

COMMITTEE REPORT

Date: 5 March 2015 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 14/02959/FUL
Application at: Land to the South of 26 Pottery Lane York
For: Erection of 6no. dwellings to include ecology park
By: City Of York Council
Application Type: Full Application
Target Date: 17 February 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to a linear piece of land, located on the east side of Pottery Lane. It is fenced off from the public highway and contains a number of trees. Heworth Golf Course lies to the east of the site. It is surrounded by houses to the north, south and west. A two storey building sits to the south containing four flats and to the north is the end-terrace house. A 33kv electricity cable crosses the site.

1.2 The application proposes the erection of 6 no. two-storey houses in three semi-detached pairs. One of the pairs would sit immediately to the north of 16-22 Pottery Lane, to the north of which would be an ecology park. The remaining two semi-detached pairs would be located within the northern half of the site. The houses would have an east-west orientation and would front onto the public highway. The buildings would be of traditional construction using a mixture of facing brickwork and cladding for walls and grey roof tiles with grey uPVC window frames and doors. Each property would have pedestrian and vehicular access from Pottery Lane and would incorporate one off-road parking space, cycle parking, refuse and recycling provision and a private rear garden. Metal railings are proposed along front boundaries with closed board timber fencing at the rear. The ecology park would be re-planted and would be secured by fencing and gates along its frontage with Pottery Lane set behind soft landscaping.

1.3 The application has been accompanied by a planning statement, design and access statement, statement of community involvement, contamination assessment, bat survey, ecological report, arboriculture assessment and drainage report.

1.4 The site was originally part of a larger area of land used as a pottery and had the original Pottery Lane running across it. It subsequently became part of the golf club and had buildings upon it associated with the club house, which was to the south of the site.

1.5 The application is reported to the sub-committee because the applicant is the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams East Area (1) 0003

2.2 Policies:

| | |
|--------|--|
| CYGP1 | Design |
| CYGP3 | Planning against crime |
| CYGP4A | Sustainability |
| CYGP6 | Contaminated land |
| CYGP9 | Landscaping |
| CGP15A | Development and Flood Risk |
| CYNE1 | Trees, woodlands, hedgerows |
| CYNE6 | Species protected by law |
| CYNE7 | Habitat protection and creation |
| CYHE10 | Archaeology |
| CYGB1 | Development within the Green Belt |
| CYGB6 | Housing devt outside settlement limits |
| CYT4 | Cycle parking standards |
| CYH4A | Housing Windfalls |
| CYH5A | Residential Density |

3.0 CONSULTATIONS

INTERNAL

Ecology and Countryside Officer

3.1 The site currently comprises of an area of woodland and shrubs with species such as sycamore, poplar, ash, hawthorn, elder and birch. A bat survey was undertaken between April and August to investigate if bats are using the area for roosting, foraging and commuting, and to assess the impact of the development on bats. The trees on site were assessed for their potential to support roosting bats and were found to be unsuitable. A series of bat activity surveys found a moderate level of commuting and foraging activity by common pipistrelle at the site but concluded that there it is unlikely that there would be a significant impact from the development on the local population. The development retains a corridor of natural habitat and the southern boundary hedgerow which will maintain connectivity for commuting bats from the housing estate to the golf course and surrounding habitat, as well as an area for foraging bats.

3.2 It is proposed that the 'ecology park' is fenced with 1.8m high close boarded timber fence for security however this will prevent the movement of wildlife such as hedgehogs and it is recommended that fencing with gaps between the boards is used instead or small gaps be cut into the bottom of the panels. Additional planting in this area should be of native species.

3.3 Requests an informative be added as the vegetation on site is suitable for nesting birds.

Landscape Architect

3.4 Pottery Lane is virtually devoid of trees, other than the group of Poplars, Sycamores and Hawthorn within the application site located close to the bend in the road. As general greenery of significant height, the group of trees are currently of importance to the amenity of the street; they are also contiguous with the tree cover within the neighbouring golf course.

3.5 It appears that the majority of trees are likely to be self-sown on tipped earth, with various earth movements occurring more recently, which has resulted in soil built up around the base of some trunks and some basal damage. The majority of trees are considered to be low quality or of low value, e.g. due to poor structure/small size/young age, or, require removal due to e.g. decay. Thus these lower quality trees, despite the general greenery they provide, should not pose a restriction on development that is otherwise agreeable. None of the trees are within the highest category A.

3.6 Potentially a few of the trees are worth retaining because of their reasonable condition and form, combined with the contribution they make to the streetscape. In order to retain some mature greenery, it would have been preferable to retain and manage a block of trees at the northern end of the application site, thus freeing up the southern end for development. However a mains electricity cable runs across the lower end of the site, thus restricting development in the southern half. It is debatable whether the value of the trees outweighs the benefit of the proposed development given that none of the trees are considered to be high quality, and in consideration of the proposed mitigation measures through the planting of trees and under-storey within the green area named 'Ecology Park', plus the introduction of hedging along the street frontage. The existing trees are neither rare species, nor particularly good individual specimens; and they are situated on rough ground, including exposed rubble. The development of the site presents an opportunity to level the site and replant with a mix of trees and under-storey planting that would hopefully be suitably managed in perpetuity.

3.7 Please include condition LAND 1 and a condition for the approval of the boundary treatments, and lighting. The fencing around the ecology park should be secure but transparent, e.g. widely spaced Palladin, and the frontage planting should be a mixed-species hedge applied along the full length for uniformity. As the gardens are quite shallow, greenery by way of climbers on the rear fence is

recommended, such as Honeysuckle, Jasmine, and Clematis tangutica, and less invasive ivy species such as Hedera helix 'Glacier' or 'Green Ripple', plus hardy, low maintenance, semi-climbing shrubs such as Euonymus fortunei var. , Lonicera plieata mixed with ground cover roses. Suitable planting within the Ecology park would consist of a range of native, small-medium sized species such as Field maple, Crab apple, Hawthorn, with some faster-growing species such as Birch, Alder, Willow.

City Archaeologist

3.8 Requests condition ARCH1 be placed on any consent granted for this application.

Highway Network Management

3.9 No objections to the development from a highway point of view. There will be negligible impact on the network as a result of the application. Car parking meets the required standards. Cycle stores are included on the plans, details of which may be conditioned. Forward visibility is adequate and is on the outside of a bend. Pedestrian visibility may be conditioned.

Environmental Protection Unit

3.10 No objections are raised, though conditions are requested to overcome concerns regarding the potential for land contamination due to the historical land use of the site and land in close proximity to the site.

Flood Risk Management Team

3.11 The development is in low risk Flood Zone 1 and should not suffer from river flooding. There are no objections to the development in principle, subject to conditions being applied to any approval covering foul and surface water drainage.

EXTERNAL

Yorkshire Water

3.12 Requests conditions be attached to any permission granted in order to protect the local aquatic environment and YW infrastructure. The site should be developed using separate systems of foul and surface water drainage, with foul water discharged to the existing sewer. A water supply can be provided.

Heworth Planning Panel

3.13 No objections.

Neighbour Notification/Publicity

3.14 One adjacent resident objecting on following grounds:

- No assessment of owls that currently reside in the trees that will be removed;

- No assessment of the potential damage to surrounding property from removal of trees and would welcome reassurance that it would not cause property movement.

4.0 APPRAISAL

KEY ISSUES

- Whether the proposal constitutes inappropriate development, taking into account the effect on openness of the Green Belt and the purposes of including land within it; and,
- If so, whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations in order that the very special circumstances, necessary to justify the proposal, exist.

POLICY CONTEXT

4.1 The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy YH9(C) and Y1(C1 and C2), relating to York's Green Belt. The policies require that the inner and the rest of the outer boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. The NPPF establishes a presumption in favour of sustainable development, though footnote 9 to Paragraph 14 specifically includes land designated as Green Belt among those policies in the Framework that indicate development should be restricted.

4.3 Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; protecting the Green Belt around main urban areas, recognising the intrinsic character and beauty of the countryside; taking full account of flood risk; conserving heritage assets; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.4 In particular, Section 9 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence (paragraph 79). Paragraphs 87 and 88 state that inappropriate development is, by

definition, harmful to the Green Belt and should not be allowed except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.5 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The Draft Proposals Map that accompanies the Plan shows the site as falling within the general extent of York Green Belt.

4.6 In particular, Policy GB1 sets out a clear policy presumption against development in the Green Belt unless its scale, location and design would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would be for one of a number of purposes deemed to be appropriate within the Green Belt. Policy GB6 only permits housing development outside defined settlement limits where it is either essential for agriculture or forestry, or is for affordable housing development on small 'exception' sites that comply with the criteria outlined in Policy GB9. Policy GB9 refers to a proven local need being demonstrated for sites that would not lead to coalescence of settlements and that are for schemes that are wholly affordable and remain so in perpetuity.

OPENNESS AND PURPOSE OF GREEN BELT

4.7 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence (paragraph 79). Paragraph 80 outlines the five purposes that the Green Belt serves. This includes: to check unrestricted sprawl of large urban areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

4.8 The site is included within the York Green Belt on the Proposals Map accompanying the DCLP. Paragraph 89 of the NPPF considers the construction of new buildings as inappropriate in Green Belt, unless falling in the listed exceptions. One such exception is 'limited affordable housing for local community needs under policies set out in the Local Plan'. Whilst the DCLP contains policies that would allow affordable housing development on small 'exception' sites (policies GB6 and GB9), these have not been formally adopted and as such the weight that can be given to them is limited. As the proposed scheme does not fall within any of the

categories set out in paragraph 89, it would constitute inappropriate development that is, by definition, harmful to the Green Belt.

4.9 However, the site lies on the edge of the main urban area. The development plan for the City comprises the saved policies of the RSS. These establish the general extent of the Green Belt around York, though require that the inner boundaries are defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. These inner boundaries are defined on the DCLP Proposals Map, which, although approved for Development Control purposes in 2005, is not an adopted document and does not form part of the development plan for the City.

4.10 Recent appeal decisions have attributed limited weight to the DCLP due to its unadopted status, however it is considered that the DCLP has more weight when the relevant policy is in accordance with the NPPF. An appeal decision in 2013 at Westview Close, Boroughbridge Road, York, is relevant to the consideration of this application in that it relates to a small, linear piece of land immediately adjacent to the built up edge of the city. In this case the Inspector noted the lack of an adopted local plan and the 'very limited weight' that could be given to the DCLP due to its status and age. Following consideration, the Inspector concluded that the appeal site served no obvious Green Belt function in relation to York and, as such, it would be inappropriate to keep it permanently open or continue to protect it as Green Belt.

4.11 This application relates to a small, linear piece of land that sits between a row of terrace properties to the north and a flat complex to the south within an established residential area and within a sustainable and accessible location. Whilst providing an area of greenery, it does read as part of the street scene, and more connected to the urban environment than the Green Belt beyond. The site is included in the Local Plan Green Belt Appraisal 2003 as part of the green wedge comprising the larger area of Heworth Golf Course and the historic Monk Stray. These wedges are described in the appraisal as 'large tracts of undeveloped land [that] prevent coalescence of different parts of the urban area'. However, as with the Inspector's conclusions in the Westview Close appeal, the site does not serve any obvious Green Belt function, given its limited size and appearance as an infill plot between existing residential development. Its outer edge would serve as a logical boundary to the urban area and inner extent of the Green Belt.

4.12 An important characteristic of the proposed development is the provision of affordable housing. The applicant has submitted a statement giving background to the provision of affordable housing in the City and confirms the significant and pressing need for new affordable homes. The 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) identified a need of 790 affordable homes per annum for the city, which is more than has been built over all tenures in each of the last seven years. On average only 138 new affordable homes have been provided

each year over this same period. The scheme proposes six 2 bed homes, which meets the priority need identified in the SHMA.

4.13 The limited Green Belt function of the site and the proposed provision of affordable housing to meet an identified need, are other considerations to be taken into account in assessing the harm to the openness of the Green Belt and the purposes for allocating land within it.

CHARACTER AND APPEARANCE

4.14 The scheme would require the removal of an existing group of trees on site that contribute to the general greening of the street due to their height and proximity to the highway. Their loss will have an adverse impact on the character and appearance of the area. However, it is noted from the tree survey that the majority of trees on site are not worthy of retention. Those that are most worthy of retention for their group value are located to the north of the site and are close to the neighbouring property, 26 Pottery Lane. The presence of the electricity cable is a significant site constraint that restricts development in the central section of the site. This, and the retention of the trees, would substantially reduce the extent of development and the viability of the scheme.

4.15 The proposed scheme would not in itself have a negative impact on the amenity of the area. The density, scale and massing of the new buildings would be in-keeping with those in the vicinity. The street is characterised by rows of four terrace properties with hipped roofs and in a uniform red brick and roof tile. The addition of the flatted housing scheme to the south of the site introduces a different housing design with a gabled roof and different materials. The proposed scheme sits between the two developments and although the external appearance and materials would differ, the new buildings are of good design and would sit comfortably between the existing properties without detracting from the street scene. The retention of an ecology park would help to mitigate the visual loss of the trees from the site.

4.16 As well as being in a sustainable and accessible location, the houses have been designed to achieve Level 4 of the Code for Sustainable Homes.

ARCHAEOLOGY

4.17 Section 12 of the NPPF encourages local planning authorities to consider the impact of a proposed development on the significance of a designated heritage asset and avoid substantial harm or loss. The site does not fall within an area of archaeological importance as designated in the DCLP, though it is within an area where there are significant archaeological features. Records show that an Anglo-Saxon burial ground lies to the west of the site, a Roman burial ground to the south and there are a series of embankments on the land to the east associated with a

former pottery. In light of the above, an archaeological evaluation is required prior to development of the site. This can be addressed through a condition.

TREES AND ECOLOGY

4.18 Paragraph 118 of the NPPF guides local planning authorities to conserve and enhance biodiversity by refusing significant harm that cannot be adequately mitigated and encouraging biodiversity in and around developments. Policy NE1 of the Draft Local Plan seeks to protect those trees that are of landscape, amenity, nature conservation or historic value, by, amongst others, requiring trees to be retained and adequately protected during development works and making tree preservation orders for trees which contribute to the landscape or local amenity. Policy NE6 only permits development that would not cause demonstrable harm to animal or plant species protected by law or their habitats.

4.19 The proposal would result in the loss of the trees on site that, whilst not the subject of a tree preservation order, serve a valuable amenity purpose in that they contribute to the appearance of the street scene. The majority of the trees are considered to be low quality, low value due to poor structure/small size/young age, or, require removal due to decay. Those trees identified as being category B and, therefore, most worthy of retention due to their group value and their contribution to the greening of the street, are located to the northern end of the site. The loss of the trees would result in harm to the visual amenity of the area. None of the trees are within the highest category A.

4.20 The group of trees is also of ecological value, in that it represents a good link and feeding corridor for bats between the River Foss, the golf course, the stray and the large ponds to the rear of Elmfield Terrace, at a point where there are relatively few buildings in between. The trees on site were assessed for their potential to support roosting bats and were found to be unsuitable. Owl activity was not specifically surveyed, although none was noted during the bat surveys. Good alternative foraging and roosting opportunities exist in adjacent habitat on the golf course.

4.21 However, the scheme includes an ecology park, which is to be a fenced off and planted with trees and shrubs to mitigate the visual loss of the trees and retain a bat corridor through the development. The loss of the trees is to be further compensated for by the planting of street trees in the highway verge. Conditions are required to cover the means of enclosure and planting of the ecology park.

RESIDENTIAL AMENITY

4.22 Paragraph 17 of the NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. The separation distances to surrounding properties are considered to be acceptable to minimise any impact in terms of overlooking, overshadowing or sense of enclosure. The new houses would

be set over 20m from the houses opposite, nos. 9-23, at a distance of approximately 5.8m from that to the north, no.26, and approximately 5.6m to the flats to the south, nos.16-22. The inclusion of on site vehicle and cycle parking to serve each dwelling would minimise disturbance to existing residents from additional vehicles parking on the street. There would be sufficient private amenity space to serve future occupants. The gardens of the four houses at the southern end of the site are small, although the properties would benefit from an open outlook across the golf course. A 1.2m high fence is proposed along the rear boundary to reflect the open outlook.

HIGHWAY SAFETY

4.23 The scheme provides one parking space per dwelling on a side driveway and secure cycle storage at the side of each dwelling. This is considered to be an acceptable level of provision for a scheme of two-bed dwellings. No objections are raised by the Council's Highway Officer, subject to conditions.

FLOOD RISK AND DRAINAGE

4.24 The site is located in flood zone 1(low risk) and, as such, should not suffer from river flooding. A drainage report has been submitted to support the application. This confirms that foul water would be drained to the public foul sewer and that the surface water drainage would be discharged to the public surface water sewer through an attenuation system formed from oversized pipes and via a flow control chamber.

CONTAMINATION

4.25 A preliminary risk assessment has been submitted to support the application. The Council's Environmental Protection Unit raises no objection to the scheme on the basis of the submitted information, although conditions are recommended to address the potential for land contamination due to the historical land use of the site and land in close proximity to it.

OVERALL GREEN BELT ASSESSMENT

4.26 The application site is allocated as Green Belt in the DCLP. The construction of new buildings in the Green Belt as proposed constitutes inappropriate development that would, by definition, be harmful to the openness of the Green Belt. Further moderate harm has been identified in terms of the impact to the character and appearance of the area from the loss of the existing trees. Inappropriate development is only permitted where there are other considerations that are sufficiently compelling to outweigh the harm by reason of inappropriateness and any other harm.

4.27 In this particular case, the site is located on the edge of the urban area where the inner extent of the Green Belt has still to be confirmed as part of an adopted local plan. It serves little Green Belt function. Furthermore, the scheme proposes the erection of six affordable homes that goes toward meeting a significant need in the City. On balance, it is considered that there are other compelling considerations that would constitute very special circumstances and would outweigh the identified harm to the Green Belt.

5.0 CONCLUSION

5.1 In conclusion, the application is considered to be acceptable in planning terms. Very special circumstances have been identified that are considered to outweigh the harm to the openness of the Green Belt. The site lies in a sustainable and accessible location and would contribute towards meeting the acute affordable housing need in the City. Whilst it would be preferable to retain the trees, their loss needs to be balanced against their condition and long term value, and the benefits offered by the replacement scheme. The impact on bats can be mitigated for by the inclusion of the ecology park. The impact on archaeology can be addressed by the requirement for further archaeological evaluation prior to construction. There is no harm to the amenity of existing and future occupants, nor to highway safety, flood risk or land contamination.

5.2 In light of the above, it is considered that the application accords with national and local planning policy and is recommended for approval, subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans

Drawing nos. 5124500-ATK-POT-XX-DR-A-(20) 100 Rev.C; 5124500-ATK-POT-00-DWG-A-(20) 200; 5124500-ATK-POT-XX-DR-A-(20) 500 Rev.01

3 ARCH1 Archaeological Programme Required

4 Prior to the commencement of the development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of contamination (including ground gases

where appropriate);

An assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

An appraisal of remedial options, and proposal of the preferred option(s).

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

Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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 workers, neighbours and other offsite receptors.

5 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing drainage system must only be as a last resort, therefore, sufficient evidence must be provided to discount the use of SuDs.

If SuDs methods can be proven to be unsuitable then in accordance with the City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: In the interests of sustainable drainage and to ensure that the development can be properly drained with no foul or surface water discharges taking place until proper provision has been made for their disposal.

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 HWAY25 Pedestrian visibility splays protected

9 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Informative: The fencing around the ecology park should be secure but transparent, e.g. widely spaced Paladin, and the frontage planting should be a mixed-species hedge applied along the full length for uniformity. The rear fencing for the gardens of the houses should be a fence with climbers, such as Honeysuckle, Jasmine, and Clematis tangutica, and less invasive ivy species, such as Hedera helix 'Glacier' or 'Green Ripple'.

Reason: In the interests of the visual amenities of the area and to protect the residential amenities of neighbouring occupants.

11 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the site, including the ecology park. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Informative: Suitable planting within the ecology park should consist of a range of native, small-medium sized species such as Field maple, Crab apple, Hawthorn, with some faster-growing species such as Birch, Alder, Willow. The rear fencing for the gardens of the houses should be a fence with climbers, such as Honeysuckle, Jasmine, and Clematis tangutica, and less invasive ivy species, such as Hedera helix 'Glacier' or 'Green Ripple', plus hardy, low maintenance, semi-climbing shrubs such as Euonymus fortunei var, Lonicera plieata mixed with ground cover roses.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site, in the interests of visual amenity and nature conservation.

12 NOISE7 Restricted hours of construction

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Imposition of conditions to address areas of concern.

2. INFORMATIVE:

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

3. INFORMATIVE: Control of Pollution Act 1974.

4. INFORMATIVE: Statutory Undertakers equipment

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