



Committee and date

Central Planning Committee

13 November 2014

Development Management Report

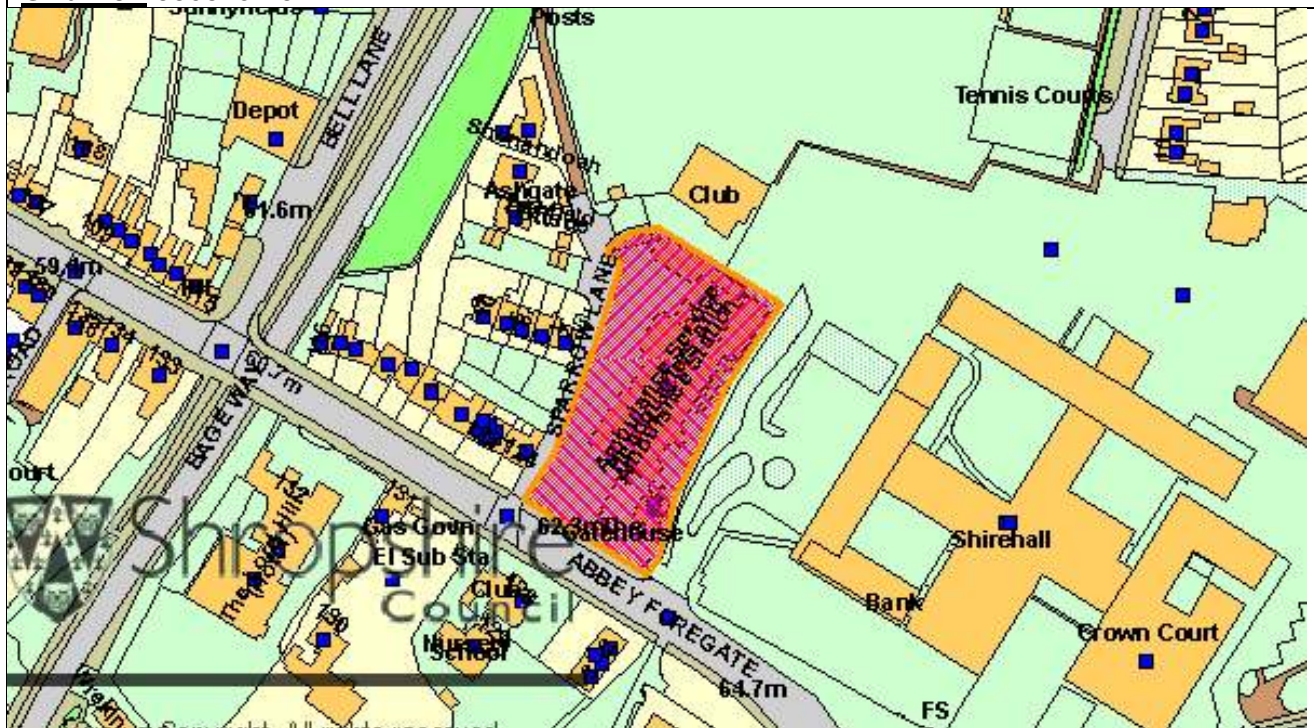
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/03033/FUL	Parish:	Shrewsbury Town Council
Proposal: Change of Use of former ambulance station to A1 retail including the provision of two C3 residential units and the erection of thirteen dwellings		
Site Address: Shropshire Ambulance Service Ambulance Station Abbey Foregate Shrewsbury SY2 6LX		
Applicant: Johal Dairies Holding Co Ltd		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 350549 - 312217



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Recommendation: Approve subject to the conditions set out in Appendix 1 and a S106 agreement to secure the affordable housing on site.

Contact Tim Rogers on 01743 258773

REPORT

1.0 THE PROPOSAL

1.1 This planning application seeks full planning permission for the change of use of the front two storey part of the former ambulance station to form two A1 retail units (400sqm and 93sqm) on the ground floor and two apartments above and the erection of thirteen dwellings to the rear.

1.2 The re-development also includes the demolition of the single storey buildings to the rear.

1.3 The proposed vehicular access to the retail units will be via the existing entrance off Abbey Foregate and to the proposed dwellings at the rear via Sparrow Lane.

2.0 SITE LOCATION/DESCRIPTION

2.1 Abbey Foregate is located approximately 2 miles east of Shrewsbury Town Centre and is adjacent to the Shrewsbury Conservation area. The application site is located on the northern side of Abbey Foregate and is on land currently housing the former ambulance station.

2.2 The site is located adjacent to the Shirehall to the East of the site and the car park and UNISON club building to the North and rear of the site, with Sparrow Lane along its boundary to the West and fronts Abbey Foregate to the South. The existing building is set back from the road with parking area and semi mature trees to the front and mature trees on the boundary to the East. The red outline of the site extends outside of the current ambulance station curtilage and also includes three parking spaces to the rear of the building that are currently part of the Shirehall visitor long-stay car park and this land is being sold by the Council to the applicant. There is also a footpath link from the car park to Sparrow lane to the rear but the proposal would not result in the loss of this pedestrian link

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The proposed development does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council and is not in line with statutory functions.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shrewsbury Town Council:

Shrewsbury Town Council objects to this application as they consider the proposals to be overdevelopment of the site, particularly the dwellings at the back. Being a conservation area, members also felt the plans neither preserved or enhanced the area, and therefore cannot support it.

4.1.2 **SC Trees:**

Accepts the arboricultural report which has justified that redevelopment of the site will not affect the condition of T1 (a mature, protected Sweet Chestnut tree of high public amenity in third party ownership) since roots will be largely absent from the development site due to the hostile conditions and changes in levels made approximately 50 years ago when the ambulance station was built. The report also states that “The RPA can only be improved by demolishing the existing building and de-compacting the ground below it to encourage root growth. Converting the existing building or replacing it with another within its footprint is not detrimental to the trees RPA as it merely maintains the status quo”. Still has concerns regarding the juxtaposition of the veteran Sweet Chestnut tree (T1) with the property and potential for conflict. A more thoughtful appropriate design would have been to include an area of public open space to benefit the tree and avoid long term issues with future prospective residents. Accepts that the raised part of the garden of the end terrace will receive sufficient sunlight in the afternoons to be considered adequate so as not to deny reasonable enjoyment of the garden. However, the building will remain shaded along with the lower part of the garden and the border to the side of the property and will also be affected by detritus from the tree. Therefore whilst not supporting the application fully does not have a case against the proposal which is confident would be upheld at an appeal. In order for the property to be constructed facilitation pruning will be required to the west of the tree and this will require either a separate TPO application or a schedule of works to be prepared by a competent arborist and submitted as part of the current planning application. No objection to the proposed removal of trees, but as the submitted tree report does not have a Tree Protection Plan, which could be enforced recommends a tree protection condition.

4.1.3 **SC Highways:**

Sparrow Lane is a narrow street serving a small number of residential dwellings and a walking connection between Abbey Foregate and Dark Lane. The proposed development looks to increase the numbers of residential units accessed off Sparrow Lane, which we consider to be suitable to support this level of development with the improvement works proposed at the Abbey Foregate junction as these will improve inter-visibility at this junction and provide a widened section for passing vehicles. This work must be carried out prior to the first occupation of the new dwellings and hence we have requested a condition for this. The level of proposed car parking and the layout of the proposed retail development appears to be suitable for the intended usage and we note the applicant has included a pedestrian route to the unit frontage from Abbey Foregate. Clearly the standard of the junction with Abbey Foregate is suitable when considering the former use of the

site, but the supplied transport statement demonstrates this junction would operate well within theoretical capacity. No cycle parking stands have been indicated on the site layout, but 'Sheffield' type stands must be provided along the site frontage to provide convenient and secure cycle parking for staff and customers of the retail units. We would recommend that a minimum of four stands be provided.

No objections, subject to conditions and informatives

4.1.4 **SC Drainage:**

Suggests drainage details, plans and calculations to be subject to condition

4.1.5 **SC Waste Management:**

From looking at the plans for this estate there is nowhere for the vehicle to turn to come out of the houses at the rear of the retail units. If there is nowhere to turn residents will have to present their bins at the junction with Sparrow Lane.

Waste Management would recommend the developer reads our guidance on bin collections and access for vehicles.

4.1.6 **SC Affordable Housing:**

The current affordable housing contribution rate for this area is 20% and as such a proposal for 15 new open market dwellings would be liable to make a contribution equivalent to 3 whole affordable units. The application form notes the correct provision of affordable housing and therefore satisfies the Policy requirement. During the pre application discussion, it was suggested by the applicants agent that the three units were proposed to be discounted rental tenure and that Block C will comprise the affordable provision.

4.1.7 **SC Conservation:**

The subject lands are located just outside of, but directly adjacent to and across from, the Abbey Foregate Special Character Area which makes up part of the larger Shrewsbury Conservation Area. There are no listed buildings on these lands however there is a substantial brick wall running along Sparrow Lane along the westerly property boundary which is a local feature of historic interest, and which likely delineated the westerly walled garden of the now demolished 1850s villa named Nearwell (removed in 1963 to make way for the new Shirehall). Immediately to the west, and within the Conservation Area, the ashlar faced substantial terraces along Abbey Foregate are Grade II listed.

Considers this to be a key site along a busy gateway route into and out of the Conservation Area, adjacent and near to a number of important designated and non-designated heritage assets, and just west of the major road junctions around

the Grade II* listed Lord Hill Column. The site has deteriorated recently and is visually detrimental to the area at present, and efforts to improve the site are welcome. Development should not however impact detrimentally on adjacent heritage assets and overall will need to visually enhance the character and appearance of the adjacent Conservation Area and the street scene including Sparrow Lane.

The plans indicate that much of the site would be taken up by extensive areas of paving for parked cars and access routes along with a predominance of buildings, both existing and new, with very little amenity space provided both to the street frontage and over the site as a whole. In this regard, the site appears over developed. Additional amenity area should be provided and consideration of reducing the amount of new build on the site is needed. Previously commented that as much of the brick boundary wall as possible along Sparrow Lane should be retained and repaired as part of the redevelopment of this site as a feature of historic interest and visual character adjacent to the Conservation Area boundary and additional details are required on this aspect of the proposal.

Efforts to better visually enhance the proposal are required at this key location adjacent to the Conservation Area boundary.

On submission of revised plans confirmed that initial comments have now been generally addressed and makes recommendations for conditions regarding materials to be imposed on any approval.

4.1.8 **SC Public protection:**

Contaminated land: The application is supported by Phase II Geo-Environmental Investigation dated June 2014 MA9791/2/V1. It refers to an A Phase I Geo-Environmental Assessment (also undertaken by millward) and was produced for the site in May 2014 (ref. MA9791/1) however this document is not included and a copy is required. At the time of reporting ground gas monitoring was on-going hence this remains outstanding at this moment in time.

Lead (Pb) has been compared to the former SGV of 450mg/kg however; this value was withdrawn along with the guidance that underpinned its derivation. A site specific value should be derived using CLEA or refer to recent guidance in respect of proposed category 4 screening values.

Arsenic was recorded at 44mg/kg in WS04 at 0.30m. This is a statistical outlier in terms of the main data set and therefore cannot be ignored and requires remediation.

The area around and beneath the fuel tanks still require investigation and assessment but this can't be carried out until the tanks are removed.

As a result recommends a condition in respect of contaminated land

Noise: The design and access statement suggests that careful positioning of plant and equipment is required to control noise. As no details of plant and equipment have been provided proposes a condition regarding this. In addition the club to the north of the site could cause there to be issues with noise and recommends a condition to ensure that activities at the club are not impacted by residential receptors encroaching on them.

4.1.9 **West Mercia Police:**

Comments on this proposal as Crime Prevention Design Advisor for West Mercia Police and draws attention to Section 17 of the Crime and Disorder Act 1998 which clearly 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'.

Does not object to the application but outlines opportunities to design out crime and/or the fear of crime and to promote community safety.

4.2 **Public Comments**

4.2.1 Eleven letters of objection and two neutral letters have been received including one from the local member on behalf of the residents of Abbey Foregate. Comments are available in full on the file but have been summarised as follows:

- There has been some support for a local mini-market type outlet in the community for some time, as the residents of Belvidere have a long walk to the nearest grocers.
- Not appropriate to site dwellings adjacent to the social club
- The site encroaches onto the footpath connecting the car park with Sparrow Lane
- The trees should be retained to enhance the appearance of the site and provide shade for parking areas and there is no mention of replanting trees that have been removed.
- Drainage for the site will be routed to an existing drain on Sparrow Lane, but this regularly blocks and floods adjacent properties and will be exacerbated if this proposal connects to it
- Increase in traffic on Sparrow Lane which is not wide enough to accommodate two cars passing and will be hazardous at the junction with Abbey Foregate
- Concerns about the rubbish produced by the retail units
- The main building should be re-developed to be more in keeping with neighbouring buildings and should be more appealing and creative

- Houses should be more sympathetic to the surrounding properties, i.e. Georgian or early Victoria style terrace or square
- No need for more retail facilities
- Dispute over the ownership of a strip of land at the back of the site
- Overdevelopment and inappropriate for a conservation area

4.2.2 A letter of objection has been received on behalf of the Salop Unison Club. Comments are available in full on the file but have been summarised as follows:

- Terraced houses A and B are directly facing and only 10m from the clubhouse
- Noise disturbance (parties/events are held by the club late at night)
- No consideration has been given as to where the foul and storm drainage from the clubhouse will go
- Retail units will increase traffic in the area
- Plans show the development encroaches over an existing footpath, which could be a right of way

5.0 THE MAIN ISSUES

Principle of development

Layout, scale and appearance, residential amenity

Highways

Trees and landscape

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposal includes conversion of the ground floor to provide two retail units and the provision of two flats above and the erection of 13 dwellings to the rear including 3 affordable to be secured by S106 which is an overprovision under CS11. The site is located within the Shrewsbury urban area and is therefore within both the SABC adopted urban development boundary and the proposed SAMDev development boundary. The development of this site accords with CS2 which identifies that Shrewsbury will provide a primary focus for development in Shropshire including housing and development of its role as Shropshire's primary retail, office and commercial provider, with the vitality and viability of the town centre to be promoted, protected and enhanced.

6.1.2 The provision of housing on this site therefore accords with adopted and emerging policy and also the NPPF presumption in favour of sustainable development being

situated close to Shrewsbury Town Centre.

- 6.1.3 With regards to the retail aspect of this proposal Policy CS15 identifies that in accordance with national planning policy preference will usually be given to town centre retail and office development along with other town centre uses, taking into account sequential and impact assessments. Relevant policies contained within the emerging SAMDev document include Policy MD10 that also relates to Town Centre Impact Assessments. This policy identifies that proposals for new retail development will require a retail impact assessment for developments that have a gross floorspace of over 500 sqm. As this proposal is for two units of 400sqm and 93sqm a sequential and retail impact assessment is not required in this instance. Policy CS15 also states that the provision of neighbourhood based shopping and other community facilities will be supported where this will help consolidate and improve existing provision or will serve significant new developments. Whilst this is not a significant residential development the proposed site is situated within an established residential area with limited neighbourhood shopping and services and it is considered that the provision of two small retail units to compliment the existing facilities on offer in the area is considered acceptable and would have no adverse impact on the vitality and viability of Shrewsbury Town Centre.
- 6.1.4 With regards to the specific retail use at the site Policy MD10 advises that where retail proposals on the edge of or outside town centres are permitted, restrictive conditions will normally be applied to the percentage of floor space dedicated to the sale of comparison retail items in order to protect the primacy of town centres as the preferred retail destination. Convenience goods relate to food and non-alcoholic beverages, tobacco, alcoholic beverages, newspapers and non-durable household goods whereas comparison goods relate to any other goods, including clothing, shoes, furniture, household appliances, tools, medical goods, games and toys, books and stationery, jewellery and other personal effects. This proposal does not stipulate what type of A1 retail sales is being applied for but it is not considered necessary to restrict the use to food sales/convenience style retail only or to limit the amount of Comparison goods. Members may recall that they have allowed the change of use at the old 'Mullins' site to A1 retail but have restricted it to comparison goods contrary to MD10. Therefore unrestricted retail use at this site to include convenience goods will compliment the retail opportunities in the area. It is considered that an open A1 retail use is appropriate in this instance and the market and/or the needs of the community will reflect the end user and will promote economic growth in accordance with the NPPF and without a negative impact on the Town Centre.

6.2 **Layout, scale and appearance**

- 6.2.1 The submitted site plans show the two storey front section of the building retained and altered to allow for the proposed retail use at ground floor and residential use above. The proposal includes very little alteration to the front of the building and the drawings of the front elevation show the insertion of shop front windows reflecting the dimensions and scale of the vehicle opening that already exists in the centre and the door and window either side. The Town Council and some local residents have

expressed concern about the appearance of the main building and that it should be more appealing and creative and should be re-developed to be more in keeping with neighbouring buildings. However the LPA cannot dictate that the building should be demolished and replaced and it is considered that the proposed minimal alterations will not have a negative impact on the character and appearance of the building and the area but that the new use for the site coupled with the proposed landscaping will improve the appearance of the locality and the view of the site from Abbey Foregate.

6.2.2 With regards to the proposed new build at the rear of the site some public comments express concern that this represents an over development of the site. However the footprint of the built development is less than the existing built development to be demolished. The proposal has been amended to include a terrace of three and the terrace of ten has been split into two terraces of five. The terraces have been designed to pick up the design features and character and appearance of terraces in the locality including eaves detailing with traditional overhang, Edwardian style symmetrical vertical emphasis fenestration with bay windows, canopies and dormers incorporating stone mullions, cills and lintels and the inclusion of chimneys and front boundary walls. The layout and density of the proposal including small front gardens and larger rear gardens is in keeping with the scale and density of terraces in the locality. It is considered that the layout, scale and design of the proposal is acceptable and in addition to the proposed landscaping will enhance the character and appearance of the area.

6.3 Residential Amenity

6.3.1 The proposed new dwellings would benefit from private rear garden/amenity areas in addition to small front gardens. To the rear of the site is the Shirehall car park and the UNISON Club building. Concern has been raised that due to the potential noise disturbance from late night parties and events at the club that this might result in complaints from the future occupiers. Public Protection has noted this and recommends a condition regarding details of the glazing and ventilation for the rear facing windows to ensure that activities at the club are not impacted by residential receptors encroaching on them. The Public Protection team have also highlighted the potential of noise and disturbance of the proposed commercial uses on the occupants of the new dwellings through extraction equipment and delivery/opening times. Conditions regarding restricted delivery times and the details of any equipment to be submitted for approval can be imposed. One neighbour has commented that some of the land within the red line of the application is where he currently parks a mobile home and that it belongs to him. Land ownership is a civil and not a planning matter but in any case the land is considered to be Shropshire Council land that is to be sold to the applicant. There is concern that the proposal will result in the loss of a footpath that connects the Shirehall and Unison car park with Sparrow lane. However although the proposal will result in the loss of three parking spaces and the current footpath the pedestrian route will be maintained to the rear of the development site.

6.4 Highways

6.4.1 Some residents have raised concern about the suitability of Sparrow lane and the safety of the junction with Abbey Foregate to accommodate additional traffic and also

the increased traffic on to Abbey Foregate from the proposed retail units. The proposal includes widening Sparrow Lane at the junction with Abbey Foregate and Highways have no objection to the proposal. They have commented that Sparrow Lane is suitable to support the level of development with the improvement works proposed at the Abbey Foregate junction as these will improve inter-visibility at this junction and provide a widened section for passing vehicles. In addition considers that the standard of the junction at the front with Abbey Foregate is suitable when considering the former use of the site and that the supplied transport statement demonstrates this junction would operate well within theoretical capacity. The proposal includes 18 parking spaces for the proposed retail units and three cycle stands and 28 spaces for the proposed 15 residential units. It is considered that the level of parking proposed both for the residential properties at the rear and the retail use at the front is satisfactory. Waste collection vehicles already access Sparrow Lane and there is adequate turning space for these vehicles, and bin collection points have been located at the junction with the proposed terraces of new houses.

6.5 Trees and landscaping

6.5.1 The proposal includes the removal of seven trees on the site to which the tree officer has no objection. Significant mature trees on the boundary with the Shirehall access road are to be retained and appropriate tree protection measures proposed. However the tree officer has commented that an additional tree protection plan is required and has recommended a condition regarding this. The tree officer was concerned about the proximity of the mature Chestnut tree (T1) with the end property and potential for conflict. However due to the orientation of this terrace and the distance of the end property from this tree it is considered that it would not appear overbearing or overshadow any windows or the rear garden. Although the proposal includes the loss of trees at the front the proposed landscaping scheme includes a row of 5 Liquidamber (Sweet Gum) trees to match those along Abbey Foregate which will provide a continuous tree frontage between Sparrow Lane and the trees at the front of the Shirehall. The detailed landscaping proposal also indicates landscaped areas within the site along the boundaries of the site and planted beds behind the low boundary walls in front of the terraces. It is considered that the proposed landscaping will green the site and provide visual enhancement.

6.6 Drainage

6.6.1 The submitted drainage report indicates that the ambulance station already has a foul connection to the adopted sewer and that the proposed foul sewage for the retail units will utilise this existing connection. A new foul sewer to connect to the existing manhole in Sparrow Lane is proposed for the proposed new dwellings and it is anticipated that it will not require any pumping facility and the final detailed proposal will be subject to Severn Trent approval and will also require Building Regulation approval. Further details regarding foul drainage to be submitted as part of the planning application is therefore not required and any impact on the existing public sewer is a matter for Severn Trent. The Council drainage team have however requested that the surface water drainage details will be required to be submitted and approved and can be subject to condition.

7.0 CONCLUSION

7.1 The redevelopment of this site for retail and residential use (including 3 affordable houses) is acceptable in principle and in accordance with adopted and emerging policy. The proposed alterations to the ambulance station building would have no adverse impact on its character and appearance or impact on the character and appearance of the locality or the adjacent Conservation area. The loss of less significant trees will be compensated for by new planting and the proposed design and detailing of the proposed terraces to the rear is also considered acceptable and to a high standard and coupled with the proposed landscaping and boundary improvements will enhance the appearance of the site. The proposal will provide adequate car parking, improvements to the access onto Abbey Foregate and would have no highway safety implications. The proposal therefore accords with the NPPF and Core Strategy policies CS2, CS6, CS11, CS15 and CS17.

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 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

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS2, CS6, CS11, CS15 and CS17

List of Background Papers: File 14/03033/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member : Cllr. Hannah Fraser
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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the commencement of any phase of the development full details, plans and calculations of the proposed surface water drainage including information on the proposed maintenance regime for any sustainable drainage system proposed and details on how the surface water runoff will be managed and a contoured plan of the finished ground levels to ensure that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 shall be submitted for approval. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway the proposed surface water drainage shall include a drainage system to intercept water prior to flowing on to the public highway. The proposed drainage system shall be implemented as approved prior to the first occupation of the dwellings and maintained for the lifetime of the development in accordance with the agreed details.

Reason: To minimise the risk of surface water flooding and to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and that the drainage system remains in good working order throughout its lifetime.

4. Prior to commencement of development (including ground clearance, demolition and construction work) a Tree Protection Plan (TPP) should be submitted in accordance with British Standard 5837: 2012 - "Trees in Relation to Design, Demolition and Construction - recommendations for tree protection". The TPP should describe, specify and plot the position and type of protective fencing and the protective ground measures to be taken, as specified in the Sylvan Resources tree report and root protection areas. All tree protection measures specified in the submitted tree report and TPP shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained.

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

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

5. a) No development shall take place on any land set to have ground floor use as residential, including garden areas (other than Demolition of existing buildings), until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) 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.

6. All hard and soft landscape works shall be carried out in accordance with the approved details 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 each relevant phase of the development or in accordance with the 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.

7. The proposed highway improvement works at the junction with Sparrow Lane and Abbey Foregate shall be completed prior to the first occupation of the proposed residential development accessed from Sparrow Lane.

Reason: in the interest of safety for the users of the public highway.

8. Prior to the occupation of any buildings on the relevant phase details of all walls, fences and hedges (including specifications regarding the modifications and improvements to the existing brick boundary walling) shall have been submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

9. Prior to the first occupation of the proposed residential development accessed off Sparrow Lane the repair work required to the existing retaining boundary wall shall be carried out in accordance with the details approved under condition 8 above and with the recommendations made in the supplied Structural Assessment report, with the work being carried out to the satisfaction of the local highway authority.

Reason: to protect the users of the adjacent public highway from debris falling from the wall.

10. No built development on the relevant phase shall commence until samples of all external materials 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.

11. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and enhance the appearance of the building and the area.

12. Prior to glazing being installed into windows in Terrace A and Terrace B shown on diagram 1019-110 submitted with this application a statement shall be submitted stating what glazing shall be used including its noise reducing properties. This shall be accompanied by a statement of how ventilation will be installed to allow windows to remain closed when required.

Reason: to protect the health and wellbeing of future residents.

13. Prior to the installation of any plant and equipment including condenser units and fans, details of any such equipment and their position shall be submitted with a statement assessing the impact of any noise from such activities on residential units proposed for approval in writing from the local planning authority. Where noise levels do not fall within

target levels suggested in World Health Organisation Guidelines on Community Noise mitigation measures must be detailed and implemented.

Reason: to protect the health and wellbeing of future residents and the amenity of the area.

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

14. Deliveries to the proposed retail units shall not occur outside of the following times: Monday to Friday 07:00-19:00, Saturday-Sunday 07:00-13:00.

Reason: to protect the amenity of the area.

15. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

16. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.