

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	21/02450/REG4 Basildon	22.11.2021 ¹	<p>Redevelopment of land of the school grounds including new play equipment with fencing and planting.</p> <p>Basildon C Of E Primary School, School Lane, Upper Basildon, Reading, West Berkshire, RG8 8PD</p> <p>Basildon C Of E Primary School</p>
¹ Extension of time agreed with applicant until 08.08.2022			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02450/REG4>

Recommendation Summary: Delegate to the Service Director of Development and Regulation to grant conditional planning permission.

Ward Member: Councillor Alan Law

Reason for Committee Determination: 15 objections were received.

Committee Site Visit: 27th July 2022

Contact Officer Details

Name: Sissi Yang
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1. Introduction

- 1.1 This application seeks planning permission for redevelopment of land of the school grounds with new play equipment with fencing and planting. The development would be at north side of the site to replace the existing pond area.
- 1.2 The site comprises of a school building, areas for children's activities and parking. A public footpath (5/1) runs through the site from north to south. Neighbouring dwellings are situated to the north, west and south of the site.
- 1.3 The site is located within the settlement boundary of Upper Basildon, and within the North Wessex Downs Area of Outstanding Natural Beauty.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
17/00289/FUL	Regulation 3: New fuel storage tank and short fire track vehicle access road constructed between existing service road and playground	Withdrawn
13/00830/FUL	Regulation 3 - Alterations and extension to provide a replacement classroom - part retrospective.	Approved 17.06.2013
12/01653/CERTP	Regulation 4 - Refurbish covered walkway.	Approved 21.08.2012
08/00013/FUL	Erection of lobby area to provide access from classroom to toilets	Approved 26.02.2008
05/01730/FUL	Extensions to staff area and nursery.	Approved 03.10.2005
04/00307/FUL	Canopy structure to be erected between two external doors to provide covered play area	Approved 14.05.2004
03/00764/FUL	Development is to improve an entrance and create a lobby.	Approved 29.05.2003

3. Procedural Matters

- 3.1 **EIA:** Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** A site notice was displayed at site on 18.10.2021 for 21 days. The expiry of these site notices was on 08.11.2021. The application was also advertised in the Newbury Weekly News on 07.10.2021.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Sports England:	The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306)
Trees (WBC):	No comments received
Parish Council:	The Parish Council objected on the grounds that the proposal will have a negative environmental impact. In replacing the current 'wild' area with something that did nothing positive for the local environment was a backwards step.
Rights of Way (WBC):	<p>Basildon Footpath 5/1 runs immediately adjacent to the site. The application includes a Block Plan showing a sketch of the route of this footpath, therefore I have included an extract from the Definitive Map of Public Rights of Way, for the sake of accuracy.</p> <p>The application does not appear to include any details of boundary treatments or construction methods. The existing boundary vegetation should be retained in order to retain as much screening as possible between the site and the footpath. The following informatives should also apply at this stage:</p> <ul style="list-style-type: none">• The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.• The applicant is advised that all visitors to the site should be made aware that they would be driving along a public footpath. As a result they should drive with caution when manoeuvring into and out of the site, and should give way to pedestrians at all times.• Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.• The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.• Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to

	<p>a specification agreed with the Local Authority, prior to development commencing.</p> <ul style="list-style-type: none"> No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.
Pang Valley Group of Ramblers:	The works are adjacent to PF/BASI/5/1 that passes through the school grounds. It is important that the footpath is kept clear and unobstructed by contractors' plant and machinery at all times.
Environmental Health (WBC):	<p>EH raised no concerns regarding the above application. The whole of the site obviously already has planning permission to be used as a school, so a certain amount of noise is to be expected. Whilst the proposals will bring children closer to adjacent gardens and houses than at present I doubt whether this will adversely affect the residents of these houses during the day to any great extent. The school is only operational for something like 200 (fairly short) days per year and a lot of this time the weather will not be conducive to the use of the proposed facilities.</p> <p>No objections to the proposed use of shredded tyre mulch within the proposed development. Its use is commonplace throughout the country. The relevant British Standard is BS EN1177.</p> <p>If this application is approved I recommend that the standard "hours of noisy construction work" condition should be imposed.</p>
Ecology (WBC):	<p>No objection</p> <p>The recommendations from the submitted ecology report will need to be undertaken, this includes in our opinion the need for a mitigation and enhancement plan to include measures (but not limited to) to address 5.2 to 5.4, with regard to point 5.4 we suggest that the applicants speak with the LPAs managing agents for the District licence for GCN. Submission pre commencement.</p> <p>The construction management plan will need to adhere to the protected species and tree protection measures including the access to the site and where materials storage areas are to be placed as a pre commencement condition, the plans details/submission are to be subject to scrutiny by the LPA. This includes the environmental safeguarding measures/RAMS in the submitted Ecology report. These and other environmental safeguards will need to be delivered through the construction management plan document before commencement of the proposals. Submission pre commencement.</p> <p>A condition that requires the submission of an Isolux lighting plan showing the predicted levels of lighting before external lighting can be installed, affectively removing PD rights for external lighting. Plans details/submission are to be subject to scrutiny by the LPA. Submission pre commencement of any additional lighting to be installed.</p>

	A condition stating that each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions, the reports details/submission is subject to scrutiny by the LPA.
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Public representations

4.2 Representations have been received from 17 contributors, 14 of which object to the proposal and 3 of which support the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Overlooking issue
- Noise pollution and security
- Loss in Wildlife
- Forest zone is misleading
- Plan borders public path
- Biodiversity study is needed
- Which hours will it be used?
- Site visit been done?
- Other locations would be more suitable
- What is improvement to the existing situation, does it improve education quality?

Officer comments - issues raised above are discussed in detailed assessment in below.

- Playground would be coated with tarmac which have negative impact on children's health

Officer comments - Council's Environmental health Officer was consulted and raised no objection to the proposed material.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS5, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6, of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- Quality Design SPD (2006)

- Sustainable Drainage SPD

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highways and public rights of ways
- Drainage and flooding
- Ecology

Principle of development

- 6.2 Policy ADPP1 states that the scale of development will be related to the site's current or proposed character and surroundings. In the open countryside only appropriate limited development will be allowed.
- 6.3 Policy ADPP5 states that development will conserve and enhance local distinctiveness, sense of place and setting of the Area of Outstanding Natural Beauty. Development will respond positively to the local context and respect identified landscape features and components of natural beauty.
- 6.4 Paragraph 95 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools.
- 6.5 The proposed development is considered to be acceptable in principle.

Character and appearance

- 6.6 As outlined in the principle of development policy ADPP1 includes consideration of character and surroundings, policy ADPP5 relates to considerations of factors relevant to the conservation of the Area of Outstanding Natural Beauty, and considerations of landscape character and rural setting.
- 6.7 According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.
- 6.8 Policy CS19 relates to landscape character. It states that particular regard be given to the sensitivity of the area to change and that development be appropriate in location, scale and design in the context of the existing settlement form, pattern and character.
- 6.9 The development would be located at northern side of the school which would form a triangle shape. Proposed development would remove all of the surface installed in the pond area including the fencing the area will be resurfaced with a variety of apparatus for imaginative play and seating including three tier log amphitheatre, woodland hut,

playhut, shelter with seating and picnic table. There will be soft landscaping including planters and planting.

- 6.10 The proposed shelter would be approx. 2.6m high x 4.5 wide x 3.4m deep and the woodland would be approx. 2.1m high x 2.4m wide x 2.2m deep. The other proposed elements would be low height. Overall the proposal would be modest in terms of height, scale and massing and appropriate in terms of location and design. The materials of the structure would be timber and the surface would be rubber mulch. There will be soft landscaping in the proposed development area.
- 6.11 In the context of the wider site it is considered that the overall landscape character would be sufficiently retained and not result in a significant loss of landscape features. Overall it is considered that the proposal complies with policies ADPP1, ADPP5, ENV.27 and CS19.

Neighbouring amenity

- 6.12 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.13 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties.
- 6.14 The closest dwellings (on Emery Acres) to the proposal would be more than 25m away. It is considered that the proposal is sufficient distance away from neighbouring properties. The scale and massing of the proposed elements are considered modest. Therefore it would not give rise to amenity issues, such as loss of privacy, overlooking, over shadowing or loss of natural light.
- 6.15 Objections have been raised in regards to noise. Environmental Health have been consulted with regards to this matter and have raised no concerns. The site already has planning permission to be used as a school, so a certain amount of noise is to be expected. Whilst the proposals will bring children closer to adjacent gardens and houses than at present, it will not adversely affect the residents of these houses during the day to any greater extent. It is considered the proposal will not give rise to unaccepted noise levels which would be materially harmful to neighbouring amenity.
- 6.16 Taking the above matters into account, it is considered the proposal will not have a materially harmful impact on neighbouring amenity. The proposal is considered comply with policy CS14 of the West Berkshire Core Strategy 2006-2026 and OVS5 of the West Berkshire Local Plan Saved Policies 2007.

Highways and public rights of ways

- 6.17 Policy CS13 of the Core Strategy concerns transport. It emphasises that road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users.
- 6.18 Public rights of way are regarded as green infrastructure under Policy CS18. The policy states that District's green infrastructure will be protected and enhanced. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public

will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

- 6.19 Given the proposed location and scale of the proposal, it is considered the proposal will not have a material impact on highways. It is considered the proposal is compliant with CS13 of West Berkshire Core Strategy (2006-2026), and TRANS.1 West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 6.20 Basildon Footpath 5/1 runs immediately adjacent to the site. Objections have been received regarding the plan borders the public path. The Council's Right of Way Officer advised that the application does not include any details of boundary treatments or construction methods. The existing boundary vegetation should be retained in order to retain as much screening as possible between the site and the footpath.
- 6.21 Public rights of way are governed by separate legislation which a planning permission should not seek to duplicate, but informatives would be attached to the decision to draw these matters to the applicant's attention. Condition will be attached to secure details of boundary treatment.
- 6.22 It is considered that the proposal will be compliant with policy CS18 subject to conditions.

Drainage and flooding

- 6.23 The site is located within Flood Zone 1, which indicates the lowest risk of fluvial flooding. It is not located within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As minor development, a Flood Risk Assessment (FRA) is not required by Policy CS16, and there are no objections to the development on grounds of flood risk.
- 6.24 Notwithstanding the absence of any flood risk objections, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Council has adopted a Sustainable Drainage SPD which supports this policy, and provides examples of measures that can be incorporated into even minor developments.
- 6.25 Conditions will be attached to decision regarding drainage.

Ecology

- 6.26 An ecological survey report has been provided to support the application. It confirms that no statutory sites are impacted, and that there is no identified ecological link between the site and two areas of ancient woodland within the vicinity. The report identifies that the application site contains a pond, dense scrub and a small adjacent section of amenity grassland. It is proposed to infill the pond, clear the site, and create an outdoor "forest area" with new playing equipment and rubber mulch surfacing.
- 6.27 The Council's Ecologist reviewed the application and advised that conditional permission can be granted subject to securing the recommendations from the submitted ecology report, including a requirement for a mitigation and enhancement plan. The Ecologist requests that the existing pond is either infilled or replaced elsewhere on the site, but this does not form part of the proposals. A mitigation and enhancement plan can, however, be secured by condition that will cover the application site.

- 6.28 The construction management plan will be required for the protected species and tree protection measures including the access to the site and where materials storage areas are to be placed as a pre commencement condition, the plans details/submission are to be subject to scrutiny by the LPA. This includes the environmental safeguarding measures/RAMS in the submitted ecology report. These and other environmental safeguards will need to be delivered through the construction management plan document before commencement of the proposals. This will be secured via pre-commencement condition.
- 6.29 A condition will be attached to require the submission of an Isolux lighting plan showing the predicted levels of lighting before external lighting can be installed. Plans details/submission are to be subject to scrutiny by the LPA.
- 6.30 A condition will be attached stating that each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions.
- 6.31 Subject to these provisions it is considered that the proposal would comply with Policy CS17.

7. Planning Balance and Conclusion

- 7.1 In conclusion, an in-depth consideration has been given to a range of planning matters and it is considered that the proposed development is compliant with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14, CS16, CS17, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). Therefore, it is recommended that this application is approved.

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1. Commencement of development

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 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Location Plan received 27.09.2021;
- Block Plan received 27.09.2021;
- Location of proposed development received 27.09.2021;
- Details of proposed equipment received 27.09.2021;
- Detailed Floor Plan received on 02.03.2022;

- 3D Image received on 02.03.2022;
- BSK33248-10 – Open Ended House Frame received 27.09.2021;
- IF 035 - Weaving Posts received 27.09.2021;
- IF 056 - Wigwam Posts received 27.09.2021;
- Materials Details received 27.09.2021;
- QF003 – Picnic Table – Small received 27.09.2021;
- QF103 – Large Shelter with Seating and Planters received 27.09.2021;
- Qf117 – Herb Planter received 27.09.2021;
- School Playground Equipment received 27.09.2021;
- Material Information received 27.09.2021;
- WILD003 – Woodland Hut received 27.09.2021;
- WILD009 – Log Amphitheatre – Three Tier received 27.09.2021;
- WILD033 – Forest Playhut – With Table and Seats received 27.09.2021;
- Tree Survey Drawing received 27.09.2021.

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

3. **Construction Environmental Management Plan**

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

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of “biodiversity protection zones”.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

4. **Ecological Mitigation and Enhancement Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Ecological Mitigation and Enhancement Plan shall be implemented in full as part of the approved development.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy

Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the Mitigation and Enhancement Plan will need to be adhered to throughout construction.

5. **GCN surveys for pond removal**

The existing pond shall not be removed until a report on a great crested newt survey has been submitted to and approved in writing by the Local Planning Authority. The report shall include any appropriate mitigation measures. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

6. **Lighting plan**

Prior to any installation of external lighting, an "Isolux lighting plan" showing the predicted levels of lighting shall be submitted to and approved in writing by the local planning authority.

Reason: The introduction of artificial light might mean certain species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

7. **Ecology report valid for 3 years**

If the development hereby approved does not commence by 10th February 2025 (3 years from the original ecology survey), a further ecology survey shall be carried out and a report submitted to the Local Planning Authority for approval before any development takes place.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

8. **Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

9. **Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

8:30am to 6:00pm Mondays to Fridays;

9:00am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

10. **Drainage**

There shall be no discharge into sewers, watercourses or other waterbodies during and post construction. The applicant shall ensure that no overland flow occurs as result of the works approved under this application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006), Sustainable Drainage SPD (2008).

11. **Landscaping**

The development shall not be first brought into use until the site has been landscaped in accordance with a landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of boundary treatments along the public highway and details of any planting.

Reason: To ensure appropriate landscaping of the site following completion of work. This condition is applied in accordance with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design SPD.

Informatives

1. **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

2. **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

3. **Rights of way**

- The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.
- The applicant is advised that all visitors to the site should be made aware that they would be driving along a public footpath. As a result they should drive with caution when manoeuvring into and out of the site, and should give way to pedestrians at all times.

- Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.
- The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.
- Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.
- No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.

4. **Proactive statement**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.