

Development Management Report

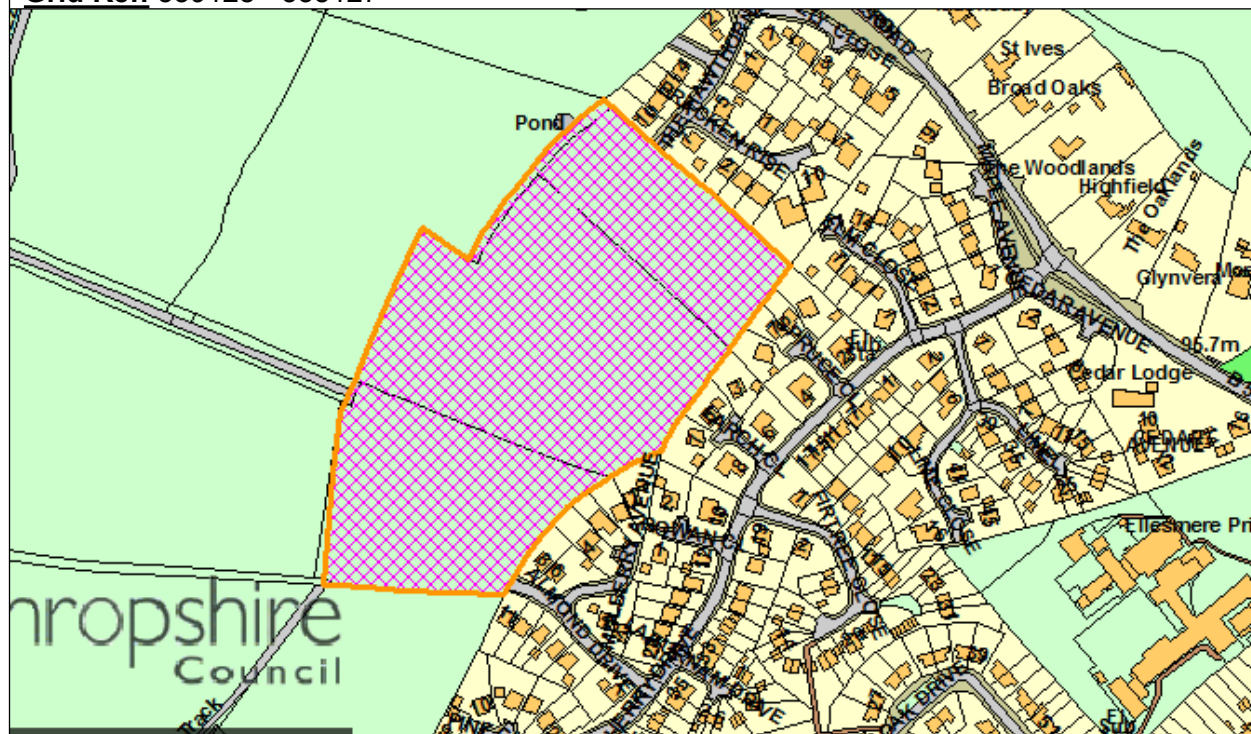
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 15/05415/REM	<u>Parish:</u>	Ellesmere Urban
<u>Proposal:</u> Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to permission 14/00822/OUT for the mixed residential development of 112 dwellings; formation of estate roads; landscaping scheme		
<u>Site Address:</u> Lane South Of The Hawthorns Ellesmere Shropshire		
<u>Applicant:</u> Fletcher Homes (Shropshire) Ltd		
<u>Case Officer:</u> Mark Perry	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 339128 - 335127



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal involves the construction of 111 two storey dwellings and one bungalow on a site on the outskirts of Ellesmere. Outline planning permission was granted in February 2015, application no. 14/00822/OUT where appearance, landscaping, layout and scale were all reserved for later approval. The outline planning consent therefore only established the principle of a residential development on the site and its means of access. This reserved matters application was originally submitted in December 2015 and proposed 130 dwelling. It has been the subject of lengthy negotiations with Officers since this date to improve the design and layout of the scheme which has also included reducing the number of dwellings to 112. This reserved matters application is therefore to consider all of the outstanding reserved matters.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a 0.39 hectare area of agricultural land. The land adjoins an existing large, fairly modern housing estate along its north-east and south-eastern boundaries. The site would be accessed by two of the existing roads in the adjoining housing estate which currently terminate at the boundary of the site.
- 2.2 The application site is currently an area of agricultural grassland and contains a number of mature trees, these are either in the centre of the site or along its boundary. The trees in and around the site are protected by tree preservation orders. The site is also bound by existing mature, native hedgerows. The neighbouring existing dwellings which are located along the boundaries have their rear gardens backing onto the site.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The resolution of the north planning committee to approved the outline planning application included a request that the reserved matters scheme was also referred to committee for determination, subject to receipt of objections. Objections have been received from the Parish Council and local residents therefore committee determination is required.

4.0 Community Representations

- 4.1 - Consultee Comments

Parish Council:

(7/6/2017)- Objects to the planning application. In relation to the latest amendments to this application dated 1/6/17, the Town Council still has concerns regarding the proximity of trees T1, T2 and T3 to proposed dwellings in the development. It is acknowledged that the applicants have amended the housetypes for the plots affected, but it is felt that further growth of the trees' root structures and canopies

may well still impact on the residential amenity of the adjacent dwellings based on their current location on the block plan.

(5/4/2017)- Made comments neither objecting to or supporting the Planning Application. On the revised layout plan, the tree at the rear of 7 The Hawthorns adjacent to Plot 1 has not been identified as an existing tree. This is despite the tree being shown as Tree 1 in the Tree Survey report accompanying the application - albeit not correctly positioned. It is believed the tree is protected under the NSDC Bramble Ridge, Elson Road TPO 1991, and this needs to be reflected in this application in terms of providing enough space for the tree root structure. It should also be noted that the existing tree T2 on the revised layout plan is also protected under the Salop CC Elson Road TPO 1972.

(8/3/2017)- The Town Council would like to restate their original objections to this application in principal especially now that the SAMDev has now been approved. Their original comments which were submitted relating to the outline planning application (14/00822/OUT) on 19th March 2014 were as follows:

Ellesmere Town Council objects to this application for the following reasons:

- 1) The bottleneck at the top of Trimpley street although this does as the application states prove to be a traffic calming facility it already has to cope with an enormous volume of traffic and this development will increase that level of traffic dramatically.
- 2) Access problems were identified initially when this application was looked at which is the main reason that members looked to withdraw it from SAMDev.
- 3) This application would be outside the development boundary already agreed in the SAMDev which is about to go to cabinet.
- 4) Members have concerns that with the SAMDev already including site ELL003 which had full Town Council support in providing 250 dwellings in on area as opposed to having housing in three separate locations. Member have concerns that an additional 130 dwellings would be over development to the town and would be beyond the capabilities of the current infrastructure.

Shropshire Council's Planning department did say in the SAMDev consultation that they wouldn't entertain any further development on Elson Road/Trimpley Street until Trimpley had been sorted out, they have gone against their own recommendation. Since the initial application was approved, application 14/01744/OUT - Old Station Yard, Brownlow Road, Ellesmere, has also been granted permission (an additional development comprising of 57 dwellings and creating more traffic) yet the issues with the Trimpley Street pinch point have still not been resolved. It has been noted together with concerns that, yet again, there has been no pre-application consultation with the Town Council from the developers.

The proposed site plan is wholly unacceptable; the density of the development appears very concentrated and tight. The level of parking provision seems wholly inadequate to meet the needs of residents and visitors and will almost certainly result in significant overspill from the designated parking areas onto the access roads and adjoining landscaped verge areas.

The road structure and layout needs vast improvements and clarification.

The sizes of garages are inadequate and far too small for the average size car today which needs addressing, if the garages are fit for purpose then hopefully they may be used, reducing the need to park on the road, if not they will result in being used as 'store rooms' rather than garage parking contributing to the overspill of vehicle parking into the common road areas.

At the dividing point between the upper and lower part of the development on the layout plan the road appears to be subject only to a small restriction in vehicle traffic moving from the Hawthorns Estate end to the Elson Estate access. The Town Council do not want to see both parts (upper and lower) of the estates joined together creating a through route for traffic.

The tree at the top of the map (marked No. 1 on the Tree Report prepared by Sylvan Resources Ltd) is shown as in the garden of the house adjacent to the Estate where it joins the Hawthorne Estate. It is in fact in the boundary hedge as many of the others are. It is incorrectly positioned on the Tree Report and this is further exaggerated in the other layout plans submitted. This changes the impact on the suitable positioning of first house into the Estate. As a consequence, not enough space is allowed for the tree root structure before the location of first house.

The trees included in the Tree Report by Sylvan Resources are all considered to be of significant landscape value and the Town Council requests that TPO's are placed on all of the trees in the plan and also the retention and enhancement of the existing hedgerow that divides the site.

Councillors would also like to there to be a clear statement as to who will be responsible for maintaining the green areas of the development after completion and the duration of any arrangements.

- 4.2 **Trees-** No objection subject to planning conditions. Tree Officer is satisfied that the revised layout addresses the concerns previously raised.
- 4.3 **Highways-** No Objection subject to the development being carried out in accordance with the approved details and following informative notes.
- 4.4 **Ecology-** no objection subject to conditions.
- 4.5 **Public Protection-** No objection subject to contamination land conditions and recommend that a condition is placed which ensures that all proposed dwellings with off road parking are provided with external charging points capable of charging electric vehicles
- 4.6 **Drainage-** Further analysis should be carried out to determine if these flow routes are accurate, and if so the drainage layout amended accordingly.

- 4.7 **Conservation**- no comments with regards to historic environment matters.
- 4.8 **Archaeology**- Note Condition 6 of planning permission ref. 14/00822/OUT. No further comments to make with respect to archaeological matters.
- 4.9 **Parks and Recreation**- The Council are happy that the developers have included adequate open space within the development however, for developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. Therefore the Council would like to see a centrally located area of play to facilitate this need.
- 4.10 **SC Education**- Shropshire Council Learning and Skills report that this development is forecast to cause medium and longer-term capacity problems at the local primary school. It is therefore essential that the developers of this and any new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the school.

4.11 **- Public Comments**

30 representations received commenting on the following issues:

Impact of the development on Trimley Street bottleneck

Lack of infrastructure

Impact on doctors

Impact on local schools

Lack of employment opportunities

Increased traffic generation

On street parking

Site outside of development boundary

Impact on flooding

No lighting to open spaces

Impact on bats

No details of maintenance of open spaces

No demand for new houses

2 and 3 bedroom dwellings not in keeping with the area

Loss of view

Density of development too high

Contaminated land

Impact on trees

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

Highway Safety
Ecology
Impact on neighbours
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Outline planning permission was originally granted in February 2015 which established the principle of a residential development on the site and the means of access.
- 6.1.2 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.
- 6.1.3 The application site is located outside of Ellesmere's development boundary as defined in the adopted SAMDev plan. The principle of the development has already been established by the outline planning consent which was granted planning permission prior to the adoption of SAMDev. As such, the application before committee members is only to consider the outstanding reserved matters, this application cannot be used to reconsider the principle of the development on the site.
- 6.1.4 A number of representations received comment on the impact that the development would have on school placements and the doctor's surgery in the town. The Learning and Skills section of the Council have confirmed that it is forecast that there will be medium and longer-term capacity problems on the primary school places. If as a result additional classroom accommodation is needed then this would be funded by payments received through the community infrastructure levy to which this proposed development would be liable. These were both issues which were considered at the time of the outline planning and are not relevant to this reserved matters submission.

6.2 Siting, Sale and Design

- 6.2.1 The original outline application provided an indicative layout for the estate road and identified the area of open space and the location of the existing trees, This reserved matters submission provides full details of the proposed dwelling with a slight revision to the alignment of the estate road and the position of the public open spaces. The point of access with the existing adopted highway remains the same as previously approved i.e. a continuation of The Hawthorns and Almond Drive estate roads.

- 6.2.2 The scheme, as amended, includes a mix of 1 x 2-bed bungalow, 15 x 2-bed dwellings, 62 x 3-bed semi/ detached dwellings and 34 x 4 bed dwellings. The 4 bed units and the bungalow are detached dwellings, the rest are semi-detached dwellings or part of a short terrace of 3 properties.
- 6.2.3 The scheme proposes a single estate road which will go from the two existing estate roads that currently abut the site. The passage of vehicles all the way through the development will be restricted by bollards in the centre of the site, although pedestrians will be able to walk/ cycle all the way through. Off the spine road there will be a series of small cul-de-sacs, most of these will be designed to an adoptable standard but there will also be a small number of private shared driveways.
- 6.2.4 The proposed layout has been dictated by the position of the trees both within and immediately adjoining the application site, most of which are protected by tree preservation orders. There is also an existing hedgerow which crosses the site from west to east and this has been incorporated into the proposed development. A development of this size is also required to provide an adequate amount of public open space. This open space has been positioned predominantly around the existing mature trees; enhancing the visual and amenity value of the open space and ensuring the protection of the trees for the long term future.
- 6.2.5 The scheme proposes a varied mix of dwelling types and sizes, all of the dwellings are two storey with the exception of the 'Preston' house-type which is a two and a half storey dwelling as two bedrooms are provided in the roof. A small dormer window would be provided in the front facing roof slope and a rooflight in the rear. 18 no 'Preston' house types are proposed within the development.
- 6.2.6 The proposed development includes ten different house types, this provides a varied mix of sizes and also designs. The applicant has identified design features on other vernacular dwellings elsewhere in Ellesmere and these have been incorporated into some of the proposed dwellings. Officers consider that the mix of house types, their design detailing, as well as the different proportions and sizes will provide some visual interest to the development.
- 6.2.7 Views of the proposed development will be possible across the fields from the B5068 to the north, although this would be at a distance of around 164 metres. Where a housing estate backs onto agricultural land this can often result in a harsh line of boundary fences. To soften the visual impact of the development some of the proposed dwellings are facing outwards from the site where their front gardens face out onto areas of public open space which separate the domestic curtilages from the surrounding agricultural land. This negates the need for privacy fencing and a greater opportunity for landscaping; creating a soft transition from the rural landscape to the built development. It also helps to provide natural surveillance of the public open spaces to help prevent anti-social use.
- 6.2.8 Across the centre of the site there is a series of protected trees and the line of the existing hedgerow. The position of these has influenced the position of the public

open space which will span from one side of the site to the other. Some of the proposed dwellings will be positioned so that they have their front elevations facing across this area land, this also will provide further natural surveillance across the land. The open space has been designed so that it is an integrated part of the overall development providing amenity and visual benefit to those that would live on the estate.

- 6.2.9 The applicant has detailed on the proposed plan the use of appropriate boundary treatments comprising new hedgerows around the areas of public open spaces, brick walls in along the edge of gardens that are on the edge of the roads and timber fences elsewhere.
- 6.2.10 It is considered, by officers, that the proposed density of the development is appropriate; it provides sufficient private amenity space for future occupiers and provides adequate separation between the new dwellings and also to the existing dwellings around the edge of the site. The density of development is higher than that of the neighbouring development which consists predominantly of larger detached dwellings. By comparison the proposed development provides a greater variety of sizes which inevitably results in a higher density. It is however not to such a high density where it would conflict with the appearance of the neighbouring development.
- 6.2.11 It is considered that the proposed development is of an appropriate design and scale and would preserve the appearance of the site and its immediate surroundings.

6.3 Impact on Neighbours

- 6.3.1 The nearest neighbours to the development are those living in the existing adjoining housing estate. These properties currently enjoy open views across the open fields. The proposed development will inevitably impact upon this view however in considering a planning application nobody has a right to a view. The main issue is therefore the impact that the proposed development would have on the residential amenities of the neighbours, in particular with regard to privacy, light and outlook.
- 6.3.2 The neighbouring dwellings around the site are all detached properties within relatively spacious plots. To preserve an acceptable level of private amenity all of the proposed dwelling would have rear garden depths of at least 11 metres. The distance between facing windows would at minimum of approximately 21 metres. It is considered that the degree of separation between the existing and proposed dwellings is sufficient to ensure that there would be no detrimental loss of privacy and no loss of light to the neighbours around the south-eastern and north-eastern edges of the site.
- 6.3.3 The proposed development will introduce a level of activity on the site that is greater than currently emanates from the agricultural land. Whilst there would be the noise of vehicles and people using their gardens etc this is not going to be any greater than the noise that comes from the rest of the housing estate. It is

considered that the proposed housing development is not going to cause an unacceptable level of disturbance to neighbours.

6.4 Public Open Space

- 6.4.1 Policy MD2 of SAMDev requires landscaping and open space to be provided holistically as part of the whole development. The policy states that only for developments of more than 20 dwellings does open space need to be provided as a formal play/ recreational space. The Council's recreation team have confirmed that the amount of open space provided is adequate. They also comment that the open space needs to comprise a functional area of play and recreation. It is considered that there is sufficient space for such a facility to be provided. All of the dwellings have good sized gardens therefore the open space is more likely to be used for visual and ecological enhancement more than for recreational purposes. A condition will be imposed on any consent to ensure that appropriate mechanisms are in place to safeguard the future of the open space, making sure that it is suitably managed and maintained.

6.5 Highway Safety

- 6.5.1 The proposed means of access to the site was approved as part of the outline planning consent. During the consideration of that application a large number of representations were received commenting on the increased traffic through the bottleneck priority junction on Trimpey Street which is the main route between the application site and the town centre. The issues relate to how this bottle neck causes traffic build up at peak times and that the extra traffic generated by this development would compound the existing problem. This issue was considered at the outline stage when the principle of the development and the access was being considered. It was considered at that time that although the proposed development would have a negative impact on traffic flow, this would not be severe to warrant an objection. As such the issues of traffic flows on the wider highway network was dealt with at the outline stage and is not an issue for consideration as part of this reserved matters submission.
- 6.5.2 The proposed layout of the development would not create a through route, instead it would effectively create a series of cul-de-sacs. It is considered that the scheme proposed would not have any detrimental impact on the safety of those using the highway.

6.6 Affordable Housing

- 6.6.1 The outline planning permission required affordable housing to be provided in line with the rate set out in the adopted SPD; this was secured by the s106 agreement.

6.7 Ecological Impact

- 6.7.1 At the time of the outline planning application the applicant provided an ecological report, and this has been updated by an Ecological assessment and Management Plan submitted with this reserved matters application. The outline permission included a number of conditions relating to ecology; specifically badger setts and these shall remain in place and will need to be subject to a discharge of condition application.

- 6.7.2 As referred to above the scheme contains a number of trees which are protected by tree preservation orders. The scheme has been subject to a number of revisions to ensure that the proposed development would not impact upon the health of the trees but to also ensure that there would not be significant future pressure for the removal or pruning of the trees if residents find that the impact upon their amenities. It is considered that the site layout has been appropriately re-designed so that it properly accommodates the trees on the site.

6.8 Drainage

- 6.8.1 Condition 7 of the outline permission required details of the foul and surface water drainage system to be provided and completed prior to the occupation of the development. Whilst some details of the drainage system have been provided with the reserved matters application further details will need to be provided as part of a future discharge of condition application.

6.9 Contaminated Land

- 6.9.1 The southern part of the application site has historically had railway lines running across it. As such there is the potential for contamination to be present. The Council's Public Protection Officer has recommended that a condition is placed on any consent requiring an investigation to be carried out and if necessary appropriate remediation.

7.0 CONCLUSION

- 7.1 The principle for residential development and its means of access has already been agreed as part of the outline planning consent. It is considered by Officers that the proposed design and layout of the scheme will respect the semi-rural character of the area and not detrimentally impact upon the amenities of any neighbours. The proposed accesses will provide safe access for highway users and the scheme includes adequate off street car parking and manoeuvring space. It is therefore considered that the proposed development complies with policies CS6 and CS17 of the adopted Core Strategy and MD2 and MD12 of SAMDev.

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 six weeks 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 1990.

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

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

Relevant planning history:

14/00822/OUT Outline application for residential development to include access GRANT 13th February 2015

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Ann Hartley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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

2. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. integrated bat and bird boxes, hedgehog-friendly gravel boards and badger protection) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

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

3. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

4. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: To ensure the long term amenity of the landscaped areas.

6. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Ecological Assessment & Management Plan prepared by Turnstone Ecology (May 2017)

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

7. Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no

longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

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

8. 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 existing 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 the protection measures set out in submitted Arboricultural Report (received 3rd February 2016) has been implemented. The 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.

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.

d) 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 a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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.

9. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out prior to the occupation of the development hereby approved. 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

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