



Appeal Decision

Site visit made on 22 June 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/U2370/W/20/3247708

Sandpiper Hotel, Cleveleys Avenue, Thornton Cleveleys FY5 2NH

- 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 Adactus Housing Association Limited against the decision of Wyre Borough Council.
 - The application Ref 19/00764/FULMAJ, dated 17 July 2019, was refused by notice dated 5 December 2019.
 - The development proposed is demolition of existing Public House and redevelopment of the site to provide 15no. new affordable dwellings, consisting of 3no. 2 bedroom houses, 3no. 1 bedroom apartments and 9no. 2 bedroom apartments with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing Public House and redevelopment of the site to provide 15no. new affordable dwellings, consisting of 3no. 2 bedroom houses, 3no. 1 bedroom apartments and 9no. 2 bedroom apartments with associated parking and amenity space at Sandpiper Hotel, Cleveleys Avenue, Thornton Cleveleys FY5 2NH in accordance with the terms of the application, Ref 19/00764/FULMAJ, dated 17 July 2019, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. A signed and dated planning obligation by way of unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of the appeal. It includes obligations relating to affordable housing and green infrastructure. I consider the agreement in relation to the Regulatory tests of the Community Infrastructure Levy (CIL) in my decision.
3. The appellant has requested that the applicant name of "AHA - Part of the Jigsaw Homes Group Ltd" given by the application form is updated to "Adactus Housing Association Limited" to ensure consistency with the UU. Based on the evidence before me, I am satisfied that such an amendment to the applicant name relates to the same company, that the change is necessary in the interest of certainty and that the interests of other parties would be unaffected.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site consists of a vacant part two-storey and part single-storey public house and associated car parking areas. It comprises a large plot adjoining the junction of Cleveleys Avenue with the eastern section of Oxenholme Avenue in an otherwise established residential area. The site is within an accessible location that is close to a range of facilities, services, schools, public amenity areas and public transport opportunities, including nearby bus stops on Cleveleys Avenue.
6. The immediate surroundings of the site consist of bungalows to the north, together with a mix of two-storey dwellings and a larger two and a half storey block of flats known as Oakleaf Court on the opposite side of Cleveleys Avenue. Dormer bungalows are on the opposite side of Oxenholme Avenue and at the rear which face onto Hexham Avenue. Further mixed groupings of bungalows and dormer bungalows lie beyond the junction of Cleveleys Avenue with Oxenholme Avenue and transition to predominantly two-storey dwellings close to and beyond the junction with Westmorland Avenue and Ringway.
7. As a result, when approaching the site along Cleveleys Avenue, there are noticeable changes in character between a predominant mix of bungalows and different styles of buildings with significant variations in height and massing. The varied architectural styles, building heights, detailing, materials, proportions and spacing of properties visible within the Cleveleys Avenue and Oxenholme Avenue street scenes offers an opportunity for development of the site with an original design if it would respect or enhance the character of the area by making a positive contribution to an attractive and coherent landscape.
8. The proposal comprises an apartment block of three-storey height closest to the junction of Cleveleys Avenue with Oxenholme Avenue in broadly the same location as the existing public house it would replace, together with a row of 3no. two-storey terraced dwellings at the side which would adjoin the boundary with No 146 Cleveleys Avenue (No 146). The proposed apartment block would be of a distinctive design comprising four main blocks connected by a projecting glazed and cladding entrance stairwell facing Cleveleys Avenue, together with recessed entrances and walkways to other elevations. The extent of those architectural features, when taken with a mix of red brick and render materials and landscaping fronting the highway elevations, would provide visual interest. The row of three terraced properties facing Cleveleys Avenue would have gable ended pitched roofs and would align with the predominant front building lines of No 146 and the other bungalows beyond to the north.
9. Having regard to the above, the apartment block would be a large building which would be taller than the mix of bungalows and dormer bungalows which surround the site. However, the height, scale and footprint of the building within a more spacious plot would be not unlike or significantly taller than the imposing presence of Oakleaf Court immediately opposite on Cleveleys Avenue and therefore, would not appear incongruous in its surroundings.
10. The apartment building would be in a more prominent position at the corner of Cleveleys Avenue and Oxenholme Avenue with a considerably greater bulk and massing than adjoining properties given its increased height and different shallow pitched roof design behind a parapet wall. However, the more spacious nature of the site and the mixed character of surrounding properties provides

an opportunity for the unique building to be a complimentary landmark feature and focal point of the respective street scenes.

11. The integration of the building with its surroundings would be assisted by the high standard of design and visual interest provided by the coherent use of various materials, detailing and fenestration to complement the mixed palette of materials and styles of properties in the surrounding area. The imposing presence of the apartment building would also be softened to a degree by landscaping, a set back from the main building line of Cleveleys Avenue and broad consistency with the surrounding building lines facing the northern side of each section of Oxenholme Avenue. The transition to the much lower height of No 146 and other bungalows beyond on Cleveleys Avenue would be assisted by the intervening two-storey terraced row that would link with the established front building line of No 146. The proposed terraced dwellings would be in-keeping in terms of scale, form and materials with similar properties on the opposite side of Cleveleys Avenue and in the surrounding area. In addition, the separation distance of the apartment block to the properties on the opposite side of Oxenholme Avenue and those facing Hexham Avenue would be sufficient to provide appropriate demarcation of and transition to the change in character of properties when viewed as part of those street scenes.
12. The proposal would result in the introduction of a denser form of development within the site than the existing public house and the loss of existing space used for access and car parking between No 146 Cleveleys Avenue. However, the site would not appear overly cramped, over developed or an overbearing feature given the different building lines, use of landscaping and respective spacing between the proposed apartment block, terraced row of dwellings and surrounding properties, including the retention of the existing access from Oxenholme Avenue and a car parking area at the rear.
13. The car park to serve the development would be altered into 19no. marked bays along the northern and eastern boundaries of the site with associated turning areas. A bin store and cycle store would also be appropriately located in that area. The bin store would be positioned in and partly screened by an enclosure and new boundary wall in a similar location to an existing recycling unit that currently lies adjacent to the access onto Oxenholme Avenue. Its collection point would be adjacent to a rear access road that serves the terraced row of dormer bungalows where other bins are stored. Consequently, the access, parking area and bin and cycle stores would not detract from the character and appearance of the site or the surrounding area.
14. It follows from all of the above that the development would integrate appropriately with the varied appearance of surrounding properties. Furthermore, it would make a positive contribution to the character and appearance of the local area when replacing an existing commercial building and site that are currently vacant and are in a declining condition. In doing so, it would provide an efficient use of previously developed land and new homes in an otherwise relatively dense and established residential area with natural surveillance that would provide some deterrence to anti-social behaviour and crime. The removal of a limited number of trees and vegetation within the site to accommodate the development is acceptable as the specimens are either in poor condition or offer little amenity value, and therefore, are capable of being appropriately replaced as part of the suitable landscaping scheme.

15. I conclude that the development would not harm the character of the area. The proposal, therefore, would not conflict with Policy CDMP3 of the Wyre Local Plan 2011 - 2031 (LP), adopted February 2019. The policy, amongst other things, seeks a high standard of design, appropriate to local context and making a positive contribution to the local area including respecting or enhancing its character and townscape having regard to issues of density, siting, layout, height, scale, massing, orientation, landscaping and use of materials. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework).

Other Matters

16. The site is within Flood Zone 2. Having regard to Planning Practice Guidance (PPG), dwellings located in Flood Zone 2 are classified as 'more vulnerable' and require a Sequential Test, but not an Exception Test. The proposal includes a site-specific Flood Risk Assessment (FRA) and a Sequential Test that reasonably discounts comparable sites as not being suitable, available or sequentially preferable. The Sequential Test is passed and the development is, therefore, appropriate subject to a condition to secure the flood resilience and resistance measures in the FRA which would make the development safe from flooding and would not increase the flood risk elsewhere.
17. The mitigation measures include a proposed finished floor level of 5.31m AOD relative to the estimated flood level for the site of 5.01m AOD which falls below the EA standing advice of 600mm above. However, in this particular case, I am satisfied that the FRA appropriately sets out the constraints to delivering floor levels of 5.61m AOD which includes necessarily minimising the height of the building and reducing the complexity of providing level access as part of the overall costs of providing the affordable housing scheme. In that regard, the FRA includes sufficient alternative measures to minimise the risk of flooding for occupiers such as raised sockets at a height of 5.74m AOD and engineering bricks up to that level which reflects a pragmatic solution.
18. The public house was previously designated as an asset of community value until 2017. However, it is now common ground between the main parties that it is no longer viable for such a use given the passage of time since it ceased trading and a lack of formal interest following the expiry of the designation. As previously mentioned, there is a signed and appropriately executed UU dated 8 July 2020. It secures the delivery of the scheme as 100% affordable housing for affordable rent to contribute to meeting identified affordable housing needs. The UU, therefore, secures a benefit which offsets and outweighs the loss of the public house and its previous function as a community facility in the circumstances previously set out. To meet LP requirements, the UU also includes a contribution of £13,410 towards a local green infrastructure project at Jubilee Gardens which I observed is within walking distance of the site.
19. Having regard to the above, I am satisfied that the contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development in accordance with CIL Regulations and paragraph 56 of the Framework. The precise financial contributions reflect identified needs and detailed calculations specific to meet those needs arising from the development. I have, therefore, attached weight to them in my decision.
20. There is no substantive evidence before me that the other available services, facilities and utilities would not have sufficient capacity to accommodate

demand arising from the development beyond those that require planning obligations as set out in the UU. Furthermore, the imposition of conditions would ensure appropriate mitigation of contaminated land if necessary and provision of suitable drainage measures. Based upon the evidence, conditions could also be imposed to secure an electric vehicle recharging scheme if possible. The energy efficiency of dwellings and fire safety of materials such as external cladding would necessarily be addressed via Building Regulations.

21. The development has been carefully designed to ensure a satisfactory relationship with surrounding buildings. The buildings would have adequate separation distances to surrounding properties to preserve the living conditions of neighbouring occupants in terms of outlook, light and privacy, including with respect to land levels and building heights. In reaching that view, I have taken into account that the terraced properties closest to No 146 would not project beyond the main building lines of that property and the proximity to windows in its side elevation would not have an unacceptable impact given that they are secondary windows or serve non-habitable rooms. The three-story apartment block would be a minimum of 23m from the nearest properties which face Oxenholme Avenue, 27m to the facing properties on Cleveleys Avenue and 26m to the rear elevations of properties which face Hexham Avenue. Those separation distances would ensure no unacceptable impact on outlook, privacy or light for occupiers of those neighbouring properties.
22. I have no substantive evidence that would lead me to consider that the occupation of the development would result in an unacceptable increase in noise and disturbance when compared with the previous use of the site as a public house. Furthermore, a Construction Environmental Management Plan could also be secured by condition to limit the impact of noise and other forms of disturbance during the construction phase on occupiers of neighbouring properties and to ensure appropriate waste management.
23. The development would provide an acceptable living environment for future residents of the apartment block and the dwellings, with the flats served by communal external areas and each of the terraced dwellings served by private gardens. In that regard, the apartment block incorporates a set-in of its rear section to increase the separation distance to the nearest private garden which would prevent any unacceptable overbearing or overshadowing. Furthermore, a condition could be imposed to ensure that the facing windows in the upper floor apartments and communal hallways are obscure glazed and non-opening up to 1.7m to prevent any harmful overlooking of the private gardens. The design of the buildings are also capable of achieving Building Regulations in terms of visitable dwellings with reasonable provision for most people, including wheelchair users, to approach and enter the buildings and access habitable rooms and sanitary facilities on the entrance storey.
24. The effect on highway and pedestrian safety is not a matter contested by the Council. The Framework advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The use of an existing access and the car parking arrangements below maximum standards, when taking account of the historic use of the site and the accessible location, would be safe and suitable to accommodate the traffic and parking demand arising from the development. Furthermore, any increase in existing traffic and overspill car parking, including for visitors, could

be suitably accommodated on Cleveleys Avenue, Oxenholme Avenue and the surrounding highway network without a harmful impact. It follows that there would be no unacceptable impacts on the safety of pedestrians or young children attending the nearby school. In reaching those findings, I am satisfied that conditions could be imposed to remove the existing taxi rank on Oxenholme Avenue and to secure the installation of necessary dropped kerbs, reinstatement of footways and kerbs following the closure of the existing vehicular access onto Cleveleys Avenue.

25. A Bat Survey dated April 2019 found no evidence of bat activity and that the building is considered to offer negligible bat roost suitability. There is no contrary evidence before me and based on my observations I have no reason to consider that the condition of the building has significantly altered since the date of the report. I, therefore, find that the proposed development would not have an adverse impact upon ecology and biodiversity, subject to the imposition of a condition to ensure that the existing assessment is updated if the demolition of the existing building were to take place more than two years following the date of the report.
26. Interested parties have raised a number of other concerns, including the potential for anti-social behaviour from tenants which I afford little weight as such matters can be appropriately managed by the Registered Provider or the Police if necessary. Matters such as potential damage to neighbouring properties are a private matter and the impact on local property values is not an influential factor as the planning system does not exist to protect private interests. Based on my previous findings, none of those matters raised or the strength of objections reflected in the submission of individual representations are reason to withhold planning permission in circumstances where I have identified no harm or impacts that could not be suitably addressed or overcome by the imposition of conditions.

Conditions

27. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, I have reordered the conditions and amended the wording to ensure consistency with the Framework. Conditions 1 and 2 relate to the time limit for the planning permission and require compliance with the submitted details which are necessary to provide certainty of the planning permission hereby granted. The listed plans necessarily include those submitted to the Council prior to its decision.
28. Condition 3 is imposed to secure a Construction Environmental Management Plan pre-commencement which is necessary to ensure that a satisfactory method of construction is provided to avoid unacceptable impacts upon the living conditions of occupiers of neighbouring properties during the construction phase and to mitigate local environment impacts. The condition omits reference to routing of delivery vehicles to/from the site as that would unreasonably impose controls on the highway network in circumstances where an appropriate site access could be secured.
29. Condition 4 seeks to ensure that a detailed site investigation of the risks posed by contamination and ground gases has been carried out following the evidence which accompanied the application. It is necessarily a pre-commencement condition to ensure that any potential land contamination within the site can be suitably remediated before the development commences so as to ensure that

- there would be no pollution of ground and surface waters both on and off site, and to remove any risk associated with land contamination and ground gases for construction workers and future occupiers of the development.
30. Conditions 5 and 6 are imposed to secure details of suitable foul and surface water drainage to serve the development, and a scheme of highway works to ensure that the site access is suitable for vehicles, pedestrians and cyclists and to provide a future maintenance regime so as to ensure that the development does not have an unacceptable impact on highway safety. The approval of details for both conditions 5 and 6 are necessarily required before any above ground development, excluding demolition, takes place to ensure that the respective drainage and highways schemes are in place with any necessary agreements for the works and maintenance regime before the development commences. Condition 7 is also imposed in the interest of highway safety to ensure that the adequate off-road parking is provided within the site before the first occupation of the development.
 31. Condition 8 seeks to ensure compliance with LP policy requirements in terms of the provision of an electric vehicle recharging scheme where practical. The approval of such a scheme is necessarily required before any above ground development takes place, excluding demolition, with any agreed electric vehicle recharging points as part of the scheme installed before occupation of the dwelling it is intended to serve and retained thereafter.
 32. Condition 9 is imposed to secure the mitigation measures in the FRA as previously set out before first occupation of the development or in accordance with a timescale otherwise agreed with the Local Planning Authority if the buildings were to be delivered in different timescales. The condition is required to reduce the risk of flooding for occupiers of the proposed development.
 33. Condition 10 is necessary to secure agreement of samples of all external facing materials before any works above slab level take place, whilst conditions 11 and 12 are necessarily imposed to secure implementation of the landscaping scheme and boundary treatments. The conditions are necessary in the interest of the character and appearance of the development. Condition 13 is imposed to ensure that the north facing first and second floor windows of the apartment block are obscured glazed and non-opening up to 1.7m to prevent unacceptable overlooking of the rear gardens of neighbouring properties.
 34. Condition 14 is imposed to ensure no changes to existing ground levels on the site as shown on plan ref: S19-SPB-DI Rev 01 unless changes have otherwise been agreed in writing. The condition is imposed in the interest of preventing impact upon the living conditions of occupiers of neighbouring properties, the character and appearance of the area and minimising flood risk. Condition 15 imposes the aforementioned requirement to review the Bat Survey if necessary, based on the timing of demolition of the existing public house.

Conclusion

35. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached Schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18163-100-A; 18163-101-F; 18163-106-B; 18163-107-A; 18163-108-B; 18163-109-A; 18163-110-C; 18163-111-D; 18163-112; 18163-113-A; 18163-114-A; 18163-115 & D7602.001C.
- 3) Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include and specify the provision to be made for the following:
 - a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team;
 - b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team;
 - c) hours and days of demolition / construction work for the development expected to be 8.00-18.00 Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays;
 - d) contractors' compounds and other storage arrangements;
 - e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period;
 - f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
 - h) external lighting of the site during the demolition / construction period;
 - i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, and;
 - j) recycling / disposing of waste resulting from demolition / construction work.

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.
- 4) Prior to the commencement of development, a detailed site investigation of the risks posed by contamination and ground gases shall have been carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and it shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale to remediate the site to render it suitable for the approved development, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance

with the approved measures and timescale and a verification report relating to the remedial works shall be submitted to and approved in writing by the local planning authority before any development takes place. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the works being completed for approval in writing by the local planning authority.

- 5) Prior to any above ground development, excluding any demolition works, a drainage scheme including measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan requirements.

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
- g) Details of water quality controls, where applicable;
- h) Details of any future management and maintenance arrangements of any sustainable drainage system.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

- 6) Prior to any above ground development, excluding any demolition works, a scheme for the construction of the site access and highway improvements, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The highway improvement works shall consist of namely;
 - a) Reinstatement of the footway and kerbs following the closure of the existing vehicle access on Cleveleys Avenue.
 - b) Installation of dropped kerbs and tactile paving at the junction of the site access and Oxenholme Avenue and at all four crossing points of Oxenholme Avenue/Cleveleys Avenue.
 - c) Removal of the taxi rank lines and signs located on Oxenholme Avenue.

The site access and highway improvement works shall be constructed and completed in accordance with the approved scheme details.

- 7) No part of the development hereby approved shall be first occupied until the parking / turning area(s) shown on the approved Site Plan ref: 18163-101-F has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.
- 8) Prior to any above ground development, excluding any demolition works, an electric vehicle recharging (EVCP) scheme (or evidence which demonstrates that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints) shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until any agreed electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.
- 9) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Waterco ref: w10913-190617-FRA and the mitigation measures detailed within the Mitigation Section of the report.

The mitigation measures shall be fully implemented prior to first occupation of the development or in accordance with any timing / phasing arrangement otherwise approved in writing by the local planning authority before any above ground development, excluding demolition, takes place. The mitigation measures as agreed and implemented should be retained thereafter.

- 10) Notwithstanding any description of materials within the application details, no development above slab level shall take place until full details or samples of all external facing materials for the buildings and the hard surfaced area materials shown on the approved Site Plan ref: 18163-101-F have been submitted to and approved in writing by the local planning authority. The relevant works for each building shall be carried out in accordance with the approved details, and the hard surfaced areas shall be carried out in accordance with the approved details prior to first occupation of any part of the development and shall thereafter be retained and maintained.

- 11) The landscaping works shall be carried out in accordance with the approved details in plan ref: D7602.001C prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the local planning authority and shall thereafter be retained and maintained. Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the local planning authority gives its written consent to any variation.
- 12) Prior to the first occupation of any dwelling hereby permitted the boundary treatments as shown on plan ref: 18163-106-B shall be implemented in full. The boundary treatments shall thereafter be maintained and retained in accordance with the approved details.
- 13) Notwithstanding condition 2, prior to the first occupation or use of the development hereby approved:

The first and second floor windows of the flats in the north facing elevation of the apartment block shall be:

 - i. obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The first and second floor windows of the communal hallway in the north elevation of the apartment block shall be:

 - i. obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii. be top hung with the window opening restricted to a distance no greater than 1 foot.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.
- 14) There shall be no changes to the existing ground level on site as shown on plan ref S19-SPB-DI Rev 01 unless proposed ground level changes are submitted and approved in writing by the local planning authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.
- 15) If demolition works within the site have not commenced before April 2021, an updated ecological survey of the building by a qualified ecologist shall have been completed and submitted for approval by the local planning authority before any development takes place. The submitted details shall include a scheme and/or programme to safeguard protected species during demolition works should any protected species have been identified in an updated ecological survey. Any approved scheme or associated programme shall be implemented in full prior to any construction or demolition works within the site or in accordance with any timetable otherwise agreed in writing by the local planning authority.

END OF SCHEDULE