



Appeal Decision

Site visit made on 6 January 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/B3030/W/19/3239439

Kilvington Lakes, Vale of Belvoir, Newark NG13 9PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Paul Kilmister against the decision of Newark & Sherwood District Council.
- The application Ref 19/01097/FULM, dated 11 June 2019, was refused by notice dated 20 August 2019.
- The application sought planning permission for "Development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. Re-routing a public right of way", without complying with a condition attached to planning permission Ref 14/02023/FULM, dated 9 November 2015.
- The condition in dispute is No 21 which states that: "The properties hereby permitted for use as a holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 6 weeks in any calendar year"
- The reason given for the condition is: "To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted".

Decision

1. The appeal is allowed and planning permission is granted for the development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities and the re-routing a public right of way at Kilvington Lakes, Vale of Belvoir, Newark NG13 9PD in accordance with application Ref 19/01097/FULM dated 11 June 2019, without compliance with condition 21 previously imposed on planning permission 14/02023/FULM, dated 9 November 2015, but subject to the conditions set out in the attached schedule.

Main Issues

2. The main issue is whether condition 21 is reasonable and necessary having regard to local policies and the National Planning Policy Framework (The Framework) and whether the remaining conditions would adequately restrict the use to holiday accommodation, bearing in mind the site's location in the open countryside.

Background

3. Planning approval was given in 2015 for an Inn, holiday lets and associated leisure facilities. Condition 21 of that approval prevents an occupant from staying in a holiday unit for a period greater than 6 weeks in any calendar year. Furthermore, condition 19 prevents the use of the lodges for any purpose other than holiday accommodation and for no other purpose including any within Class C3 of the 2005 Use Class Order (or any amendment thereafter). Also, condition 20 requires a register of occupiers to be maintained and submitted annually to allow the Council to ensure the accommodation is not occupied on a permanent basis for residential purposes.
4. The Council has confirmed that development commenced in September 2018. As such, the development has been implemented, in regard to phase 1.

Reasons

5. Paragraph 55 of the Framework requires conditions to be kept to a minimum and only imposed where they pass the required tests, including being reasonable and necessary. The Council's reason for the imposition of condition 21 is deemed to prevent a residential use, in a location which would be unsuitable for such a use, in combination with conditions 19 and 20. Planning Practice Guidance (the Guidance) identifies that planning conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission¹.
6. Policy DM8 of the Newark & Sherwood Allocations & Development Management Development Plan Document (2013) relates to development in the open countryside. This policy only allows new dwellings that are of exceptional design or are for agricultural workers. Furthermore, the policy identifies that tourist accommodation will be supported where it is necessary to meet identified needs and can support local employment, community services and infrastructure. The principle of development was agreed based on the tourism and employment benefits of the proposal. It was also noted that the scheme would deliver wider community benefits through access to the café, the lakes and associated water-sports and facilities. These also weighed in favour of the development. Accordingly, it is reasonable that conditions be imposed that prevent permanent residential use and ensure that the facility would contribute towards the Council's tourism objectives.
7. However, the Council has not identified a policy requirement to limit the tenancy of holiday lets. There is no compelling reason to require such a measure in this case. Furthermore, there is no compelling evidence that the development would lead to the creation of permanent residential use without condition 21. Moreover, conditions 19 and 20 ensure that the holiday accommodation would be maintained in that use. This would prevent the site becoming available for permanent residential use. Consequently, by maintaining a list of registered occupiers an observer can easily identify any units with no occupant turnover. Without the restriction of condition 21 an occupant could remain on site for a prolonged period. However, this would be clearly evident on the register of occupants and would show a lack of adherence to the terms of the approval.

¹ Planning Policy Guidance: 001 Reference ID: 21a-001-20140306

8. Also, the Guidance states that conditions should not impose broad unnecessary controls. The Council's objective is to prevent the site becoming a location for permanent residential use. Nevertheless, the application specifically relates to holiday accommodation and there is therefore no question that they could be used as permanent homes within the limits of the permission. It would also be clear from associated attendant behaviour, and the lifestyle of occupants, as to whether the units were being used exclusively for permanent occupation. The associated behaviour, and retained conditions, would therefore enable contravention to be identified. It would therefore be possible to ensure that unauthorised use as a dwelling does not become established. Furthermore, insufficient justification has been submitted to explain why 6 weeks is an essential maximum period of stay and there is no planning reason to prevent someone returning on holiday for longer periods.
9. The removal of the condition would not change the nature of the development, as originally assessed, as it would remain limited to the exclusive use of holiday accommodation. Consequently, it is necessary to prevent the permanent residential use and therefore conditions 19 and 20 are reasonable and necessary. However, in contrast, Condition 21 is unnecessary and would place an unreasonable burden on the operational use of the site as holiday accommodation. Accordingly, the retention of conditions 19 and 20 would be sufficient to enable the development to continue to meet the relevant objective of policy DM8.
10. I have also given careful consideration to the appeal decisions submitted by both parties. Inspectors have taken different approaches depending on the specific circumstances of the cases presented. I do not have sufficient detail on these to find them directly comparable. However, they illustrate that locational circumstances can have a bearing on the need and range of occupational conditions. In this case, the proposal relates to a holiday venue with a range of holiday facilities and recreational related development. This includes an Inn, a café and caravans arranged around the lakes. Given the location of the site, and the facilities being offered to holiday makers, it would be exceedingly unlikely that their use would be purely for permanent residential use. This would, for example, be markedly different to a small development or isolated holiday let, without direct access to associated recreational facilities. This reaffirms my finding that condition 21 is not necessary and therefore does not pass the tests of the Framework.

Other matters

11. Representations have identified that the proposal could result in changes to the appearance of the site, such as the domestication and personalisation of the holiday lets. However, the site is largely enclosed, and small-scale alterations would have only a negligible effect on the character and appearance of the site. A condition would not therefore be necessary to prevent such minor changes.
12. Representation have also indicated that there is a shortage of hotel and holiday accommodation in the area and that the site should be retained for that purpose. The use would remain available for holiday accommodation and therefore would still provide for the stated demand.
13. The Council has also identified that a permanent residential use would generate traffic levels that would be 3 to 4 times higher than the approved use. This would raise concerns in regard to the inaccessible nature of the site to anything

other than the private car and having poor sustainable travel attributes. However, as conditions 19 and 20 would prevent permanent residential use, this concern is largely unfounded.

Conditions

14. The Guidance states that decision notices, for the grant of planning permission under section 73, should repeat the relevant conditions from the original planning permission unless they have already been discharged. The Council has provided a list of suggested conditions that have been updated to reflect the commencement of certain works and discharged conditions. Accordingly, I shall impose them as they remain relevant. I have made minor changes to some to reflect that development has commenced and that phases 2-5 have not yet commenced. I have also imposed, as conditions 17 and 18, the provisions that would limit the use of the facility to holiday lets only and for a list of occupiers to be maintained. The list would ensure that the accommodation would not be occupied for permanent residential purposes.
15. Three conditions have been suggested to be omitted by the Council. Condition 1 related to commencement within 3 years, condition 3 related to the submission of a phasing plan and condition 21 is the subject of this appeal. The Council has stated that commencement has already taken place and as such condition 1 is no longer necessary. It has also been confirmed that the phasing plan was agreed. Accordingly, where conditions have referred to condition 3 (the phasing plan), I have replaced this with 'phasing plan reference K8-PK-01-01B, as amended 1st November 2018'.
16. Furthermore, conditions 1 and 38 are required for clarity and to define the consent. The remaining conditions are imposed for reasons of ecological interests and tree protection (2, 3, 4 and 5), to protect the character and appearance of the area (6, 8, 10 and 12), in the interests of highway safety and to promote sustainable travel (22, 25, 26, 27, 28, 30, 39, 40, 42 and 43), to manage and prevent risk to future users and neighbouring land owners, controlled waters, property and ecological systems (15), to manage flood risk and provide satisfactory drainage (7, 19, 20 and 21), to protect amenity and landscape character (5), to investigate and understand archaeological interests (16), in the interests of residential amenity (9, 11, 31, 32 and 33) and in regard to ecological interests (13, 14, 23, 24, 29, 34, 35, 36, 37 and 41).

Conclusion

17. For the above reasons, the appeal is allowed. I shall therefore issue a new planning permission with the exclusion of condition 21.

Ben Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not be carried out except in complete accordance with the following approved plans;- Amended site location plan 6397-L-03 Rev C, Drawing no. S2014002-001 entitled 2 Bed Residence Proposed Plans, Drawing no. S2014002-002 entitled 4 Bed Residence Proposed Plans, Drawing no. S2014002-004 entitled 2 Bed Residence Proposed Plans, Drawing no. S2014002-005 entitled 3 Bed Residence Proposed Plans, Drawing no. S2014002-006 entitled 4 Bed Residence Proposed Plans, Drawing no. S2014002-008 entitled 2 Bed Residence Proposed Plans, Drawing no. S2014002-009 entitled 3 Bed Residence Proposed Plans, Drawing no. S2014002-010 entitled 4 Bed Residence Proposed Plans, Drawing no. S2014002-012 entitled Changing Facilities Proposed Plans, Drawing no. S2014002-401 entitled 25 Bed Inn Proposed Ground Floor Plans, received 20/08/2015, Drawing no. S2014002-402 entitled 25 Bed Inn Proposed First Floor Plans, Drawing no. S2014002-403 entitled 25 Bed Inn Proposed Elevations, Drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan, Photographs received 17.02.2015 showing existing buildings to be demolished, Drawing no. S2014002-501 entitled Water Sports Centre Proposed Floor Plans, Drawing no. S2014002-502 entitled Water Sports Centre Proposed Elevations, Drawing no. HOS002 6397-L-01 REV X2, Drawing no. *Amended Masterplan 6397-L-01 Rev X4*, Drawing no. K8/PK/01/14 rev.A showing a membrane roof to the units, Drawing no. *Plan K8-PK-01-01B – Phasing Plan*, Drawing no. 1300-0002-03 NMA Site Block Plan, Street Lighting plan Ref. K8-PK-01-04, received 15th October 2018, Materials Plan Reference K8-PK-01-04 and K8/PK/01/14 rev.A (received 12th September 2017), Plan Ref. K8- PK- 01 -27 received 26th April 2018, Phasing Plan K8-PK-01-06, received by the Local Planning Authority on 10th October 2018, Discharge of condition 32 plan reference K8-PK-01-07 (received 19th July 2017), Bat and bird boxes plan reference K8-PK-01-13 (received 19th July 2017), and Revised Car Parking layout plan reference K8-PK-01-11A (received 9th November 2017).
- 2) No trees, shrubs or hedges within the site which are shown as being retained on the approved masterplan 6397-L-01 Rev X4 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 3) No development shall be commenced in relation to phase 2-5, pursuant to the approved phasing plan K8-PK-01-01B, as amended 1st November 2018, until the trees and hedges shown to be retained in the approved masterplan 6397-L-01 Rev X4 have been protected by the following measures: a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at the outer extremity of the root protection area or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the Local Planning Authority; b) no development (including the erection of site huts) shall take place

within the crown spread of any tree; c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree; d) no services shall be routed under the crown spread of any tree e) no burning of materials shall take place within 10 metres of the crown spread of any tree. The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

- 4) The existing hedge along the eastern boundary shown to be retained on drawing no. 6397-L-01 Rev X4 shall be retained at a minimum height of 3 metres for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the Local Planning Authority.
- 5) Notwithstanding the provisions of Condition 4 above, the additional hedgerow planting to the eastern boundary, as shown on plan 6397-L-01 Rev X4 shall be retained at a minimum height of 3 metres for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 6) No development in respect of phases 2-5 shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings respectively have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with the Existing and Proposed Ground and Finished Floor Levels as stated in Table 4 of the report written by Hydro-Logic Services dated 29th August 2018.
- 7) No development in respect of phases 2-5 shall be commenced until the following drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter development must be carried out in accordance with the approved details:-
 1. Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. If possible, the site should be designed to retain all surface water flows within the site and route these to an attenuation pond.
 2. Detailed drainage layout including building drainage. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.
 3. All infiltration areas with supporting specification, calculations and construction details.

4. Attenuation pond / tank details including volumetric calculations, geotechnical and slope stability calculations as appropriate, specification of materials used to construct any berms.

5. Full specification and general arrangement drawings for inlet / outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood / failure of the infrastructure.

Development in relation to Phase 1 shall be carried out in accordance with the drawing showing drainage details received by the Local Planning Authority on 26th October 2018 and the details provided in the letter from Hydro-Logic (dated 17th July 2017).

- 8) Prior to the new Inn building hereby approved being first brought into use, all existing buildings at Glebe Farm shown on drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan and in the photographs received 17.02.2015 shall be demolished and removed from the site.
- 9) No development shall be commenced in relation to phase 2-5, until details of any external and internal lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with Street Lighting Plans, received 11th October 2018 and plan Ref. K8-PK-01-04, received 15th October 2018.
- 10) No part of the proposed watersports building shall be commenced until precise details of low reflection glazing to be used on the watersports building have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details and retained for the lifetime of the development.
- 11) There shall be no motorised water sports vessels operating at the site other than one safety craft.
- 12) No development shall be commenced in relation phase 2-5, pursuant to the approved phasing plan 'K8-PK-01-01B, as amended 1st November 2018', until a full schedule of external facing materials for all buildings on site (samples shall be submitted upon request) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with Plan Reference K8-PK-01-04 and K8/PK/01/14 rev.A (received 12th September 2017) which are as follows: External Cladding – Siberian Larch. Doors/Windows – Aluminium with an anthracite grey finish. Rainwater Goods – Aluminium with an anthracite grey finish. Roof - Membrane roof (Monarplan GF Fleeceback) in a light grey (RAL 7001) colour as shown on plan reference K8/PK/01/14 rev.A (received 12th

September 2017) along with details provided on the roof materials on 31st July 2017 and the photomontage received on 31st August 2017.

- 13) The development in relation to all phases shall be carried out in accordance with the Biodiversity Management Plan (revised November 2017 and received by the Local Planning Authority on 5th December 2017).
- 14) No development shall be commenced in relation phase 2-5, until details of any imported subsoil to the site have been submitted to and approved in writing by the Local Planning Authority. This shall include precise areas where subsoil will be used as well as precise details of subsoil character. Subsoil specifications should be as follows: a pH of less than 6.5; a soil phosphorous concentration of below 25ppm (index 2 or below), and ideally below 15ppm (index 1 or below).
- 15) Unless otherwise agreed by the Local Planning Authority, development in respect of phases 2-5 other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun for any phase (1-5), development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation; An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme; A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed

remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme; The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination; In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Development in relation to phase 1 shall be carried out in accordance with Updated Remediation Strategy Report submitted by delta Simmons dated October 2018 August 2018.

- 16) No development shall be commenced in relation to phases 2-5 until a written methodology for archaeological works at the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall be carried out in accordance with the approved details. Development in relation to phase 1 shall be carried out in accordance with the Written Scheme of Investigation prepared by Archaeological Landscape Investigation dated 31st January 2018.
- 17) Notwithstanding the provisions of Part C, Class C3 "Dwelling Houses" of the Schedule of the Town and Country Planning (Use Classes) Order 2005, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.
- 18) The site operator shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.
- 19) The development hereby permitted shall not be commenced in relation to phases 2-5 until such time as a design scheme to address the flood risk

matters listed below has been submitted to, and approved in writing by, the Local Planning Authority.

1. Ensure no raising of ground levels in areas of Flood Zones 2 and 3.
2. Provide design details of an appropriate surface water disposal system, based on SuDS techniques.
3. Provide an appropriate access and egress emergency plan to ensure that all users of the facility can be safe during a flood event.
4. Ensure finished floor levels are set no lower than 17.50m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Development in relation to phase 1 shall be carried out in accordance with the details approved on 18th May 2016 by Bob Stamp/Maber/Peg Ass and submitted as part of the application for approval of details approved by condition.

- 20) No development shall be commenced in relation to phases 2-5 until details of how clean and foul water will be separated with details of how foul water will be treated if the effluent cannot go to a local Severn Trent Water treatment plant via sewer. The approved details shall be implemented in full. Development in relation to phase 1 shall be carried out in accordance with Drainage Plan, received by the Local Planning Authority on 24th October 2018 showing foul water to main drain and details provided in the letter from Hydro-Logic (dated 18th December 2017).
- 21) The development hereby permitted shall not commence in relation to phases 2-5 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 before the development is first brought into use. Development in relation to phase 1 shall be carried out in accordance with Drainage Plan, received by the Local Planning Authority on 26th October 2018 showing foul water to main drain and Details provided in the letter from Hydro-Logic (dated 18th December 2017).
- 22) No part of the development hereby permitted shall be open for use by guests or employees until a scheme for improvements to local bus stops has been fully implemented in accordance with the following details: *email confirmation regarding footway link and Section 278 Agreement from Mrs J Edwards dated 25th April 2018; Plan reference K8- PK- 01 -27 (received 26th April 2018) and 'key' confirmation from Mrs J Edwards in the email dated 2nd May 2018; and Supporting statement for condition 25 and associated plan references NTP-17030-025-01 Rev.C and NTP-17030-025-02 (all received 21st March 2018).*
- 23) No development shall be commenced in relation to phases 2-5 until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of

trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. This schedule shall include precise details of additional landscape buffering areas to assist in the screening of the buildings and the site from the public highway. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; an implementation and phasing programme; existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; car parking layouts and materials; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures for example, furniture, play equipment, artwork, refuse or other storage units, signs, etc.). Development in relation to phase 1 shall be carried out in accordance with Plan K8-PK-01-06, received by the Local Planning Authority on 10th October 2018 and the Species Mix Plan (revised 9th November 2017).

- 24) All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the Local Planning Authority.
- 25) No part of the development in any phase, pursuant to the approved phasing plan 'K8-PK-01-01B, as amended 1st November 2018', shall be brought into use until all vehicular accesses from the public highway are surfaced in a hard-bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary. The surfaced accesses shall then be maintained in such hard-bound material for the life of the development.
- 26) No part of the development in relation to phases 2-5 shall be commenced until details of the vehicular accesses have been submitted to and approved in writing by the Local Planning Authority, showing widths, radii and construction detail and thereafter constructed in accordance with the approved details prior to the development being brought into use. Development in relation to phase 1 shall be carried out in accordance with details submitted on 19th September 2017 and 9th November 2017, along with details shown in plan references NTP- 17030-029/030-01 Rev. A and Drawing NTP-17030-034-01 500 (1) to show further detail for the southern access.
- 27) No part of the development in any phase shall brought into use until visibility splays in accordance with the details submitted on 19th September 2017 and 9th November 2017, along with details shown in plan references NTP- 17030-029/030-01 Rev.A and NTP-17030-029/030-02 Rev.A (received 9th November 2017). The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
- 28) No part of the development hereby permitted shall be brought into use until the parking areas for each respective phase have been provided in accordance with the approved masterplan 6397-L-01 Rev X4.
- 29) The development hereby permitted shall not be brought into use until the measures to control access from the footpath onto the nearby shoreline and lake (particularly in relation to dogs) along the southern shore of

Lake 1 as provided for on plan reference K8-PK-01-07 (received 19th July 2017) and the email from Mrs J Edwards dated 9th November 2017 have been implemented. These approved measures shall be retained for the lifetime of the development.

- 30) No part of the development hereby permitted shall be brought into use until a 'gateway' traffic calming scheme, to include village signs and appropriate road markings, on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority in liaison with the Highway Authority. The use of rumble strips must also be considered as part of this traffic calming scheme.
- 31) In relation to construction method, the development hereby approved shall be carried out in accordance with the details submitted on 19th September 2017 and shown in plan reference NTP-17030-034-01 (received 19th September 2017) as well as the additional details on drawing No. NTP-17030-029/030-03 Rev C in so far as it shows the location of the proposed wheel wash facility, as well as the Email dated 10th January 2019 from Paul Kilmister to the Local Planning Authority stating that:- "It is hereby confirmed as amendment to the Construction Management Plan to ensure compliance with conditions 28 and 34 (part copied below) the vehicular access from the public highway to the southern entrance is also to be surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary prior to any construction vehicles using this entrance. The surfaced access shall then be maintained in such hard bound material for the life of the development."
- 32) No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 33) The water sports centre shall not be open to guests or members of the public outside the hours of 07:00 - 21:00 Monday to Sunday.
- 34) Prior to the development hereby approved being brought into use, the details provided on plan reference K8-PK-01-13 (received 19th July 2017) showing the new bat and bird boxes shall be fully implemented at the site and retained for the lifetime of the development.
- 35) The development hereby approved shall be carried out in accordance with recommendations and measures contained within the Badger Survey Report dated April 2017.
- 36) No development comprising the demolition of the existing farm buildings at Glebe Farm shall be commenced until an updated bat survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter development shall be commenced in accordance with the approved details.
- 37) No demolition of the buildings or works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search

- must be submitted to and approved in writing by the Local Planning Authority prior to any demolition of buildings or works to hedgerows being carried out. If nests are found no demolition of building works or works to hedgerows shall be carried out until the young have flown the nests.
- 38) This permission relates to development on the site shown edged in red on the approved site location plan only.
- 39) The development hereby approved shall be carried out in accordance with the Updated Construction Routing Strategy, received 27th December 2018 and including plan no. NTP-17030-042-02 showing delivery routes to be read in conjunction with email dated 10th January 2019 from applicant to the Local Planning Authority which clarifies that:- HGVs to access the South Entrance only from the North and to be limited to no more than 10 per week and that the vehicular access from the public highway to the southern entrance is also to be surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary prior to any construction vehicles using this entrance. The surfaced access shall then be maintained in such hard bound material for the life of the development.
- 40) No part of the development hereby permitted shall be brought into use until the improvements to the signage on the C3, specifically at the location of the Kilvington double bends, has been undertaken in accordance with plan NTP-17030-043-01 (received 19th September 2017), unless otherwise approved in writing.
- 41) The development hereby permitted shall be carried out in accordance with plan reference K8-PK-01-16 (received 9th November 2017) detailing the precise location of the crossing point of the internal track.
- 42) No part of the development hereby approved shall be open to overnight guests until the internal access track connecting the inn building and lodges shown on drawing no. 6397-L-01 Rev X3 has been constructed in accordance with the approved plans and is available for use.
- 43) The development hereby permitted shall be carried out in accordance with plan reference K8-PK-01-11A (received 9th November 2017) showing details of a car parking area and footpath link at the end of the internal access track connecting the lodges and inn building to the watersports centre. The proposed parking area shall contain no less than 6 car parking spaces. Thereafter development of the car parking area and footpath link shall be carried out in accordance with the approved plans prior to the site being open to overnight guests.

End of Conditions