience shops and public houses in villages will not be supported unless it can be demonstrated that:

- a) equivalent accessible provision is available locally; or
- b) the continued use of the shop or public house for its current use is no longer needed to meet community needs; or
- c) the continued use of the shop or public house for its current use is no longer economically viable.

8.10 Significant objection has been received regarding the loss of the Public House with many expressing the importance of the Public House to the community. Many representations consider that the Public House should be brought back into use.

8.11 To support their application the applicant has submitted further information in respect of viability of the Black Bull Public House. They have provided further information regarding occupancy and marketing of the site. The key points made by the applicant are :-

- The property was purchased in 2010 following a period of prior vacancy
- It ceased trading in 2013 due to unsustainable trading and lack of custom
- Takings did not cover utility costs
- Formally closed in 2014 - some six years ago
- The property has stood vacant for a considerable period of time
- The Public House was advertised in 2016 and again in 2018 with no interest
- The building continues to fall into considerable disrepair

8.12 The information submitted by the applicant has been independently assessed and verified by external consultants who specialise in licensed and leisure property. The Local Planning Authority has been provided with a report to verify the applicants' submission. The Local Planning Authority has been advised that the operation of a Public House in this location would be unviable and therefore its retention is not justified. The reasons are based on CAMRA (The Company for Real Ale Organisation) recognised objective testing to establish the viability of pub businesses. The reasons given are set out below.

- Turnover / profit is not likely achievable having regards to small population of Bowsden and the Ward

- There are no substantial residential industrial or strategic projects proposed within the area that will generate a significant influx of customers.
- Bowsden has no tourism draw 'of its own'
- Bearing in mind the limited resident population within the ward it is considered that there is already a substantial supply of public houses to cater for both resident and visitor alike (within 5 mile radius).
- The building lacks flexibility. The building is not particularly large and the arrangement of the accommodation does not lend itself to modern licenced usage.
- There is public transport to the village of Bowsden albeit on a limited basis. As such we do not consider the subject property is necessarily accessible by those other than pedestrians or vehicle drivers.

8.13 The report notes marketing of the application of the site in 2016 and verifies that carried out in 2018.

8.14 The report also considers the Public House industry nationally having regards to rising costs, market trends, changing dynamics in alcohol consumption and increasing legislation. It also considers the fall in the number of Public Houses in Northumberland generally which taken together present high risk.

8.15 The report concludes having regards to its vacancy for 6 years, the marketing of the site and all of the bullet points above that the application site represents too high a risk, which would incur significant investment cost. As such it is considered that the property is a viable site for a public house.

8.16 It is important to note that the full report is available to view via Public Access on the Council's website Business Viability Assessment of Former Black Bull, Bowsden 27th February 2020 - produced for the Local Planning Authority by Sanderson Weatherall.

8.17 Having regards to the above and all representations received, it is considered that the demolition of the Public House to make way for housing acceptable in principle. The application is therefore considered to comply with F1, F3 and F31 of the BLP and paragraph 83 of the NPPF and Policy INF3 of the emerging Northumberland Local Plan.

Impact on Amenity

8.18 The NPPF advocates the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

8.19 The nearest residents to be directly affected by this development are located immediately opposite and to the rear and to the eastern side. Objections have been received on the grounds the development will impact on amenity.

8.20 It is accepted that the development would impact on resident's general visual amenity because the site would change in character from a Public House to a housing development. However, it is important to consider other standards of amenity relating to privacy, outlook, light and overbearing impact.

8.21 Directly opposite the site the separation distance between the development and Norwood (bungalow) is approximately 22m. The separation distance between the Woodcarvers Cottage (bungalow) is 25m. Separation distances for two storey to one storey development is expected to be 21m. These distances are therefore acceptable.

8.22 To the east the development sits gable to gable with Thorneycroft at 14m apart. The development also broadly sits in line with Thorneycroft meaning impact on their amenity would not be significant. Here the proposed gable to gable arrangement is acceptable in terms of amenity.

8.23 To the rear of the site is Berrywell a two storey detached property. The rear of the proposed development would face the gable of this property. The gable of this property has no windows and is a blank elevation. There are roof lights to the side roof slope. Here the separation distances are 15m. This distance is deemed acceptable where usually 12m is considered acceptable. The separation distance should ensure the amenity of Berrywell is protected.

8.24 Having regard to the above it is considered that the proposals would not have an adverse impact on the living conditions of existing residential neighbours.

8.25 In the context of the above, the proposals are considered to be in accordance with the NPPF in relation to amenity.

Impact on Character of the Area

8.26 The NPPF sets out its core planning principles to be applied in plan-making and decision-taking, outlining steps to harbour good design as a key aspect of sustainable development, create better places in which to live and work and help make development acceptable to communities.

8.27 Policy F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.

8.28 Policy F4 of the BLP is underpinned by F1 as an area based policy that supports development that;

ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access.

8.29 Significant objection has been received in response to publicity of the application expressing concerns regarding the impact of the development on the character of Bowsden.

8.30 Bowsden is a linear settlement comprising intermittent single storey and two storey development along the central spine road. Development is predominantly brick and stone construction with some render, with buildings set back from the road.

8.30 Immediately surrounding the application site are bungalows opposite and to the east. Immediately to the rear of the site housing is higher with a two storey property at Berrywell and larger single storey properties, with dormer windows to the roof slope.

8.31 Full planning permission is sought for two, two storey detached dwellings to be constructed of roughcast render, chimneys, brick detailing, timber fascias and precast cills. Dormer windows and roof lights are proposed to the main facing elevation. The dwellings are to be set back from the main road.

8.32 The proposed dwellings are considered acceptable in terms of height, layout, design approach and materials having regards to the varying heights within the settlement and higher dwellings immediately to the rear of the site. The traditional design approach and materials are in keeping with the material palette of the settlement.

8.33 It is noted that the main elevation of the dwellings face south. It is noted this is at odds with the overall character of the settlement however it is clear that design cues have been taken from the orientation and design of the Public House and the orientation of the two storey property to the south which sits gable on, when viewed from the main spine road. On balance it is considered that the proposals are acceptable and are not considered to harm settlement character overall.

8.34 On balance the development is considered to be acceptable having regards to its impact on the character of the area. The application complies with Policy F1 and F4 of the Berwick Local Plan and the provisions of the NPPF.

Impact on Heritage Assets

8.35. The NPPF Paragraph 197 of the states 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.

8.36 The Planning Practice Guidance at paragraph 39 states that Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

8.37 Objections to the application have been received to the application on heritage grounds.

8.38 The application site does not benefit from statutory listing nor does it fall within a designated Conservation Area. The Black Bull Inn has however been identified as a Non-designated heritage asset by the Council's Building Conservation Officer.

8.39 The Council's Building Conservation Officer advises that 'on balance the Black Bull Inn has a degree of heritage significance meriting consideration in planning

decisions and paragraph 197 is engaged. This will require a balanced judgement in the planning process. In this instance the loss of the NDHA would be total although building recording could be conditioned to address any evidential value. In reaching the balanced judgement we recognise the building would fall significantly short of statutory listing criteria'.

8.40 Having regards to the above and all representations received it is considered that retention of the building on heritage grounds is not justified. Taking into account the length of time the the Public House has stood vacant; the advice that a Public House would be high risk / unviable; and that fact that new housing in this location would make efficient use of land and complement its surroundings are important factors in the planning balance.

8.41 However and in accordance with the Building Conservation Officers advice, it is recommended that the Black Bull Inn be formally recorded prior to its demolition. This matter could be secured by a planning condition.

8.42 Having regards to the above it is considered the proposal is acceptable in heritage terms. The proposal complies with Chapter 16 of the NPPF.

Highway Safety

8.43 The NPPF seeks to ensure highway safety and states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.44 The application proposed each dwelling to have its own access and curtilage within the site.

8.45 It is noted that representations have been received expressing concerns to the proposal on highway safety grounds with particular reference to parking, access and visibility splays.

8.46 The Highways Development Management (HDM) team have been consulted on the application. Having considered all aspects of the application they advise no objections to the proposal subject to standard highway conditions.

8.47 There is a Public Right of Way adjacent to the site. The Countryside Rights of Way have been consulted and confirm no objections to the application providing the public right of way is protected during construction.

8.48 Having regards to the above the development is considered to be acceptable in highway terms in accordance with the NPPF.

Ecology

8.49 The NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem

services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

8.50 Policy F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.

8.51 Given the age and location of the building the key ecological issue for this application is the impact of the development on bats on site. The application has been accompanied by a Bat and Bird Survey.

8.52 It is noted that local representations have been received expressing concerns regarding the impact of the proposal on wildlife. However the Council's County Ecologist has been consulted on the application. He confirms there are no ecological grounds to object to this application and recommends planning conditions relating to mitigation measures.

8.53 The development is considered to be acceptable in ecological terms having regards to Policy F1 of the BLP and provisions of the NPPF.

Equality Duty

8.54 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

8.55 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

8.56 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

8.57 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been

decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

8.58 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

9. Conclusion

9.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

9.2 The principal of housing is acceptable in locational terms and having regards to the loss of the Public House and development on Previously Developed Land. The loss of the Public House has been assessed and independently verified and it has been concluded a Public House would be unviable.

9.3 The proposals are acceptable in terms of amenity. The development achieves acceptable standards of separation to protect the amenity of existing residents having regards to privacy, outlook, light and overbearing impact.

9.4 The proposals are acceptable in all other respects having regards to technical matters including highway safety and ecology. The development is also acceptable in terms of impact on heritage assets having regards to the balance of issues.

9.5 The impact on the character of the area has been assessed and on balance the proposals are deemed acceptable. The layout, height, design approach and construction materials are acceptable. The issue of orientation is noted, however given the proposals in the round and the merits of the proposal, the development is supported.

9.6 All representations are noted. The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

10. Recommendation

That this application be GRANTED permission subject to the following conditions:-

Conditions

01. The development hereby permitted shall be begun before the expiration of

three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

Plans

1. Proposed Site Layout AH034 SP01 A
2. Proposed House Plans and Elevations AH034 P01 A
3. Existing Site Plan AH034 ESP01

Documents

Ecological Assessment & Bat Survey September 2019 David Dodds Associates Ltd., 13.9.19

Reason: To ensure the development is carried out in accordance with the approved plans.

03. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

04. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

05. Development shall not commence until a Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

06. Notwithstanding the details submitted the development shall not be occupied

until details of modified access (reduction in size of access area) on western elevation of the site (Type 'A') and reinstatement of footway adjacent for redundant access areas, including a footway to the north west corner of the site. Transitions and droppers arrangement. Dropped kerbs to get from footway on opposite side of road to site (both plots) and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

07. Notwithstanding the details submitted the development shall not be brought into use until details of visibility splays at the site accesses, together with junction at the north west corner of the site (C14/U1028 road), have been provided at a point 2.4m back from the carriageway edge, measured along the centreline of the access, for a distance of 43m. in each direction, measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any obstruction exceeding 1.0m above adjoining nearside

carriageway level

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

08. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Former Black Bull Inn, Bowsden Ecological Assessment & Bat Survey September 2019', David Dodds Associates Ltd., 13.9.19) including, but not restricted to, inclusion of bat and/or swift bricks in the structures of the new dwellings with numbers (at least 1 per dwelling), types and locations to be submitted to, and agreed in writing with, the LPA before works commence; adherence to timing restrictions; adherence to precautionary working methods; adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2018; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; an updating active season bat and bird nesting survey to be carried out in the event that demolition works do not commence before the end of May 2021 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.

Reason: To maintain the favourable conservation status of protected species.

09. No removal of vegetation shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.'

Reason: To protect nesting birds, all species of which are protected by law.

10. All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species.

11. A detailed landscape planting plan, including the planting of locally native

trees and shrubs of local provenance, shall be submitted to and agreed in writing with the LPA with the planting to be fully implemented during the first full planting season (November ' March inclusive) following the commencement of development'. Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

12. Boundary Treatments

The development shall not be occupied until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Visibility splays are required to be maintained unobstructed in accordance with the approved details at all times .

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework.

13. Construction Noise

During the construction period, there should be no noisy activity i.e. audible at the site boundary on Sundays or Bank Holidays, or outside the hours Monday - Friday 08:00 - 18:00 and Saturday 08:00 - 13:00.

Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

14. Materials

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) have been made available for inspection on site and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of the NPPF.

15. Recording

No development / demolition shall commence until a scheme for the recording of Black Bull Public House has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recording shall be carried in accordance with the approved scheme.

Reason: The Public House is a non designated heritage asset and must be recorded in accordance with Paragraph 197 of the NPPF.

Informatives

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low but there remains a small risk that individual animals may be encountered during works.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

Background Papers: Planning application file(s) 19/02150FUL