



Committee and date
Central Planning Committee
1 May 2014

Item
9
Public

Development Management Report

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

Summary of Application

Application Number: 13/02781/FUL	Parish: Shrewsbury Town Council
Proposal: Erection of two residential dwellings (amended description)	
Site Address: Land to rear 110-112 London Road Shrewsbury SY2 6PP	
Applicant: The Planning Group Ltd	
Case Officer: Tim Rogers	email: planningdmnw@shropshire.gov.uk

Grid Ref: 351137 - 311292

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and Section 106 legal agreement to secure an affordable housing contribution.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking full planning permission for the erection of two detached dwellings (amended from three originally) on land currently forming part of the rear gardens to No's 110 and 112 London Road, Shrewsbury. The proposal includes the removal of an attached side garage currently serving no. 112.
- 1.2 Access to the proposed development would be via a private driveway running between No's 112 and 114 London Road which in addition to serving the two proposed dwellings would also serve two parking spaces for the sole use of 112 London Road.
- 1.3 The proposed dwellings would both be two storey and would comprise five bedroom detached properties. The designs of the two dwellings are different one being in a more traditional rectangular form and the other being L-shaped. Both properties would have their primary (front) elevations facing the shared driveway (north-east) with their rear elevations facing the rear gardens of residential properties that front on to Wenlock Road.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the west of London Road, accessed off a service road that runs parallel to it and along a single width driveway proposed to be created along between nos. 112 and 114 London Road, following the removal of the attached side garage to no 112. There is an existing dropped kerb in place and currently the driveway to nos. 110 and 112 is shared, with two entrance/exits points. No. 110 operates under a mixed use of domestic residential and B&B use (three bedrooms B&B) and therefore parking is provided across the whole frontage of both properties.
- 2.2 The site itself is almost T shaped and within a central area of land at the rear of properties fronting London Road to the east, Ebnal Road to the north, Wenlock Road to the west and Huxley Close to the south. Planning permission for residential development on this site has been sought previously in 1997 however it was refused and dismissed at appeal due to the impact of the development upon protected trees to west of the site. The inspector accepted the principle of residential development. The scheme was seeking approval for a higher number of dwellings and proposed access off Huxley Close, a residential cul-de-sac to the south. The agent has confirmed that this route of access is no longer available to them.
- 2.3 In 2012 a planning application was submitted for this site for a similar development involving three detached dwellings (ref 12/03556/FUL) which was refused by Committee for the following reason:-

'It is considered that the proposed development is unacceptable due to the following material considerations:-

- The detrimental impact on the residential amenity of the adjoining surrounding properties, particularly the overbearing impact of Plot C on no. 108 London Road.
- The inadequacy and unsuitability of the proposed access to the site, particularly:
 - the proposed width of 3.9m for the access being below the recommended width of 4.1m.
 - the proposed access did not lend itself to ensuring safe access/egress to users at all times.
 - the provision of the proposed access would have a detrimental impact on the provision of adequate parking for existing dwellings on London Road, leading to potential adverse impacts on the residential amenity of adjoining occupiers and users of the public highway.

Accordingly, the proposal is contrary to adopted Policy CS6 of the Shropshire Core Strategy and to Government advice contained within the National Planning Policy Framework.'

That decision was subsequently appealed by the applicants and the appeal was dismissed. The appeal was running concurrently with the current planning application. The appeal decision is attached as an appendix to this report and is discussed in more detail below.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The application involves development of a site which has a significant planning history including previous decisions by Central Planning Committee. In the opinion of the Area Planning Manager, in consultation with the Chair, the application should therefore be considered by Committee again.

4.0 Community Representations

4.1 - Consultee Comments

Shrewsbury Town Council - The Town Council believes there is no additional information or significant changes to the plans submitted as application 12/03556/FUL to warrant it changing its position. The Town Council sees that this application constitutes back-land development is an overdevelopment of the land which would significantly change the ambience of the area. Members are also concerned about the additional traffic congestion this application would generate given its proximity to the entrance/exit to the College on the opposite side of London Road.

- 4.2 **SC Trees (initial comments)** - Further to previous comments on 12/03556/FUL it is accepted that T5 Cherry subject to a Tree Preservation Order can be protected using a cellular confinement system access drive in the root protection area and construction a temporary construction access to avoid the tree. The tree report also shows that the full RPA's of the 3 protected Beech trees on the adjacent site can be protected and there is no incursion into them. Shading of the gardens may be an issue however as the Beech trees are on the western curtilage of the development this will be restricted to afternoons in the summer months and the properties should

receive adequate sunlight at other times. Further comments on the revised scheme will be reported at the meeting

4.3 **SC Highways** – I raise no highway objections to permission being granted for the latest amendment to this scheme, site layout and access as shown on the drawing 110/LR/PP/11. I consider that vehicle movements will be able to be performed satisfactorily to/from the dwellings onto the adjacent service road running parallel to London Road and that all parking associated with the development will be accommodated within the curtilage of the site.

4.4 **SC Drainage** – 1. The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). As part of the SuDS, the applicant should consider employing measures such as the following:

' Surface water soakaways (Designed in accordance with BRE Digest 365)

' Water Butts

' Rainwater harvesting system

' Permeable surfacing on any new access road, driveway, parking area/ paved area

' Attenuation

' Greywater recycling system

' Green roofs

The use of soakaways should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. If the new access road slopes toward the highway, the applicant should submit for approval a drainage system. Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

3. On the Pluvial Flood Map, part of the the garden at the rear of No. 110-112 is at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level and must not be lower than the floor level of the existing building. Reason: To minimise the risk of surface water flooding.

4.5 **SC Affordable Housing and Enabling** - 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 current affordable housing contribution rate is 13% and as such a proposal for 1 new open market

dwelling would be liable to make a contribution equivalent to 0.13 of a whole affordable unit (1 x 13%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed. It should be noted that the maximum affordable housing contribution payable until the 31st August 2013 is £11,700 per dwelling.

NB Although the contribution rate has changed since submission of the application, the rate to be applied is that at the time of submission.

4.6 **SC Ecology –**

The site has potential for nesting Wild Birds to be present. The recommended informative should be on the decision notice if approved.

There is potential for foraging bats around the site. The recommended condition should be on the decision notice if approved.

4.7 **Local Member Cllr Tandy –** I would like to object to this planning application, firstly I would like to mention the lack of access to the site for which concerns have been raised already, partly due to the lack of access for large vehicles which could present a situation of life-threatening outcomes if an emergency service vehicle is unable to approach the building. Also, the lack of parking will create further congestion within the area as the removal of parking spaces on the site will create a cluttered area with cars parked all over the place. Furthermore, the application has already been turned down before.

Looking at comments made from the public, and on this comment board it is clear that a great deal of the people living within this area feel that their privacy will be infringed upon with the development of these buildings. Within the area, there is a great deal of wildlife and calm amongst the gardens that reside here and it would be important to keep the character of the community that makes it such a desirable location to live in. To finish, I feel that the risks to public safety within the site mean that this site should be rejected again as the access is poor, and the increase in traffic with little or nowhere to go will ruin the aesthetics of the area as well as leading to dangerous entry/exit routes. Therefore I would like to request a committee to further look into this.

4.8 **- Public Comments**

4.8.1 The application has been advertised by way of neighbour letter and site notice. 73 objection submissions have been received (though some individuals have commented several times following amendments to the proposals) and are available to view on the planning file, they may be summarised as follows (Please note some of the comments made were submitted prior to the amendment of the proposals and may therefore be out of date):-

- This re-application has been submitted less than three months after the rejection of an almost identical application, and occurring simultaneously to an appeal of the previous application, is an act of harassment to our

- community.
- Loss of privacy, similar development was turned down by the Planning Committee in April, 2013, also in 1997 when the Secretary of State for the Environment rejected plans for housing on this site, due to the preservation of trees, well managed gardens and wildlife.
 - This is backland development which was unanimously turned down at committee on 4th April 2013. The proposed access is still narrow which will cause difficulties for larger vehicles i.e Fire Service Vehicles, This 'Horrible Housing Development', as quoted in the Shrewsbury Chronicle.
 - All of the proposed properties will overlook a number of gardens. A number of the properties surrounding these gardens have very large rear bedroom windows which begin at around knee height. The proposed properties will have a severe impact on the privacy afforded to the rear bedrooms of Ebnal Road.
 - The approach road does not have a pavement, which will increase the danger to pedestrians. Vehicles leaving the properties will have to cross the pavement, with restricted visibility, very close to the new pedestrian crossing point to the college. This approach is not suitable for the route into a housing development and simply does not make sense as an access to the area.
 - Lower branches of large protected trees would significantly impact on the rear aspect of Units A and B, leading to the strong likelihood of ongoing damage to the trees and continuing pressure to reduce them.
 - The proposal is totally out of keeping with the character of properties in the neighbourhood.
 - The detrimental impact on the residential amenity of the adjoining surrounding properties, particularly the overbearing impact of Plot C on no. 108 London Road.
 - The inadequacy and unsuitability of the proposed access to the site, particularly the proposed width of 3.9m for the access being below the recommended width of 4.1m. The proposed access did not lend itself to ensuring safe access/egress to users at all times. The provision of the proposed access would have a detrimental impact on the provision of adequate parking for existing dwellings on London Road, leading to potential adverse impacts on the residential amenity of adjoining occupiers and users of the public highway.
 - Overshadowing effect of the gables and roofs of the properties close to existing boundaries.
 - Inadequate parking; the number of parking spaces have been reduced even further to three less than the previous application.
 - This scheme is contrary to Policy CS6 of your own Core Strategy which relates to design and development of such areas.
 - A member on the planning committee previously stated that the application, 'Is about putting an estate within an estate and whether that is the right thing to do?'
 - The access problems and parking issues which were highlighted as a major problem in the previous application still remain. The number of vehicles at the applicants premises continuously causes issues and may well prevent access for emergency vehicles should the application be approved.
 - There has been a small reduction of parking spaces in the proposed

development which would undoubtedly mean an increase in the on-road parking which would be both hazardous and dangerous.

- The proposed bungalow (Plot C) is still overbearing on the neighbours property whose privacy would be severely affected and totally unacceptable both in noise and being so close to the boundary.
- The application appears to be completely insensitive to the local area.
- Note its submission in the height of the holiday period presenting difficulty for many in responding within the time frame due to holiday commitments.
- The arboricultural report is both out of date and inadequate.
- The parking available at the applicants properties was misunderstood by the previous appeal Inspector.
- The proposed parking at the rear for No 112 London Road will lead to occupiers congregating by their vehicles (whilst smoking) potentially causing nuisance to neighbouring occupiers.
- Who will police the dedicated parking for No 112 London Road at the rear and what is there to prevent further parking being created?
- The use of gravel for the driveway/parking will have significant noise implications for neighbours. Non porous material will have significant drainage implications.
- Manouvring vehicles to access parking/garaging will have significant noise implications for adjoining properties.
- The houses are still crammed in and will appear as a single large block.
- Notwithstanding the comments of the previous appeal Inspector access issues will still potentially be a problem especially at drop off/pick up times for the nearby college.

4.8.2 Since this report was originally drafted, two further objections have been received. The concerns expressed therein are summarised as follows:-

- Comparison to development at 94 London Road is erroneous as the access and layout there is much better.
- Insufficient consideration has been given to the narrowness of the access and the issue of access for emergency vehicles and access to water supply.
- The proposed dwellings will appear as one block from most available viewpoints, and visual impact to properties on London Road will be exacerbated by the rising nature of the land.
- Privacy and amenity in the rear garden of 108 London Road will be severely compromised by the proposal especially if the adjacent conifers are removed as is likely.
- The proposal is completely out of character and does not reflect local distinctiveness.

5.0 THE MAIN ISSUES

- 5.1 Principle of development
Siting, scale and design of structure
Impact on residential amenity
Parking
Access and visibility

Impact on trees/ecology
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site is located within the Shrewsbury Urban Area therefore should be assessed against Core Strategy Policy 2: Shrewsbury Development Strategy. The policy states that Shrewsbury's will provide the primary focus for development for Shropshire providing approximately 25% of its additional housing for the period 2000-2026 (approximately 6,500 dwellings – 325 dwellings per annum). The site is situated within the Shrewsbury urban area, regarded as a sustainable location where the principle of residential development is accepted.
- 6.1.2 Core Strategy Policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and states that it should be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to the local character having regard to national and local design guidance. Proposals should safeguard residential and local amenity.
- 6.1.3 The minutes for the meeting of the Central Planning Committee on the 4th April 2013 at which the previous application for this site was considered (ref 12/03556/FUL), make it clear that members believed the proposal to be contrary to the requirements of adopted Core Strategy policy CS6 for a number of reasons which were expressed in the reason for refusal. The current application is similar to the previous refusal and the issues of concern identified in that decision are discussed in more detail below.
- 6.1.4 Core Strategy Policy CS9 requires development that provides additional dwellings to help deliver more sustainable communities by making contributions to local infrastructure. Should the application receive approval the development will be invoiced for a Community Infrastructure Levy contribution.
- 6.1.5 Core Strategy Policy CS11 seeks to ensure that all new open market housing developments make appropriate contributions to the provision of local needs affordable housing. As such the application would be subject to a contribution of £35,100.00 and this would be secured via s106 legal agreement.
- 6.1.6 Finally the proposal will also be assessed against CS17: Environmental Networks which states that development should not have a significant adverse impact on environmental assets. As described above, there are several protected trees along the boundary of the site which must be appropriately protected and conserved.
- 6.1.7 The principle of development was accepted by the Planning Inspector at the time of the appeal in 1997. In addition to this, a property within relatively close proximity has been granted outline planning permission for the erection of a dwelling at the rear, with access being similar to that currently proposed – no. 94 London Road.

6.1.8 The site is a backland site to the rear of properties that front London Road, Ebnal Road and Wenlock Road. There is however no automatic 'ban' on backland development. The key issues in the determination of this issue relate to the impact of the development of two detached dwellings, and the associated access, upon the context and character of the area and upon the local and residential amenities of surrounding properties.

6.2 Siting, scale and design of structure

6.2.1 A present the site forms part of the curtilage of nos. 110 and 112 London Road, which are both owned by the applicant. Plots A and B are proposed in the south western part of the site as previously indicated in the earlier application although their exact position and design has been altered. The concerns of Members in respect of the previous proposal related primarily to the siting of Plot C as then proposed and its impact on the adjoining property at 108 London Road. That element has now been completely removed from the current application with the reduction from three dwellings to two.

6.3.2 It is acknowledged that the proposed properties are large detached dwellings. They would however not be unique in this respect within the locality and they would enjoy large curtilages which is a feature of properties locally. The two properties are quite close together but in officer's opinion there is adequate separation to avoid them being viewed as a single and overly large mass. The design of the proposed properties is considered to be acceptable.

6.4 Impact on residential amenity

6.4.1 Distances between windows serving both existing and proposed properties will be more than adequate to ensure that no unacceptable loss of privacy or amenity occurs. Furthermore in many instances direct views of the site and therefore the proposed dwellings will be interrupted by trees on and around the site that will remain should the development be approved.

6.4.2 It is acknowledged that the proposed development will lead to some increased overlooking of the gardens to neighbouring properties, but this will simply be in addition to the overlooking that nearly all properties are subject to in a suburban setting and will not in the opinion of officers be excessive or unacceptable.

6.4.3 It was an acknowledged concern of the Inspector at the time of the previous appeal that vehicle movements and manoeuvring could have a potentially unacceptable impact on the residents of adjoining properties. Revisions to the scheme including the reduction in number of dwellings (and therefore potential vehicle movements) and the realignment/repositioning of the spaces to serve 112 London Road have largely overcome these concerns. Officers do not consider that refusal of the application could be sustained for this reason.

6.5 Parking

6.5.1 Parking space commensurate with the number and size of the proposed dwellings would be provided within the site, plus the provision of two spaces served off the private drive to serve 112 London Road replacing parking lost to facilitate the new access. The parking provision is therefore considered to be acceptable. Whilst it is noted that Neighbours have significant concerns about the levels of parking at

110/112 London Road and the enforcement of conditions imposed on permission for commercial use (B&B) this is not something that can be addressed through consideration of the current planning application other than to make sure that the overall provision is not reduced.

6.6 Access and visibility

6.6.1 The Highways Development Control officer has raised no objection to the proposed access in terms of highway safety. Whilst this was clearly a concern of local residents and Members at the time of the previous application it was not a view that was subsequently supported by the appeal Inspector (decision appended), other than in respect of vehicle manouvering in close proximity to the boundary with 108 London Road to access tandem parking spaces. The applicants have subsequently amended the current scheme to address this concern, and officers are therefore firmly of the opinion that there is no justification to refuse the application on the grounds of the inadequacy of the access or impact of vehicle movements on the amenity of adjoining occupiers. The issue of potential noise from a gravel service can be dealt with by an appropriately worded condition.

6.7 Visual impact and landscaping

6.7.1 Whilst it is acknowledged that there will inevitably be a visual impact from the proposed development this will largely be restricted to the outlook from adjoining properties. These properties do not have a right to an uninterrupted view and the large gardens that they enjoy will ensure adequate separation from the proposed dwellings to ensure that the impact on their visual amenity will not be so significant to be unacceptable or warrant refusal of the application.

6.7.2 There are several trees along the rear boundary of the site which are protected by tree preservation orders. The Tree Officer is satisfied that they can be retained and protected as part of the application. Having considered this further the rear gardens of Plots A and B would be overshadowed from mid-afternoon onwards but the rear elevations of the dwellings should remain unaltered and benefit from a sustained level of natural light. A condition requiring an overall landscaping scheme to be agreed will help to ensure that the proposal as a whole adequately assimilates into its surroundings in time.

7.0 CONCLUSION

7.1 The officer's recommendation of approval for the previous planning application 12/03556/FUL was a balanced recommendation having weighed up all material planning considerations. It was entirely reasonable for members to come to a different conclusion having assessed the relevant planning considerations, which in the case of the previous proposal they did. Committee members stated specific reasons why they considered the previous development was not acceptable and those were clearly set out in the reason for refusal. The decision and the reasons (to some degree) were subsequently upheld on appeal. It should however be noted that the Inspector did not consider the Council's concerns about the adequacy of the proposed access to be adequately justified or demonstrated, and indeed awarded costs against the Council in respect of this particular matter.

7.2 It is now the view of officers that sufficient alterations have been made to the proposal to overcome the previous reason for refusal and the concerns relating to the previous application which cumulatively led the Inspector to dismiss the appeal. For this reason it is recommended that the application should be approved subject to the recommended conditions below and to the satisfactory completion of a S106 Agreement or Unilateral Undertaking on behalf of the applicant, to secure the provision of an appropriate financial contribution to the provision of affordable housing in line with adopted Council policy.

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:
CS2 – Shrewsbury Development Strategy
CS6 – Sustainable Design and Development Principles
CS9 – Infrastructure Contributions
CS11 – Type and Affordability of Housing
CS17 – Environmental Networks
CS18 – Sustainable Water Management

SUPPLEMENTARY PLANNING DOCUMENTS

Type and Affordability of Housing
Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

12/03556/FUL Erection of three residential dwellings with integral garages; formation of vehicular access following demolition of existing garage REFUSE 17th April 2013
SA/07/0201/F Change of use from residential to part residential, part bed and breakfast accommodation to allow 3 rooms to be let; retention of guest dining room and construction of dormer window in rear elevation in connection with conversion of loft PERCON 21st June 2007

Appeal

13/02053/REF Erection of three residential dwellings with integral garages; formation of vehicular access following demolition of existing garage DISMISSED

11. Additional Information

[View details online:](#)

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 M. Price

Local Member

Cllr Jon Tandy

Cllr Ted Clarke

Cllr Jane Mackenzie

Appendices

APPENDIX 1 - Conditions

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.

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

5. The development hereby approved shall not be commenced until full details of the means of all means surface water disposal and management (to include plans, calculations, finished floor levels of the proposed dwellings and any means of attenuation if required) have been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details agreed.

Reason - To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise the risk of surface water flooding..

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

6. No dwelling hereby approved shall be occupied until full details of the finished surface to the whole access drive and all parking areas has been agreed in writing with the Local Planning Authority, and the work has been fully undertaken in accordance with the details agreed. The agreed surface shall thereafter be retained as agreed and undertaken for the lifetime of the development.

Reason - To ensure that the finish of the driveway and parking areas is satisfactory in terms of potential noise generation and impact on the amenity of adjoining occupiers, and also drainage.

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

7. All site preparation and construction work undertaken on site shall be carried out strictly in accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan by Forester & Arborist Services Ltd dated 29th January 2014.

Reason - To ensure adequate protection for trees to be retained on and around the site in the interests of visual amenity and ecological value..

8. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

Reason: To minimise disturbance to bats, a European Protected Species.

Informative(s)

1. Where possible trenches on the site to which this consent relates should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then a means of escape should be provided in the form of a sloped board, plank or earth ramp. All open trenches should be inspected at the start of each working day to ensure no animal is trapped.
2. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
4. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

6. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.