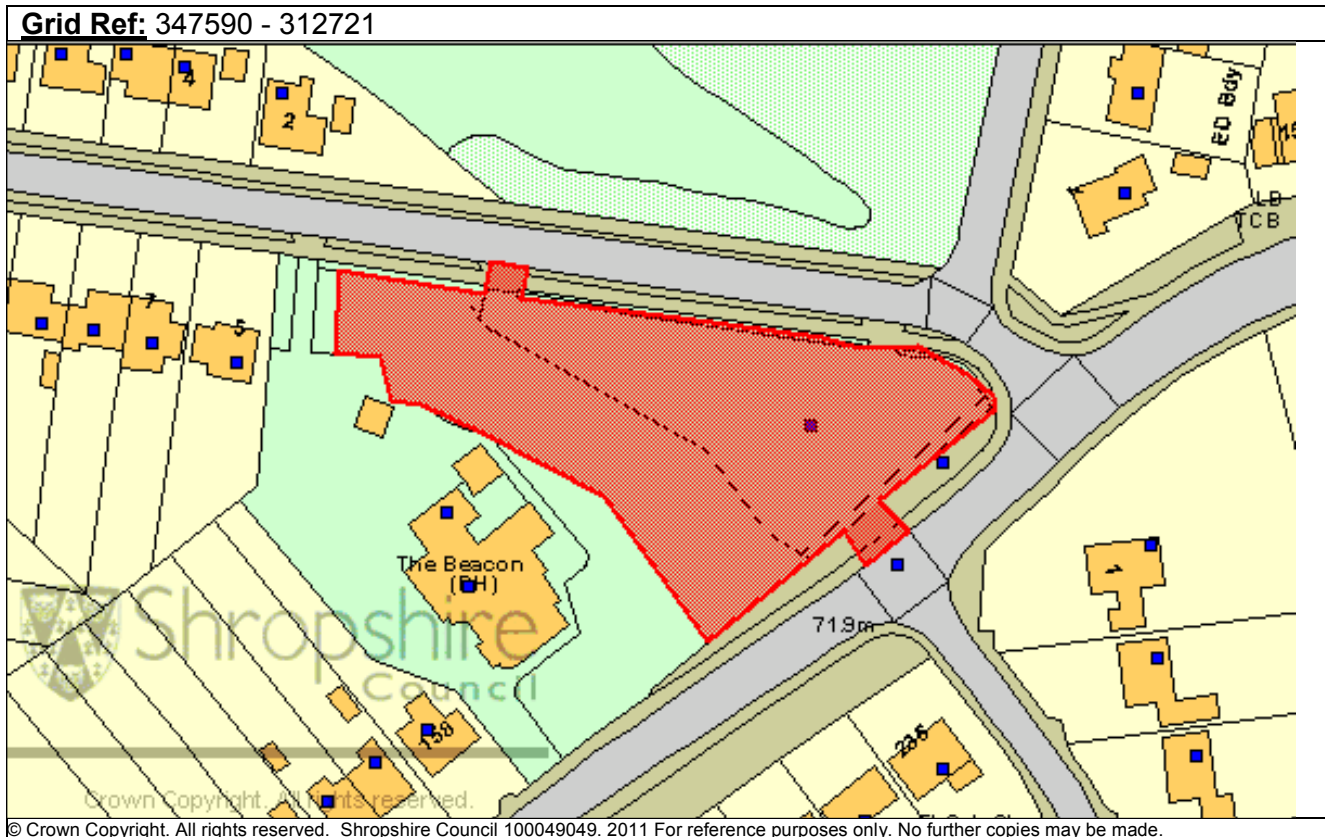


Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 13/02251/FUL	Parish:	Shrewsbury Town Council
Proposal: Residential development comprising 21 retirement apartments with communal facilities; formation of vehicular and pedestrian accesses, associated car parking and landscaping		
Site Address: Land East Of The Beacon Copthorne Road Shrewsbury Shropshire		
Applicant: McCarthy And Stone Retirement Lifestyles Ltd		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure an off site AHC in lieu of on site provision to be agreed with the Housing Enabling team.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of a three storey building to provide 21 open market retirement apartments with communal lounge; formation of vehicular and pedestrian accesses, associated car parking and landscaping.

1.2 **This application was recommended for approval to members at the November committee and members agreed that the application be deferred to enable further negotiations to be undertaken with the applicant to explore changes to car parking arrangements and the repositioning of the access/egress onto Cophorne Road. These negotiations have taken place and an amended plan has been received which indicates that the proposed access will be re-positioned further away from the existing bus stop and the gates to the new access being positioned further within the site allowing vehicles to wait off the highway whilst the gates are opened . The report remains the same except for additional Highways comments highlighted below and paragraph 6.3.1, 6.3.2, 6.3.3 and 6.3.4 relating to access and parking with the addition of conditions 8 and 9 in respect of drainage and occupation of the units to over 60's.**

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is part of the existing car park to the North East of 'The Beacon' public house which is situated to the West side of Shrewsbury Town Centre. The site is largely surrounded by residential streets with Cophorne Park to the North and Cophorne Road and houses to the South East.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 on the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers based on material planning reasons and the Area Planning Manager in consultation with the Committee Chairman and local Member agrees that the Town Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Trees: A Tree Constraints plan and Arboricultural Implication Assessment has assessed 15 individual trees and 4 hedges and has classified them in terms of their current and potential amenity in accordance with BS5837 recommendations. Having reviewed the AIA and visited the site accepts the categorisation of the trees and hedges all of which are cat. 'C', indicating a low amenity value. The AIA

identifies that 9 trees and 3 sections of hedgerow will be removed to facilitate the development. The AIA considers that, given the value of the trees to be removed, there will be no significant impact to the amenity of the area resulting from their loss. Accepts this conclusion and has no objection to the development subject to the imposition of a tree protection condition.

4.1.2 SC Highways: The highway authority raises no objections to the granting of consent subject to conditions regarding access and parking. The proposed scheme uses an existing access point to the former overflow car park from Cophthorne Park and creates a new one onto Cophthorne Road. Considers that the visibility along the adjacent carriageways would be satisfactory for the vehicle movements likely to occur at both these access points and that no undue highway safety issues would be created. The proposed pedestrian accesses onto Cophthorne Park do not present any highways implications. The application includes a document pertaining to car parking associated with the type of dwellings proposed. This concludes that the provision of a number of car parking spaces less than the number of residential units was acceptable. There are 21 apartments proposed and 21 car parking spaces provided in the scheme and suggests that a 1:1 ratio of parking spaces is acceptable at this location. Is concerned about the lack of visitor parking and note that the car parking report submitted did not mention this or the local conditions that may be affected. There is a local primary school that generates on-street parking in the location at school times and the space available on the highway opposite the site is often occupied by people who are exercising their dogs on the park land there. Although these local conditions have been overlooked in the application considers that visitor parking would be possible on the carriageway in Cophthorne Park when other on-street parking demand was low.

4.1.2.1 **Additional comments in response to amended plan 26.11.13:**
Following the deferral of the above application at Central Planning Committee on 7/11/13 on access grounds (relating to the position of the access on Cophthorne Road) Highways have been in discussions with the applicant as to how to address the committee's concerns. A revised design has now been submitted which proposes to relocate the Cophthorne Road access to the south-west. This places the access further away from the nearby bus stop, which reduces the risk of impaired visibility from the access when a bus has stopped here which was one of the committee's main concerns with the application.

4.1.2.2 **A further point that was raised as a concern was the position of the gates for this access which were previously located on the site boundary, which could have led to vehicles waiting on the footway for the gates to open which could have been of detriment to pedestrians here. The site layout has now been amended to show a short access road off Cophthorne Road with the gates located well within the site, which will mean that vehicles should not be required to wait within the highway.**

4.1.2.3 **Highways are of the opinion that the changes made to the design address the concerns raised by the committee and for the purpose of clarity, the highway authority raises no objection to the revised site layout. The new access will require approval under s184 of the Highways Act 1980.**

- 4.1.3 SC Conservation (Historic Environment): This application affects the corner lands located east of The Beacon Public House. The Beacon is an unlisted but traditionally designed building of early 20th Century construction which replaced an earlier, smaller dwelling and outbuildings known as 'Cophthorne Villa' (previously called 'Cophthorne Cottage'), which predated the construction of the Cophthorne Park road network according to archival mapping. The property is some distance outside of the Conservation Area and there are no statutorily listed buildings in the immediate vicinity of the site. This is a visually prominent corner site at an important entrance to the town centre, and although outside of the Conservation Area it is essential that development here responds well to the triangular nature of this site, respects the existing built form nearby and is of a very high quality of design and material. Retention and enhancement of the existing boundary vegetation is also important here. The proposed building follows the setback of the existing built form adjacent which is a positive feature of the proposal. No objection subject to standard conditions relating to external materials to ensure the visual appearance of the proposed development is satisfactory.
- 4.1.4 SC Affordable Houses: As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing. The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually. The affordable housing contribution rate when this application was submitted was 13%. The design and Access Statement refers to an agreement for an off site contribution, I can find no correspondence relating to this scheme, nor have we had any discussions on viability. Both of these issues need to be agreed with the Housing Enabling Team in writing.
- 4.1.5 SC Drainage: On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection should not be made, as it can result in increased flood risk elsewhere. Suggests conditions and informatives to be imposed regarding surface water drainage.
- 4.1.6 SC Ecology: The Extended Phase 1 habitat survey considers that the site has low potential to support protected species but contains nesting bird habitat in the trees and hedgerows. Notes that new planting is proposed and in order to enhance biodiversity, a proportion of native tree and shrub species should be considered for retention or new planting within the landscaping scheme. Further advice on suitable species can be provided on request. An Informative on nesting birds should be attached to any consent.
- 4.2 - Public Comments
- 4.2.1 3 letters of objection have been received from local residents summarised as follows:

Traffic and Parking:

- ☒ This road is a very busy arterial route linking the centre of Shrewsbury to its western suburbs and to the whole Royal Shrewsbury Hospital site with its associated traffic, including frequent emergency vehicles. This heavy road use increases at peak times and this ever increasing flow comes from five directions around the site.
- ☒ Cophorne road is even busier during school times and there is a problem with on street parking in Cophorne Road, Cophorne Park, Richmond Drive and Alverley Close. Envisages even further congestion as persons who now use the car park during this busy time will no longer be able to do so increasing congestion on the surrounding roads. Double parking and cars parked on the pavement can be witnessed.
- ☒ Only twenty one parking spaces for the twenty one apartments are not sufficient to cope with residents, visitors, service vehicles, deliveries, maintenance and medical access.
- ☒ The proposed site entrance onto Cophorne Road is in an area which has two adjacent junctions and will be opposite Alverley Close and adjacent to a bus stop, bus shelter, communications mast and communications cabinets. The bus stop will be obstructed and a waiting bus will block the entrance and it is likely that the proposed access will lead to road safety issues.
- ☒ Motorists already struggle to turn out of Cophorne Park onto Cophorne Road and there are already visibility issues in this area which have resulted in the removal of both ends of the bus shelter.
- ☒ The entrance to Cophorne Park (also serving Richmond Drive) and the bend in the road towards the town all add to the congestion and although the main site exit will be onto Cophorne Park, the vehicles then have to turn onto Cophorne Road.

Scale and height:

- ☒ The size and scale of the proposed three storey building will not fit in with the existing roof scape and the style, context and scale of two storey houses and bungalows and it will dominate the street scene.
- ☒ The proposed height of the building will appear overpowering to neighbouring properties and will lead to overlooking and loss of privacy.
- ☒ The proposed building matches the height of The Beacon and as the ground level of the proposed site is considerably lower should not the roof level of the new building be reduced to account for this?

Hedges and trees:

- ☐ The long established hedges along all three sides of this site include a variety of plants, providing habitat for a range of wildlife and total removal of these hedges is unnecessary and will destroy a long standing habitat of wildlife.
- ☐ The employment of specialist contractors could be used to reduce the width of the hedge and used to maintain the hedges rather than removal.
- ☐ Any replacement hedging will take years to establish and the removal will also have a long standing impact on the street scene.
- ☐ Around this piece of land grow a dozen mature broad leaved trees and these, too, are food sources and shelter for birds and other wildlife. Broad leaved trees take carbon dioxide from the air, adding oxygen. The loss of all this green growth will sadly impoverish our surroundings.

4.2.2 Shrewsbury Town Council: The topography of the land is such that the mass of the proposed building shall present an alien form in the existing street scene which is made up of one and two storey buildings, thereby closing the street scene which currently affords great visual amenity with vistas through to Cophthorne Park. Members feel that access for parking from Cophthorne Road is wholly inappropriate and potentially presents a highway safety concern; Members wish to see all car parking and access/egress from this development site solely from Cophthorne Park.

4.2.2 Cllr Anne Chebsey: Whilst it is to be welcomed that McCarthy and Stone are wishing to provide a scheme designed for housing for older residents it is important to appreciate the problems associated with this site. My first concern is the access from Cophthorne Road. This road is a main arterial road into Shrewsbury and is extremely busy at certain times of day. Even though the access at this point is only for six vehicles I am concerned about the possibility of cars blocking the pavement when waiting for the gated access to open or even causing traffic to back up on the main road. There is also the issue of the bus shelter being very close to the access and visibility being reduced by people waiting at the bus shelter. In the past the sides of the shelter have been removed because of problems of visibility with vehicles coming out of Cophthorne Park. Road safety will also be compromised by having another access opposite Alverley Close. Residents living in Alverley Close already have problems turning right into town. Another access point opposite this junction will exacerbate the existing difficulties. In the plans there are 21 apartments and one parking space per apartment. There doesn't appear to be any specific visitor parking on the complex and so I have concerns about increasing on-street parking in the near by residential roads. My last concern is the actual size and scale of the building facing on to Cophthorne Road. The building is three storeys high and even though the land drops the building line appears to stay at one height. Nearby properties are only two storey and on the opposite corner of Richmond Drive there is a bungalow. I feel that this will cause problems with over looking and loss of privacy. In general I welcome a scheme such as this but feel that these plans need to be amended so they are suitable for this site.

- 4.2.3 Cllr Nutting: I think this should go to committee if recommended for approval. I think the access onto Cophorne Road should be dropped from the scheme and have already told the developers that I would object on that basis, but I am also unhappy about the mass of the scheme in this particular setting. The site is opposite Cophorne Park which is a wonderful open space and having this mass block so close would spoil the setting of the open space.
- 4.2.4 West Mercia Police Crime Prevention Design Advisor: Section 17 of the Crime and Disorder Act 1998 states It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area. There are opportunities to design out crime and /or the fear of crime and to promote community safety. Does not object to the proposal but recommends an informative regarding obtaining Secured by Design status.

5.0 THE MAIN ISSUES

Principle of development
Scale, Design and Appearance
Access and Parking
Trees, Landscaping and Ecology.

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 This proposed development for 21 open market retirement apartments falls within Use Class C3 (Dwelling Houses). The site is considered to be in a sustainable location with excellent public transport to the Town Centre and other services and facilities including the hospital. It is situated within the current urban development boundary for Shrewsbury and the provision of housing within the urban area of Shrewsbury accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire.
- 6.1.2 Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing requires open market development to contribute towards the provision of affordable housing. The affordable housing contribution rate when this application was submitted was 13% and equates to an on site provision of 2 affordable houses and a small Affordable Housing Contribution (AHC) for the remaining fraction. However an Affordable Housing Statement has been submitted with the application which outlines why it would be inappropriate to provide affordable units for rent, shared ownership, or low cost sale as part of the proposal due to the difficulties of a high level of service charge for the maintenance of the communal lounge, communal stores, guest room, communal gardens and the salary of the house-manager. The statement outlines that the level of services provided to the residents of private sheltered housing result in a level of service charge being a significantly larger proportion of total living costs than would apply to other forms of accommodation, and that it would be very difficult to set the service charge at a level that would cover the costs of the type of management that private purchasers expect, yet still

be affordable to residents of affordable housing. The statement also outlines that trying to mix private sheltered housing with low cost / subsidised housing has significant potential for friction and animosity between those residents who pay a significant annual service charge for premium services after purchasing a property and those who would occupy low cost or heavily subsidised apartments, and that it is not unreasonable to assume that some residents would resent the fact that their neighbours are enjoying the same level of services for a fraction of the cost, or that they may perceive themselves to be subsidising others. The statement suggests that this situation would only serve to exacerbate management problems and disputes between neighbours and would ultimately undermine the success of the housing development. Due to the provision of on site affordable accommodation not being practicable or appropriate within the type of retirement accommodation proposed in lieu of any on site provision (which would only be 2 in this case) the applicant proposes to make an AHC in accordance with an amount to be agreed with the Councils Housing Enabling team.

6.2 Scale, Design and Appearance

6.2.1 The proposal is for a two and three storey building with some accommodation situated within the roof space. It will be situated on a fairly prominent corner between Cophorne Road and Cophorne Park and contextual drawings have been provided to show the building within the street scene. Although outside the Conservation area the Conservation and Design team have commented on the application and have stated that it is essential that any development here should respond well to the triangular nature of this site and respect the existing built form nearby. The proposed front elevation follows the building line along this side of Cophorne Road and follows the setback of the existing built form of the adjacent public house. The proposed elevation facing Cophorne Park is not set back as much but due to the greater separation from the adjacent building this is considered acceptable. Concern has been raised about the scale and bulk of the proposal and that it will dominate this corner and appear overbearing. It is agreed that the building will become a prominent feature particularly when travelling up Cophorne Road out of town. However it is considered that the traditional design of the building is in keeping with the adjacent public house, and utilising a mixture of traditional materials, combined with a variety of hipped roofs and gable roofs that will provide a varied roof scape will help break up the bulk of the building so that it does not appear as a solid mass. It is considered that the proposed design and appearance of the building will result in an interesting building that will add to the variety and wealth of buildings encountered when travelling along Cophorne Road and would have no adverse impact on the character and appearance of the locality. Due to the land sloping away from the Beacon the contextual plans submitted show how the roof line will remain in line with the Beacon and that the roof scape of the buildings situated on higher land behind the Beacon will still appear behind the proposed building rather than being obscured. The building will be situated opposite and face large two storey detached buildings along Cophorne Road and will also face Alveley Close and a bungalow on the corner. Due to the distance between the front of the proposed building and the fronts of these existing dwellings, which will be over 40 metres, and due to the bungalow being at an angle and not directly facing the proposed building it is considered that the proposed development would not appear overbearing or result in overlooking and a loss of privacy for existing residents.

6.3 Access and Parking

- 6.3.1 The proposed building will be built on part of the existing overflow car park associated with the Beacon public house. This overflow car park is no longer needed to facilitate the trade at the Beacon and the main car park accessed from the main entrance will be retained and it is considered that the 32 parking spaces remaining for the Beacon is adequate. A Transport Assessment has been submitted that assesses the use of the car park and concludes that it is no longer needed for visitors to the public house and is currently used at school drop off and pick up times but that this is an informal arrangement and can be closed to the public at any time.**
- 6.3.2 The proposal includes 21 parking spaces for the proposed development and concern has been raised about the level of parking for residents, staff and visitors and that it will be insufficient and might exacerbate the existing level of on-street parking at school drop off and pick-up times. A Transport Statement submitted with the application outlines that more parking is being provided than is ordinarily required for this type of development and that the total number of spaces required for 21 retirement apartments would usually only be 9 but that an increased number of spaces is being provided due to 14 of the 21 apartments being two bedroom apartments. The dwellings provided are retirement apartments and the majority of residents will be over the age of 75 and will normally be giving up driving as part of their life style choice to move to this type of accommodation. Less than half the parking spaces will be allocated to residents for the parking of their own car and the remaining spaces will be available for visitors and 1 full time employee (the house manager). Although contractors and cleaners will visit the site the proposal is not a care facility, there is no on site care or medical staff or restaurant facilities and the only communal facility is a lounge.**
- 6.3.3 The provision of 21 spaces for 21 units meets the parking standards for open market accommodation but as the development will provide accommodation for the elderly with a reduced demand for car parking spaces the level of parking is considered to be more than adequate particularly in this sustainable location, close to the town centre and local facilities and services and excellent public transport. It is considered that residents and visitors will have sufficient on site parking and the proposal will not exacerbate the demand for existing on street parking particularly during the peak school drop of and pick up times. A condition can be imposed restricting the accommodation to retirement apartments.**
- 6.3.4 Due to the use of the private car being low for future residents and the number of visitors not expected to be high it is not considered that the proposal would result in a significant increase in traffic entering or leaving the site or within the locality and any vehicle movements generated are not likely to be concentrated or coincide with the existing peak school drop off and pick up times. The proposed scheme uses an existing access point to the former overflow car park from Cophthorne Park to serve 15 spaces and creates a new one onto Cophthorne Road to serve only 6 parking spaces. This**

access has been relocated further from the bus stop and Highways have confirmed that this will reduce the risk of impaired visibility from the access when a bus has stopped here which was one of the main concerns raised by members. The position of the gates has also been amended as concerns were raised that the position of the gates previously located on the site boundary could have led to vehicles waiting on the pavement for the gates to open which could have been of detriment to pedestrians. The revised position for the gates means that any vehicle waiting for the gates to open can wait clear of both the highway and pavement. In addition this access is not the principle access to the site and is limited to 6 parking spaces. The applicant discussed with Highways the possibility of including signage at this access to direct visitors and other traffic to the Cophorne Park access but Highways commented that Highways don't give permission to provide highway signs to such facilities and didn't consider signs were required for this site. Highways have previously confirmed that the visibility along the adjacent carriageways would be satisfactory for the vehicle movements likely to occur at both these access points and considers that the proposal would not create any undue highway safety issues or present any highways implications. Highways raises no objection to the revised site layout and it is considered that the changes made to the design and position of the access onto Cophorne Road address the concerns raised by the committee.

6.4 Trees, Landscaping and Ecology

6.4.1 An arboricultural implication assessment, landscape design assessment, landscape plan, tree constraints plan and tree protection plan have been submitted as part of this application. This indicates that 9 trees and 3 sections of hedgerow will be removed to facilitate the development. The Councils tree officer agrees with the category 'C' (low amenity value) assessment of these trees and hedgerow and considers that given the low value of the trees and hedgerow to be removed there will be no significant impact to the amenity of the area resulting from their loss. An ecological assessment including an Extended Phase 1 habitat survey has been submitted that concludes that the site has low potential to support protected species. The councils Ecologist acknowledges this and agrees that the trees and hedgerows around the site provide habitat for nesting wild birds and suggests an informative regarding the timing of their removal. New planting is proposed within the proposed landscaping scheme and this should enhance the biodiversity of the site.

6.4.2 The proposed landscaping plan indicates new tree planting along the Cophorne Park and Cophorne Road boundaries of the site and new evergreen trees at the corner of Cophorne Road adjacent to the existing bus stop. It is also proposed to plant densely packed trees/shrubs along the South Western boundary to screen the proposal from the pub and reduce the impact of noise. The proposal also includes communal gardens to the front and rear of the main block with a central raised bed feature and seating. It is considered that the proposed landscaping plan is satisfactory and will mitigate the removal of existing low value hedgerow and trees and will aid screening of the development and provide privacy for existing nearby residents and future residents of the proposed scheme.

6.5 Other matters

- 6.5.1 Full drainage details have been submitted with the proposal and informatives will be imposed to ensure that the proposal meets with current building regulations as suggested by the Councils drainage team and to ensure that the development is not at risk from surface water flooding. An informative will also be imposed advising the applicant of 'Secured by Design' status.

7.0 CONCLUSION

The proposed development is acceptable in principle in this sustainable location within the Urban development boundary of Shrewsbury. The scale, design and appearance of the proposed building are all considered acceptable and would have no adverse impact on the character and appearance of the locality or the residential amenity of neighbouring properties. The proposed level of parking is adequate for the type of development proposed and would not result in a significant increase in traffic or congestion, or additional on street parking in nearby streets. There is adequate visibility from the proposed new access and due to there being no significant change in the volume of traffic as a result of this development, and particularly not at peak times the proposal will not result in any adverse highways safety implications. The loss of Category C trees is acceptable, a satisfactory landscaping scheme and maintenance schedule has been submitted and tree protection measures will ensure the protection of trees indicated to be retained. The proposal is therefore considered to accord with Shropshire LDF Core Strategy policies CS1, CS2, CS6, CS11 and CS17 and the aims of the NPPF promoting sustainable development and boosting housing supply.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6 CS11 and Cs17 and the Housing SPD

RELEVANT PLANNING HISTORY:

None

11. Additional Information

View details online:

List of Background Papers: File 13/02251/FUL

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member : Cllr Peter Nutting

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
 - b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan 8069/02 have been fully implemented on site. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with.
 - c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. All hard and soft landscape works shall be carried out in accordance with the approved details (landscape plan reference 609 001 and Landscape design statement 609/2090) and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. The accesses shall be constructed in accordance with the approved plan prior to the dwellings hereby approved being first occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

6. The dwellings hereby approved shall not be first occupied until the car parking areas shown on approved plan have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking spaces thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

7. The external materials and their colour shall be as indicated on the submitted application form and the approved plans.

Reason: To ensure a satisfactory appearance to the development

8. The dwellings hereby approved shall not be first occupied until the drainage scheme indicated on the approved plans reference 50653-01A and in the Surface Water Management Plan Revision A have been fully implemented.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise flood risk elsewhere as a result of the development.

- 9 The occupation of the development hereby approved shall be limited to person who (a) have reached the age of 60 or over, or (b) have taken early retirement due to infirmity or incapacity, or (c) a widow or widower of a person falling within (a) or (b), or (d) a dependant of a resident falling within (a), (b) or (c) residing with him/her.

Reason: The parking provision provided in the development does not make sufficient provision for general occupation.