

## **APPLICATION REPORT – 19/00825/REM**

**Validation Date: 28 August 2019**

**Ward: Wheelton And Withnell**

**Type of Application: Reserved Matters**

**Proposal: Reserved matters application (access, appearance, landscaping, layout, and scale) pursuant to outline permission ref: 18/00800/OUT (Outline application for the erection of up to 9 houses (with all matters reserved)**

**Location: Land Adjacent 8 Miller Avenue Abbey Village**

**Case Officer: Mike Halsall**

**Applicant: Lancashire Developments Ltd**

**Agent: LMP Ltd**

**Consultation expiry: 1 November 2019**

**Decision due by: 13 December 2019**

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### **UPDATE REPORT:**

### **RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

### **BACKGROUND**

2. This application was originally reported to Committee on 12<sup>th</sup> November 2019 and a decision was deferred whilst amendments to the scheme were discussed with the applicant.

### **UPDATE**

3. The layout of the proposed development has been amended to improve the relationship of the first two plots nearest to no. 8 Miller Avenue with the existing dwellings on both Miller Avenue and Cherry Grove. A streetscene plan has also been provided by the applicant to show the relationship between the existing houses on Miller Avenue and the new dwellings. These changes will be presented at planning committee. No change is proposed to the height or number of bedrooms of any proposed dwellings from that presented at November planning committee. Plots 1 to 4 are proposed to be two storey and plots 5 to 9 are 2.5 storey.
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**Original Report from 12<sup>th</sup> November 2019**

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**Consultation expiry: 1 November 2019**

**Decision due by: 15 November 2019**

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**RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions.

**SITE DESCRIPTION**

2. The application site is located within the settlement boundary of Abbey Village and is also within Abbey Village Conservation Area. The application site comprises 0.34ha of pasture land. It is relatively flat and does not accommodate any buildings.
3. To the north east of the site are dwellings located on Miller Avenue and Cherry Grove. To the south east and south west the site is bound by undeveloped open land located in the Green Belt, whilst the north west of the site is bound by the Withnell Nature Reserve.
4. Two previous outline applications for the erection of three detached dwellings on part of the site and accessed from Miller Avenue have been approved. One of these approvals was through an appeal following the refusal of planning permission by Chorley Council.
5. Outline planning permission ref. 18/00800/OUT for the erection of up to 9 houses on the site, with all matters reserved, was approved in December 2018. It is to that permission to which this reserved matters application relates.
6. There is no legal agreement attached to the outline consent as there is no requirement for financial contributions to amenity greenspace, parks and gardens, greenspace, allotments or playing pitches due to fewer than 11 dwellings being proposed. There is no requirement for provision for children/young people as there is currently a surplus of provision in Abbey Village in relation to this standard and the site is not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. Further, there is no requirement for the provision of affordable housing as part of the development.
7. A discharge of conditions application, ref. 19/00919/DIS, in relation to conditions attached to the outline planning permission for this site, is currently pending decision. The discharge

of conditions application seeks approval of details relating to dwelling emission rates, a surface water drainage scheme, finished floor levels, a construction method statement and road construction details.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

8. The proposal seeks approval of reserved matters relating to the appearance, means of access, landscaping, layout and scale of nine detached dwellings, approved by outline planning permission ref. 18/00800/OUT.
9. The dwellings would be located either side of a logical extension to Miller Avenue with the dwelling on the first plot next to the existing dormer bungalow of No. 8 Miller Avenue set back from the existing building line. The dwellings would be a mixture of 2 and 2.5 storey dwellings of between 4 and 6 bedrooms. External garaging would be provided to serve plots 1, 2, 5 8 and 9, whilst plots 3 and 4 would have internal garages.
10. The dwellings would be of varying styles with standard construction materials of brick walls, with some elements of render, and slate roofs.

## **REPRESENTATIONS**

11. Responses were received from 18 individuals raising objections to the initial reserved matters planning application on the following grounds (summarised):
  - The proposed dwellings will tower over the village / existing bungalows and have an overbearing impact and would block light
  - Three storey dwellings are too high, affecting views, light levels & privacy of those in surrounding dwellings and surrounding footpaths
  - The dwellings are too large for their plots
  - There is no privacy barrier over the height of the boundary fence planned to the rear of plot 1
  - The proposed dwellings are out of keeping with the existing buildings in the area
  - The gated community would change the integrated, open, village style character of the area both architecturally and socially
  - The gate means cars will have to 'wait' in Miller Avenue for the gates to open, causing obstruction, noise & extra pollution. Visitors to these new houses who do not have the means to open 'the gates' will end up parking on the neighbouring roads causing problems to these narrow roads.
  - New buildings should look and feel like a continuation of what is already present
  - Road safety is a concern – the access presents many problems for residents of Miller Avenue and utility vehicles
  - Extra traffic will make Miller Avenue and Lilac Grove congested bottlenecks
  - The junction with the A675 is already hazardous and will be made worse
  - Pressure on local amenities - water, sewerage, drainage, roads and other infrastructure is a concern
  - The land is a conservation area land a conservation area in the middle of greenbelt land. Any development on this land would impact detrimentally on the wealth of diverse flora and fauna found here and totally change its character
  - Insufficient parking is provided by small garages and driveways
  - extra cars being parked on adjacent roads will lead to issues with residents parking, visibility when accessing their driveways & safe access for pedestrians/prams/wheelchairs when people park on the pavements.
  - A Council review of the Conservation Area noted negative impacts from traffic and parked cars already have on the village, this development will make the situation worse
  - The balconies will harm the privacy of existing and the new properties
  - Tree on plot 2 will be removed which could have helped maintain privacy and will have a negative impact on wildlife

- Removal of existing mature trees and lack of grass and green space is disappointing and generally inappropriate
  - The high fencing and gates will segregate the new houses from the village
  - Overdevelopment of the breathtakingly beautiful site
  - Impacts upon the Conservation Area
  - The design and bulk of the development is inappropriate and would change the character of the area
  - Council policy states that dwellings should be built in rural areas, such as Abbey Village, to meet local need for affordable housing. The last 2 planning applications have been for 4 and 6 bedroom houses, respectively, hardly enabling locals to remain in the village. It appears that the priority is for developers to make maximum profit with least consideration to the local community. E.g. those behind Hare and Hounds pub
  - The proposal goes against other policies in relation to respecting local distinctiveness and character, taking account of noise, access and emissions and increasing the supply of affordable housing
  - The side of the dwelling on plot 3 will be 3m or less from the neighbour's existing rear garden, resulting in a loss of privacy
  - Original permission was only for three houses
  - The proposal will block views of the countryside for existing residents
  - The development will unfairly reduce house prices of existing dwellings
  - The gated element would mean bins would be left outside the new estate and the road could not be adopted by Lancashire County Council
12. One response was received making comments in support of the planning application, stating that they would like to live in one of the new homes.
13. The proposed development was revised following receipt of the above comments and also concerns expressed by Lancashire Highways Services (explained in more detail later) in order to remove the access gates to the new development, amend the landscaping details and lower the height of four of the nine dwellings.
14. Neighbours were re-notified of the revised proposals, following which, responses were received from 4 individuals, two of which had already commented on the initial scheme. The additional responses raised objection to the revised development. Their comments can be summarised as follows:
- Despite the revisions, the development would be out of scale with the existing bungalows and are too overbearing
  - The removal of the gates is welcomed
  - The development would be out of character with the area
  - The proposal would be visually obtrusive from footpaths
  - The proposal would detract from the visual aspect of the village set in its historic landscape and are out of context and would detract from the local character of the village
  - The development would harm the Conservation Area and Withnell Nature Reserve and local ecology
  - Impacts and disruption on 5 and 8 Miller Avenue and health and safety concerns during construction
  - The revised dimensions leave the possibility open to turn the dwellings into 6-bedroom properties
  - This development fails to follow the Chorley Local Plan 2012-26 reference; BNE1 Design Criteria. Additionally it does not follow suggested guidelines as described in the "National Planning Policy" published 2019 by the Ministry of Housing, Communities and Local Government with regard to the "Context" and "Local Character and Identity" sections
  - The dwellings will be very prominent in the local landscape as a result of their proposed height

- Where the existing bungalows and farm buildings form quite a gentle visual edge to the settlement, this proposal will be unnecessarily prominent with the tallest properties placed on the projecting tip of the development. This will provide a harsh visual edge in long distance views from the surrounding open countryside
- 1.5 storey dwellings could be proposed which would sit far more comfortably with the surrounding development of Miller Avenue and Gerrards Fold
- The building materials should be from local stone
- The harmful impact of the use of render is only too evident on the recent development behind the Hare and Hounds pub
- The properties on Gerrards Fold contribute positively to the Conservation Area and follow the public footpath round from this development. They are contemporary with (if not pre-dating) the Mill and original terraced dwellings of the village, sharing numerous vernacular design characteristics. I fail to see how these could not therefore be considered to contribute positively to the significance of the conservation area
- The site provides a positive contribution to the Conservation Area by providing a landscape buffer, the development would replace it with a modern, visually prominent development
- The proposals would harmfully alter the setting of the Grade II Listed Mill
- Drystone walling would be more suitable than fencing
- The harm highlighted above is considered minor 'less than substantial' harm which would need to be weighed against any public benefits flowing from the development in accordance with paragraph 196 of the NPPF. Public benefits flowing from this development will be minor and will not outweigh the harm.

15. Relevant material considerations, which have been raised within representations are assessed in full in the planning considerations section below.

## **CONSULTATIONS**

16. Parish Council: no response had been received at the time of writing this report.
17. Lancashire Highway Services (LCC Highways): initially responded with concerns in relation to the location of vegetation planting near the highway and access gates proposed to be located within the highway. The scheme was later revised by the applicant's agent to meet the requirements of LCC Highways with proposed vegetation removed from near the highway to improve visibility of highways users and the removal of the access gates. LCC Highways have responded to revised proposals to state that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Their response also requested that the size of garages and driveways be increased to accommodate the required number of off-road parking spaces. They also suggested a number of planning conditions be attached to the Reserved Matters consent. The proposed site layout was amended by the applicant's agent to address the points raised by LCC Highways with regards to vehicle parking.
18. United Utilities: no response had been received at the time of writing this report. United Utilities responded to the consultation on the Outline planning application to raise no objections and suggested standard planning conditions to be attached to the planning permission. Those conditions are attached to the Outline planning permission and so are not required to be attached to the Reserved Matters consent.
19. Greater Manchester Ecology Unit: responded with no objections to the scheme and recommended measure to protect and enhance biodiversity.

## **PLANNING CONSIDERATIONS**

### Principle of the development

20. The acceptability of the principle of the development has been established by the grant of outline planning permission.

#### Impact on designated heritage asset

21. Policy BNE8 of the Chorley Local Plan 2012 – 2026 seeks to protect and enhance the designated Heritage Assets. The application site is located within the Abbey Village Conservation Area. The key characteristics of the conservation area are:
  - Linear development either side of a focal point, Abbey Mill;
  - The dominant building materials are elevations faced with local sandstone and grey slate roofs;
  - Dominance of small, two-storey terraced houses. The smallest ones are the oldest (1840) and are nearest to the mill. Slightly larger ones are younger (1875) and situated on the edge of the village; and
  - Modern development on the north western fringe.
22. The application site is located within the Abbey Village Conservation Area and is located adjacent to an area of the Conservation Area that comprises entirely of modern, late 20th Century houses that have no particular historic, architectural or cultural significance and it is not located adjacent to any buildings that currently contribute to the significance of the Conservation Area. The character of the conservation area is defined by the typical stone-built mill-workers cottages arranged in a series of terraced blocks that are focused around the mill.
23. The only listed building in the area, Abbey Mill, is located approximately 140 metres south east from the application site. Given the character of the immediate area, and the separation distance to the only listed building in the area, it is considered that the proposed development would have no material impact on either the appearance of the listed building or the conservation area, or the significance of these designated heritage assets.
24. In light of the above, it is considered that the proposed development would preserve the appearance of the adjacent grade II listed building, Abbey Mill, and the Abbey Village Conservation Area and thus also sustain the significance of these designated heritage assets. Accordingly, the proposed development would be in conformity with S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, S.16 of the National Planning Policy Framework, Core Strategy Policy 16 and the Chorley Local Plan 2012 – 2026, policy BNE8.

#### Impact on character and appearance of locality

25. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1). It is considered that detached dwellings of the design proposed on this plot would be appropriate to the character of the area.
26. The prevailing dwelling types within the vicinity of the application site are detached bungalows and dormer-bungalows. However, elsewhere in Abbey Village, including within the conservation area, other dwelling types exist, including detached two-storey properties.
27. Whilst Miller Avenue and the immediate surrounding roads comprise mainly bungalows, there are a number of larger scale buildings within the vicinity of the application site. In addition, the closest dwellings would be set back from the bungalow at No 8 and would extend beyond the group of dwellings on Miller Avenue. The dwellings on Plots 1 to 4 have been lowered from 2.5 to 2 storey, reducing their ridge height by approximately 1m. This provides a transition between the existing bungalows on Miller Avenue and the slightly larger proposed dwellings on Plots 5 to 9.
28. It is considered that the proposed dwellings will assimilate with the built form of Miller Avenue and would act as a logical extension to those existing dwellings, continuing the existing line of built form westwards.

29. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Neighbour amenity

30. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
31. The proposed dwellings would be located approximately 7m (Plot 3) to the west and 22m (Plot 1) to the south west of the nearest existing dwellings at 8 and 5 Miller Avenue, respectively. The dwelling on Plot 3 would be set-back from No. 8 Miller Avenue, thus significantly reducing any amenity impacts which may have occurred should they have been located side by side. The degree of separation and relative positioning are such therefore that there would be no unacceptable impact on light, outlook or privacy.
32. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots and it is noted that a privacy wall is included at the side of the balcony, which would otherwise cause overlooking from Plot 3 towards the rear garden of No.7 Cherry Grove. It is also recommended that privacy screens are provided to the sides of all balconies proposed as part of the scheme and these are secured in perpetuity via an appropriate condition.
33. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

#### Highway safety

34. The development is to be accessed from the western extent of Miller Avenue, as a continuation of the existing highway. It is noted that Miller Avenue currently terminates at an area of grassed verge, which appears to have been planted and tended as a garden.
35. (LCC) Highways are of the opinion that the highway layout and car parking conforms to current guidelines; recommendations; the philosophy of Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Wyre Local Plan (adopted 28th February 2019), Appendix B, page 184. However, the layout is not to an acceptable standard for adoption. LCC has therefore requested conditions be attached to the Reserved Matters consent to ensure the proper ongoing management and maintenance of the road.
36. Adequate parking spaces are proposed to serve the 5no. six bedroom dwellings and the 4no. four bedroom dwellings, by way of garages and/or driveway space. This would ensure that the proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
37. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. It is also noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions.

#### Ecology

38. The application site consists of managed grassland and is not considered to provide any substantive nature conservation importance. The site is located adjacent to a Local Nature Reserve, Withnell Nature Reserve. The Greater Manchester Ecological Unit are satisfied that there is sufficient distance between the proposed houses and the boundary of the Local Nature Reserve and did not record any evidence of protected species within the site or in habitats adjoining it. It is considered that a suitably worded condition to protect nesting birds would ensure that the proposal is acceptable in ecological terms.

### Other matters

39. *Inconvenience caused during the construction period:* a construction method statement has been submitted to discharge the requirements of planning condition 8 attached to the Outline consent, in the interests of highway safety and to protect the amenity of neighbouring occupiers. Once approved, the measures identified within the statement will be capable of being enforced throughout the construction period.

### Community Infrastructure Levy

40. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

### **CONCLUSION**

41. The details of the proposed dwellings are considered to be acceptable and the reserved matters application is recommended for approval.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 17/00225/OUT **Decision:** REFFPP **Decision Date:** 26 May 2017  
**Description:** Erection of three detached dwellings accessed from Miller Avenue

**Ref:** 17/00913/OUT **Decision:** PERFPP **Decision Date:** 15 December 2017  
**Description:** Outline application for erection of two detached houses and a detached dormer bungalow (with all matters reserved)

**Ref:** 18/00800/OUT **Decision:** PEROPP **Decision Date:** 12 December 2018  
**Description:** Outline application for the erection of up to 9 houses (with all matters reserved)

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

### Suggested conditions

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.

*Reason: To define the permission and in the interests of the proper development of the site.*

2. The proposed development must be begun not later than two years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. The external facing materials, detailed on the approved plans and within the document entitled 'Materials Specification' received on 27th August 2019, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. The development hereby permitted shall be carried out in accordance with the approved plans below:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location & Site Plan	18/108/L01	27 August 2019
Proposed Site Plan	18/108/P01 Rev D	1 November 2019
Plot 1 Proposed Plans & Elevations	18/108/P02 Rev B	24 October 2019
Plot 2 Proposed Plans & Elevations	18/108/P06 Rev B	24 October 2019
Plots 3 & 4 Proposed Plans & Elevations	18/108/P04 Rev C	1 November 2019
Plots 5 & 8 Proposed Plans & Elevations	18/108/P07	27 August 2019
Plots 6 & 7 Proposed Plans & Elevations	18/108/P05	27 August 2019
Plot 9 Proposed Plans & Elevations	18/108/P03	27 August 2019
Double Garage - Eaves to Road	18/108/G01 Rev A	1 November 2019
Quad Garage - Eaves to Road	18/108/G02 Rev A	1 November 2019
Swept Path Refuse Vehicle	086-19-1	27 August 2019
1.8m High Timber High Fence	18/108/EW02	27 August 2019
1.8m High Party Fence	18/108/EW03	27 August 2019
1.2m High Timber Post & Rail Fence	18/108/EW04	27 August 2019
Proposed Site Enclosures Plan	18/108/P08 Rev C	4 November 2019
Proposed Phasing Plan	18/108/PH01 Rev C	4 November 2019
Proposed Site Plan indicating Proposed Fibre Optic Ducting	18/108/FD01 Rev C	4 November 2019
Landscape Proposals Plan	2276_01 Rev A	22 October 2019

*Reason: For the avoidance of doubt and in the interests of proper planning.*

5. Prior to the erection of the superstructure of the dwellings hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of privacy screens to be erected to the sides of each balcony. No dwelling shall be occupied until the privacy screens as shown in the approved details have been erected. The privacy screens shall be retained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality.*

7. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents.*

8. Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved

plan. The driveways and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*

9. The garage(s) hereby approved shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.*

10. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

*Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*

11. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

*Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway*

12. No dwelling within phase each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

*Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway*

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

*Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway*

14. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

*Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway*

15. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

*Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.*