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## Appeal Decision

Site visit made on 29 April 2015

**by Elaine Benson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 May 2015**

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**Appeal Ref: APP/G2435/W/15/3002627**

**3 Top Street, Appleby Magna, Swadlincote DE12 7AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs P Kavanagh against the decision of North West Leicestershire District Council.
  - The application Ref 14/00251/OUTM, dated 21 March 2014, was refused by notice dated 3 September 2014.
  - The development proposed is erection of 12 dwellings.
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### Preliminary Matters

1. The appeal application was made in outline with only access and layout for determination at this stage. Indicative drawings indicating the overall scale and appearance of the proposed development are for illustrative purposes only.
2. The appeal is accompanied by a Unilateral Undertaking made under Section 106 of the above Act. This is addressed further below.

### Decision

3. The appeal is allowed and planning permission is granted for erection of 12 dwellings at 3 Top Street, Appleby Magna, Swadlincote DE12 7AH in accordance with the terms of the application, Ref 14/00251/OUTM, dated 21 March 2014, subject to the conditions on the attached Schedule.

### Main Issues

4. One of the reasons for refusal states that insufficient information had been submitted to ensure that the development would not harm archaeological remains at the site. The appellants subsequently commissioned an archaeological evaluation of the site which was submitted with this appeal. It concludes that the archaeological potential of the site is low and that any below-ground archaeology is confined to the post-medieval period. The Council concurs with this view and does not now wish to contest the second reason for refusal. Having regard to all of the relevant evidence, there are no reasons to disagree with the conclusions of the archaeological evaluation.
5. Having regard to the above, the remaining main issues in this appeal are the effects of the proposed development on the significance of the settings of Appleby Magna Conservation Area (CA), nearby listed buildings and a scheduled monument, all of which are designated heritage assets.

## Reasons

6. The Planning (Listed Buildings and Conservation Areas) Act 1990 statutorily requires that when determining planning applications special regard should be had to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of a conservation area. These requirements are similar to those set out in the National Planning Policy Framework (the Framework). National and local planning policies also require an assessment of the effect of new development on the setting of scheduled monuments. To promote sustainable development, among other things, the Framework seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.
7. Having regard to the definition of setting set out in the Framework, the appellants' heritage evidence includes assessments of the principal designated heritage assets referred to by the Council in order to identify the factors that contribute to their setting and significance, the importance of their inter-relationships and the contribution of the appeal site to their significance. These conclusions have not been contested by the Council which has not carried out a similar appraisal.

### **Appleby Magna Conservation Area**

8. Appleby Magna was originally a rural farming community, as indicated by archaeological evidence. This is also apparent from the groupings of farmhouses, their outbuildings and cottages along the main roads around the village, including Top Street. The Council's Conservation Area Appraisal and Study (2001) (CAA) indicates that the character and appearance and heritage significance of the CA lies in the architectural interest of the individual buildings within it and in the relationships between them. The diversity of building design and layout derived from the slow growth of the village core also contributes to this character and existing 20<sup>th</sup> century development has impacted on the setting of the village and the significance of the CA.
9. Paragraph 1.2 of the CAA states that it *outlines the historical development of the settlement and defines the special interest, character and appearance of the built and natural environment within and surrounding the existing Conservation Area boundaries*. The CAA therefore includes in its assessment the contribution that the rural landscape outside the CA boundary makes to the area's special character and overall significance. The Village Design Statement (VDS) which is adopted Supplementary Planning Guidance (SPG) also identifies the importance of the village's rural surroundings to its character.
10. However, the CAA does not specifically refer to the appeal site and it was not included in the CA when its boundaries were reviewed during the preparation of the CAA. This implies that the appeal site was not considered to make such an important contribution to the character and appearance of the CA, or its significance, as is now claimed. Within this context, and noting that the role of the CAA is to describe, analyse and assess the values and significance of the CA, both in its parts and as a whole, I am not convinced by the evidence of the Council and the former English Heritage<sup>1</sup> that the importance of the appeal site as providing a strong contrast between the rural landscape and the historic village is as significant to the character and appearance of the CA as is now

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<sup>1</sup> Now Historic England

suggested, notwithstanding that the site helps, to a degree, to define the historic relationship between the settlement and its agricultural setting.

11. There are extensive views of open countryside from the appeal site looking northwards. It is not adjacent to open fields to the east as it is bounded by the Jubilee Business Park complex of converted barns and newer buildings. The proposed development would extend no further towards the neighbouring field than these commercial buildings. The proposed development would lead to a loss of open land and the physical and visual separation of the Business Park from the village. However, the impact of this on the wider landscape would be limited due to the site's partial containment. In my opinion the important relationship, or transition, between the village and the countryside would remain intact.
12. The scale of the proposed dwellings would be controlled at reserved matters stage and subject to details there is no substantiated reason to believe that the proposed dwellings would be dominant within the streetscene or that they would harm the setting of the CA, despite the appeal site's rising ground levels. Furthermore, the proposed development would not be prominent in views from along Snarestone Road which is at a significantly lower level than the appeal site, particularly when the hedgerow along the roadside edge of the site is also taken into account. The illustrative belt of landscaping and gardens along the side of the road would maintain the verdant boundary and this could be controlled at reserved matters stage.
13. The scheme would thus maintain the rural character at the edge of the road which the VDS seeks to retain and there would still be a field at the 'gateway into the village', on the opposite side of Snarestone Road. Due to their different qualities and characteristics, I am not persuaded that the appeal site is read in conjunction with the field opposite. Although it is open land the appeal site does not in my view exhibit the rural tranquillity experienced when walking along the footpaths in the adjacent field and the paddock on the opposite side of Snarestone Road. For the same reasons I consider that there would be no harm to the views from the footpaths passing near the site. Although it would be visible, I do not consider that the proposed development would be unduly prominent in views of the appeal site from the public footpath to the north of the site (Q8) due to the distances involved and the screening by field hedges. The view along Snarestone Road from Top Street is restricted by the varying topography and provides only limited views of the rural area around the village. The fact that a development would be visible is not in itself a reason to prevent it.
14. Turning now to the front of the appeal site, planning permission was granted in 2013 for the erection of 2 houses on the front of the appeal site which falls within the CA boundary. They would replace outbuildings and would face onto Top Street which is one of the main streets in the village. The proposed dwellings on plots 1 and 2 would be in the same location as the approved pair of semi-detached houses. In my view, development on the front part of the appeal site would have a greater and more direct effect on the character and appearance of the CA and its setting than the proposed development to its rear. Views of the appeal site and land beyond it from Top Street are not entirely open due to the presence of the outbuildings and the approved and proposed developments would also limit views of the open land to the rear,

diminishing any sense of bringing the countryside into the village in this location.

15. I have considered the submitted plan which shows a number of approved greenfield housing sites in the village and saw them during my site visit. Their scale of development and contexts are materially different to those in this appeal, however a number are adjacent to the CA and take up open land around the village. Notwithstanding that each application is determined on its own merits, the difference in approach between these schemes and the appeal proposal in this regard is not convincingly justified.
16. Having regard to the previous consent at the appeal site and all of the other matters discussed above, I conclude that the appeal proposal would not harm the character or appearance of the CA or its setting or their significance.

### ***Settings of the listed buildings and the scheduled monument***

17. At the medieval core of the village is the Grade II\* listed 14<sup>th</sup> century Church of St Michael which was restored during the 19<sup>th</sup> century. Nearby is the Grade II\* listed 16<sup>th</sup> century Moat House with gatehouse and associated Grade II listed dovecote. The latter heritage assets are part of the scheduled moated site of a former medieval manor house, fishponds and settlement earthworks remains which were later converted into formal gardens. These heritage assets were the focus of the early occupation of Appleby Magna, as evidenced by the greater archaeological interest in the land to the west of the village. The significance of the heritage assets is derived from their architectural, historic and archaeological interest and their historic inter-relationships as recognised by the appellants and the CAA.
18. The Council and Historic England state that the open land to the east, which includes the appeal site, is significant to the setting of the heritage assets, their appreciation and understanding. However, this area has not been formally recognised in this way and the appeal site is not within the CA. As set out above, Appleby Magna was originally a farming community and the appeal site is likely to have been in agricultural use since medieval times. It is therefore part of the overall agricultural, social and economic structure of the village. However, this does not in itself necessarily imply that the appeal site contributes to the significance of the Church or the moated site.
19. Views to or from a heritage asset play an important part in defining setting which can also be influenced by other non-visual factors. The significance of the Church as the historic focus of spiritual and communal activity is informed by its visual prominence within the wider surroundings. The Church is also a prominent landmark in the village and from the surrounding countryside, in particular its tower and spire. However, the Church is not as prominent when viewed from the eastern side of the village. Only the upper part of the Church spire is visible from the appeal site as it is viewed within the context of the roofs of buildings in between, including those on Top Street. The appeal site cannot be seen from the Church.
20. Views of the spire from the appeal site and from footpath Q25, off Snarestone Lane, would be interrupted by the 2 approved and proposed houses at the front of the appeal site. However, in the existing views the Church is experienced within the context of other buildings in the village. The views would be little changed by the proposed development behind the frontage

houses resulting in a limited additional effect on the setting of the Church. Overall, I conclude that the effect of the proposed development on its significance would be neutral. The Church would continue to be seen as an important and prominent listed local landmark and its setting would be preserved.

21. The Moat House and dovecote derive much of their significance from their built form and fabric and their spatial and functional associations with the scheduled moated site. The significance of the moated site is founded largely on its architectural, historic and archaeological interest which is related to the development of the early settlement which is described above and to its visual, spatial and historic associations with the Church. The moated site stands on low-lying land and its visual and physical presence within the landscape is limited to the area around it. As I observed during my site visit, there are no views of the appeal site towards or from the heritage assets forming the moated site due to topography and intervening buildings. There is therefore no physical or visual experience of the scheduled monument either from the appeal site or the footpaths surrounding it, and none from the scheduled monument towards the site.
22. The appeal site does not therefore contribute to the setting of the scheduled monument or to the experience of the setting. Consequently, nor would the proposed development. I conclude that the appeal proposal would not harm the settings of the designated heritage assets in the moated site and their overall significance would be preserved.
23. In terms of other heritage assets near the appeal site, numbers 1 (Hill House), 8, 12, 14 and 16 Top Street and the Black Horse Inn public house and the K6 red public telephone kiosk on the verge at the front of the site are Grade II listed. The unlisted No 3 Top Street and its outbuildings are identified as buildings of interest.
24. The appeal site has a direct of visual relationship with those listed buildings alongside it on Top Street. However, as indicated above the scheme of 2 semi-detached houses on the site frontage was granted planning permission. It can therefore be assumed that the Council found no adverse effects on the character and appearance or on the setting of listed and unlisted buildings. As this same development is incorporated into the appeal proposal, but with additional dwellings built towards the rear of that site, there would be no additional impacts on the listed buildings on Top Street or their settings. Furthermore, no known historical or functional associations between the appeal site and these heritage assets have been identified. The Council does not state that the appeal proposal would adversely affect the settings or significance of these heritage assets and there are no reasons to disagree.
25. Hill House is an altered 18<sup>th</sup> century building to the north of the appeal site, separated from it by a paddock. Its significance is derived from its architectural and historic interest, the contribution it makes to the overall character of the local area, its prominence within the street scene and the relationship with the other listed buildings along the Top Street, all of which reflect the historic development of the village. As set out above, the proposed development would not have any impact on the setting of Hill House within views from the street. However, the back of the house has open views of the countryside which contribute to its setting. This elevation can also be seen from the appeal site.

As the proposed development would extend into the paddock behind No 3, there would be oblique views of it from Hill House. However, the main views from the listed building would continue to be across open countryside. I conclude that the views to or from the rear of Hill House would not be harmed; the proposed development would have a neutral effect on its overall significance and would preserve the setting of Hill House.

26. The previously approved development at the front of the site included a change to the setting of the listed telephone box. The setting would be the same in the proposed development. I agree with the Council that telephone boxes are often located to the front of buildings and the altered backdrop would not harm its setting or significance.

### **Conclusion on the Main Issues**

27. For the foregoing reasons I conclude that the proposed development would not harm the settings of the CA, the listed buildings identified above or the setting of the scheduled monument and would not harm the significance of these heritage assets. There would thus be no conflict with the objectives of the Framework to conserve heritage assets and to ensure that the significance of heritage assets is not lost through development within their setting. There are no saved policies within the North West Leicestershire Local Plan (LP) relating to the conservation of heritage assets or their setting.

### **Other Matters**

#### *Housing Land Supply and Sustainable Development*

28. The appeal site lies partly within and partly outside the Limits to Development as defined in the LP and is therefore a greenfield site. There is some debate about whether the Council has an adequate supply of housing land and further studies have been carried out. The Council also refers to a recent planning appeal<sup>2</sup> at Lower Packington Road in which the approach used in the Strategic Housing Market Assessment (SHMA) to establish Objectively Assessed Need was supported. Based upon this approach, the Council considers that it can demonstrate a supply of 6.08 years at February 2015 and that its LP Policies S3 and H4/1 which restrain the supply of housing and set out the circumstances under which development will be permitted outside Limits to Development are considered to be up-to-date.
29. However, these figures are not within an adopted plan, have not been tested by public examination and can be given limited weight. It is also noted that the Limits to Development as defined in Policy S3 were drawn up having regard to housing requirements only up to the end of the Plan Period, ie 2006. Furthermore, the Framework does not specifically seek to preclude development in the countryside, but encourages new development that enhances or maintains the vitality of rural settlements. Accordingly Policy S3 cannot be given full development plan weight in this decision.
30. Taking into account recent approvals, and with the additional 10 dwellings proposed in this appeal, the Council states that housing growth for the village at around 26% since 2006 and about 23% since 2011 is greater than the 17.3% projected for the District as a whole in the SHMA. This difference is not considered significant by the Council and I agree. Moreover, notwithstanding

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<sup>2</sup> APP/G2435/A/14/2217036

the conflict with the provisions of Policy S3 in respect of the 10 proposed dwellings to the rear of the site; the Council accepts that it is necessary to release a continuous supply of housing land to maintain the supply of housing land and raises no objections to the appeal proposal on the basis of housing land supply. I concur with this view.

31. As demonstrated by a number of approvals (some subject to a Section 106 Agreement) for residential development at the edge of the village, but outside the defined settlement limits, the Council considers Appleby Magna to be a sustainable location for the scale of new housing development proposed in this appeal, notwithstanding the views of some local residents that the cumulative effect of a number of new developments is harmful. There is good access to a range of local services and employment, although there is limited public transport provision. Notwithstanding the concerns set out in the reasons for refusal, the Council has no objection to the principle of housing development at the appeal site.
32. When considered in the round, including my conclusions on the main issues, I conclude that the proposed development can be considered a sustainable form of development which would contribute towards the economic and social dimensions of sustainability as required by the Framework.

#### *Unilateral Undertaking*

33. A completed Unilateral Undertaking (Undertaking) was provided with the appeal. This would secure on-site provision of 3 affordable dwellings (Plots 3, 4 and 5) in accordance with the Council's Supplementary Planning Document for Affordable Housing, Key Principles AH2 and AH3 to meet the housing needs of the local area. It would also provide for a children's play area to meet the needs of the development as required by LP Policy L21 and the Council's Play Area Design Guidance Note which constitutes SPG. The Undertaking would ensure compliance with an agreed construction traffic route to prevent harm to living conditions and address local traffic concerns.
34. The Undertaking would also secure financial contributions towards library and education facilities. The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) and a financial contribution is sought towards mitigation against harm from foul drainage discharge under the River Mease SAC Water Quality Management Plan.
35. There is sufficient evidence with this appeal to identify the policy background to these requirements. A detailed analysis of capacities and other requirements to justify the amounts sought have been provided and the specific amenities towards which the monies would be directed have been identified. I conclude that the undertaking is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind. There are no specific policies directly relating to planning obligations in the LP. However, the requirement for the financial contributions towards infrastructure is justified by the Leicestershire Planning Obligations Policy which was adopted following consultation and can accordingly be given significant weight. The provisions of the Framework are also relevant; particularly the need for planning to deliver social, educational and cultural facilities to meet local needs through appropriate mechanisms.

36. The tests in Regulation 122 of the Community Infrastructure Regulations 2010 and the Framework are satisfied. For the foregoing reasons I have taken into account in this decision the affordable homes, play space, controls during construction and financial contributions. Compensatory or mitigation measures are not considered as benefits as they address concerns arising from the development.

#### *Neighbour comments*

37. Comments from local residents, Appleby Magna Parish Council and Appleby Environment have been considered. In addition to those matters already addressed in my decision above, issues relating to the lack of local school places, drainage and sewerage, flooding and compliance with the guidelines within the VDS would be addressed at reserved matters stage, by the Undertaking and/or by the conditions I have imposed. The Highways Authority raises no objection to the proposal on highway safety grounds and there are no substantiated reasons to disagree. I agree with the Council that due to the distances between the existing and proposed dwellings and their orientations, there would be no harm to the living conditions of neighbouring occupiers. The application/appeal has been environmentally screened and a number of expert reports were provided in support of the proposal. I have had regard to all other comments made, including those relating to problems selling the houses and HS2, but none outweigh the conclusions I have set out.

#### **Overall Conclusion**

38. In accordance with the Framework, housing proposals should be considered in the context of the presumption in favour of sustainable development. Having found that the proposal would preserve the character and appearance of the CA in respect of the already approved 2 frontage dwellings and would not harm the setting, or the significance, of the identified heritage assets, I conclude that the proposal constitutes a sustainable form of development that would help to maintain the overall housing supply in the District and provide a mix of housing types. There are additional public benefits arising from the proposal including the provision of affordable housing, high-quality design and contributions towards public services and facilities. There are no adverse impacts that would significantly and demonstrably outweigh these identified benefits of the scheme.

#### **Conditions**

39. The main parties have each submitted a list of proposed conditions and have commented on those suggested by the other party. I have imposed conditions based on the guidance within the Planning Practice Guidance (PPG) and the application of the 6 tests. Some of the suggested conditions have been varied in the interests of precision and clarity. Where it has been agreed that previously suggested conditions should not be included, there is no need to address them further.
40. In addition to the standard outline planning permission conditions, it is necessary to impose a condition requiring details of the disposal of foul and surface water from the site which should also prevent any adverse impacts on the River Mease SAC. This condition makes provision for the disposal of foul and surface water by whatever methods are considered appropriate in accordance with the scheme to be approved by the local planning authority.



This could potentially include a SUDS system if that is considered appropriate. There is therefore no need to impose the revised condition suggested by the Council which is overly prescriptive.

41. I have imposed a condition requiring the provision of car parking for each dwelling to prevent parking problems in the vicinity of the appeal site. It is necessary to require the access and turning spaces to be provided in accordance with the approved details, surfaced with a hard material and to be of a suitable gradient to enable vehicles to enter and leave the highway safely, and to reduce the possibility of deleterious material being deposited on the highway. For similar reasons any gates etc that may be provided should be set back to ensure that vehicles stand clear of the highway and details of visibility splays are required. A condition is also required to ensure that during the construction period parking is provided within the site and the highway is kept free of material which could become a hazard for road users.
42. For the avoidance of doubt and to define the scope of this outline planning permission I have identified in a condition the approved drawings which relate only to the approved reserved matters of access and siting. The hours of construction and deliveries are controlled by a condition to protect amenities of the occupiers of adjoining properties during the construction period. Details of tree protection measures, including preventing the storage of materials etc adjacent to the trees, are required to preserve the health and amenity value of the existing trees on the site. Mitigation measures relating to bats and breeding birds are required by condition as buildings that are potentially suitable habitats for these species would be demolished.
43. It is necessary to control by condition the provision of external lighting at the fronts of the dwellings to protect the living conditions of adjacent occupiers. A condition is imposed to ensure that the existing outbuildings are demolished to prevent the coexistence of two related developments which together would harm visual amenities. The appellants object to the proposed condition to withdraw permitted development rights from the approved dwellings. Whilst I have concluded that the proposed development would not harm the setting of listed buildings or the CA, this is based on the approved layout which also reflects the spatial characteristics of the surrounding area. It is necessary to ensure that this does not change and that plot coverage does not become out of character as a result of exercising permitted development rights. In the specific circumstances of this appeal it is reasonable and necessary to withdraw permitted development rights relating to the enlargement of the dwellings and to ensure that no incidental buildings are provided without the planning authority's consent.
44. I have not imposed the condition No 14 suggested by the Council which seeks to ensure that sufficient capacity is available for the development within the local sewer/drainage network. This is because i) a drainage condition has already been imposed, ii) the condition does not meet the tests set out in the PPG, iii) a financial contribution is secured by the Undertaking which is intended to mitigate against harm to the River Mease SAC from foul drainage discharge, iv) the Council indicates that at March 2015 capacity is currently available at the treatment works for the proposed dwellings; and v) in any event Severn Trent Water have a statutory responsibility to cater for development under other legislation. Suggested condition No 15 requiring the use of the mains sewer system for foul drainage discharge is not imposed as

these matters are controlled by the drainage condition referred to above. For the same reason I have not imposed the suggested condition No 17 relating to the drainage of surface water.

45. Nesting birds are protected by other legislation. Therefore there is no need to specify the appropriate periods for removing vegetation or buildings. The suggested condition to ensure that wildlife can escape from pits/trenches or pipes would not meet the tests set out in the PPG as it is not essential to make the development acceptable in planning terms, is not enforceable and it would be difficult to detect a contravention of the condition or remedy any breach. I have not imposed the suggested conditions Nos 24 and 25 which require a risk based land contamination assessment and verification investigation. There is no evidence of any contamination of the appeal site which it is acknowledged has only been in agricultural use and there is no evidence of any known instability problems.

*Elaine Benson*

INSPECTOR

Richborough Estates

## SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling house.
- 5) Before the first occupation of any dwelling hereby permitted, 2 car parking spaces shall be provided within its curtilage, hard-surfaced and made available for use to serve each dwelling. The parking spaces so provided shall thereafter be permanently so maintained.
- 6) Before first occupation of any dwelling hereby approved, the access and turning space shall be provided in accordance with the details shown on drawing No. 12.2795.25 and surfaced with tarmacadam, concrete or similar hard-bound material for a distance of at least 5 metres behind the highway boundary and shall thereafter be so maintained.
- 7) The gradient of the access drive shall not exceed 1 in 12 for the first 5 metres measured into the site from the highway boundary.
- 8) Any vehicular access gates, barriers, bollards, chains or other obstructions shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
- 9) For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 10) Before first occupation of any dwelling hereby permitted, visibility splays of 2.4 metres x 33 metres shall be provided at the junction of the access with Top Street in both directions in accordance with the extant standards contained in the current County Council design guide and shall thereafter be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- 11) For the period of construction the developer shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the local planning authority.

- 12) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 12.2795.25, 12.2795.26 and 12.2795.27.
- 13) Demolition or construction works, movement of construction traffic and deliveries to and from the site shall occur only between 0800 and 1800 hours weekdays, and between 0800 and 1300 hours on Saturdays, and shall occur at no time on Sundays and public holidays.
- 14) No development shall commence on site until such time as protective fencing to the root protection areas to the goat willow tree and the hedgerow/trees along the site's southern boundary has been erected in accordance with Figure 2 of BS:5837:2012 (Trees in Relation to Design, Demolition and Construction). The protective fencing shall remain in place until all demolition and construction works are complete.
- 15) There shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, no mixing of materials, vehicular movements or fires or other ancillary works within the area bounded by the protective fencing to trees T1, T2, T3 and T15.
- 16) No development shall commence on site (including demolition of the outbuildings) until details of bat and breeding bird migration measures have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be provided prior to the first occupation of any of the dwellings hereby approved and shall thereafter be so retained.
- 17) Notwithstanding the provisions of Classes A, B and E of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking or re-enacting that Order) the dwellings and garages hereby approved shall not be enlarged, improved or altered nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such be provided within the curtilage of the new dwellings unless planning permission has first been granted by the local planning authority.
- 18) No external lighting shall be installed to the driveways to the dwellings and their parking and turning areas unless details of the position, height and type of lights have first been submitted to and agreed in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the agreed scheme.
- 19) No development shall commence on site in relation to the construction of any part of the dwellings hereby permitted until buildings C and D identified on the approved drawings have been demolished in full.