

Agenda Item A11	Committee Date 23 July 2018	Application Number 18/00445/VCN
Application Site Land East Of Railway Line St Michaels Lane Bolton Le Sands Lancashire		Proposal Erection of 20 dwellings with associated new access (pursuant to the variation of conditions 2, 4, 9, 10, 11 and 13 on planning permission 15/01167/FUL to amend the approved site layout, vary the trigger for the submission of a risk assessment and to vary conditions pertaining to noise mitigation, surface water drainage and landscaping to enable the development to be carried out with submitted details; and remove condition 8 as the revised layout accommodates provision for an easement to the watercourse)
Name of Applicant Oakmere Homes		Name of Agent Mr Daniel Hughes
Decision Target Date 3 August 2018		Reason For Delay None
Case Officer		Mrs Jennifer Rehman
Departure		No
Summary of Recommendation		Approve

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 0.76 hectare parcel of pasture land located on the south-western periphery of the built-up area of Bolton-le-Sands. The site is situated to the east of the West Coast Main Line (WCML) with residential development bordering the site to the north and east. To the south is agricultural land designated as Green Belt. Native hedgerows and trees surround the site with an open drainage ditch running along part the western boundary. The nature of surrounding residential development is predominately two-storey in scale of varying styles and architectural periods, but little in terms of historical development.
- 1.2 St Michael's Lane runs along the northern boundary of the site and provides the principal means of access and links to the A6 in an eastern direction. A vehicular level crossing with an automatic barrier (locally monitored) over the WCML is situated to the north west of the site.
- 1.3 The site is largely unconstrained by land use and/or environmental designations, but like the rest of the village, the Countryside Area allocation sweeps across the entire site. Part of the site is also reserved for Mineral Safeguarding.

2.0 The Proposal

- 2.1 The applicant has submitted an application to vary the original planning permission under the provisions of Section 73 of the Town and Country Planning Act 1990. A Section 73 application provides a useful mechanism to consider minor material amendments to development (i.e. amendments where its scale and/or nature results in development which is not substantially different

from the one which has been approved). It is only possible to make such changes to a development where there is a relevant condition that can be varied.

- 2.2 The applicant seeks consent to vary condition 2 (approved plans list) of the original planning permission to alter the layout of the previously approved development to address concerns raised by Network Rail's Asset Protection team. These concerns have been raised with the developer outside the planning arena. Principally the concerns have related to the risks associated with the approved layout and the potential for obstructions and/or distractions which could threaten the safe and efficient operation of the level crossing. The amendments relate solely to plots 1 to 6 and their associated parking. Plots 1 to 6 on the approved scheme were designed to front St Michael's Lane forming a row of development between the WCML and the proposed access. The applicant seeks to re-orientate these plots ninety degrees so that they predominately front the internal spine road serving the development rather than St Michael's Lane.
- 2.3 In addition to the above principal changes, the applicant also seeks consent to vary the trigger for the submission of a risk assessment for works within 10m of the WCML (condition 4); the variation of conditions 9 (surface water drainage scheme), condition 10 (surface water management and maintenance plan), condition 11 (scheme for noise mitigation measures) and condition 13 (landscaping) to enable the development is carried out in accordance with the submitted details, and the removal of condition 8 (access to open watercourse).

3.0 Site History

- 3.1 The site benefits from a full planning permission for the erection of 20 dwellings houses with an associated access off St Michael's Lane. Planning permission was granted on the 14 April 2016 with a number of conditions and a legal agreement securing:
1. the provision of a minimum of 40% affordable housing;
 2. an education contribution; and
 3. a public open space (POS) contribution.
- 3.2 An application to vary the legal agreement was submitted to the Council some 7 months after the determination of the original permission in order to negotiate downwards the amount of affordable housing and other planning obligations. This application was supported after lengthy viability negotiations between the Council and the developer, and a Deed of Variation was entered into securing only 4 affordable housing units and the omission of the POS and education contributions.
- 3.3 The applicant has submitted a discharge of condition application to agree details reserved by conditions 3, 5, 6, 9, 12 and 13 of the original permission. Only condition 3 (construction management plan), condition 5 (eradication of invasive species) and condition 12 (materials, boundary treatments and surfacing details) have been agreed.

Application Number	Proposal	Decision
15/01167/FUL	Erection of 20 dwellings and associated access	Approved
16/01487/VLA	Variation of legal agreement attached to planning permission 15/01167/FULL	Approved
17/00166/DIS	Discharge of conditions 3, 5, 6, 9, 11, 12 and 13 on approved application 15/01167/FUL	Split Decision

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	Concerns relating to the vehicle access onto St Michael's Lane and also onto the A6 and ask that both these areas are addressed for the safety of all users.
Network Rail	No objections to the revised layout, the acoustic treatments and the principle of the drainage scheme.
Lead Local Flood Authority (LLFA)	The details initially submitted have not been accepted. The LLFA has been consulted on revised details and a verbal update will be provided.

Highway Authority (Lancashire County Council)	No objection to the revised proposals pursuant to plots 1-6. Made comments on the prospects for road adoption, private management of parking courts and parking provision (should comply with the City Council's parking standards due to site's low accessibility)
United Utilities (UU)	No objections. Satisfied with the drainage details submitted and the revised wording of condition 9, which specifies no surface water to the public sewer and a controlled surface water discharge rate of 5 litres per second. UU has been re-consulted on the latest drainage proposals for the avoidance of doubt – a verbal update will be provided.
Tree Officer	No objections to the revised landscape proposals and maintenance regime.
Lancashire Fire and Rescue Service	Advises that the development should be designed to meet building regulations for access and facilities for the Fire service.

5.0 Neighbour Representations

- 5.1 At the time of compiling this report, 5 letters of objections have been received. A summary of the reasons for opposition are noted below:
- Flood risk concerns including foul connections to Sunnybank Road are inappropriate and will exacerbate existing flooding problems, particularly foul water flooding which necessitates pumping and cleansing annually; increase in surface water flooding off-site; the site already floods; the flood exceedance route does not account for flows from Hillcrest Avenue which are substantial;
 - The amendments to the scheme are insufficient;
 - The amended plans have pulled the development closer to an existing dwelling on Hillcrest Avenue, namely plots 18 and 19 being 7m from the boundary rather than 10m and 9m respectively;
 - Increased overlooking, loss of privacy and loss of light;
 - Loss of marsh habitat and wildlife, noting the site could well be a SSSI site and therefore RSPB and Natural England have been contacted by the objector.

6.0 Principal National and Development Plan Policies

- 6.1 **National Planning Policy Framework (NPPF):**
Paragraph 12 and 14 – Presumption in favour of sustainable development
Paragraph 17 – Core principles
Section 4 (paragraphs 29-41) – Promoting sustainable transport
Paragraphs 56, 58, 61, 64 – Good design
Paragraph 69 – Promoting healthy communities
Paragraphs 100-104 – Flood risk
Paragraphs 120, 121, 123 and 124- Contamination, noise and air quality
Section 11 – Conserving and enhancing the natural environment
Paragraph 144 – Mineral safeguarding

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- The Strategic Policies and Land Allocations DPD; and,
- A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

- 6.3 **Development Management DPD (DM DPD) Policies**
DM20 - Enhancing Accessibility and Transport Linkages
DM21 - Walking & Cycling
DM22 - Vehicle Parking Provision
DM25 - Green Infrastructure
DM26 - Open Space, Sports and Recreational facilities
DM27 - Biodiversity
DM28 - Development and Landscape Impact
DM29 - Protection of Trees, Hedgerows and Woodland
DM35 - Key Design Principles
DM36 - Sustainable Design
DM38 - Development and Flood Risk
DM39 - Surface Water Run-Off and SUDS
DM27 - Protection and Enhancement of Biodiversity
DM40 - Protection Water Resources and Infrastructure
DM41 - New Residential Development
DM42 - Managing Rural Housing Growth
Appendix B - Car Parking Standards

- 6.4 **Lancaster District Core Strategy (LDCS) Policies:**
SC1 - Sustainable Development
SC3 - Rural Communities
SC4 - Meeting Housing Requirements

- 6.5 **Saved Lancaster District Local Plan (sLP) Policy:**
E4 - Countryside Area

- 6.6 **Other considerations**
Joint Lancashire Minerals and Waste Local Plan DPD Policy M2 (Safeguarding Minerals);
National Planning Practice Guidance;
Surface Water Drainage, Flood Risk Management and Watercourses (May 2015).

7.0 Comment and Analysis

- 7.1 The main issues in the consideration of this application are:
- Principle of development;
 - Whether the amended layout represents an acceptable and sustainable design and does not compromise the safe and efficient operation of national rail infrastructure which sits alongside the development site; and
 - Whether the details submitted pertaining to noise mitigation, drainage, landscaping and risk assessments are satisfactory and whether a condition remains necessary in relation to a scheme for the access arrangements to the watercourse to be agreed with the local planning authority.
- 7.2 **Principle of development**
The application is made under Section 73 of the Town and Country Planning Act to vary conditions imposed on the previous permission. One of the purposes of a Section 73 application is to seek minor material amendments to the permission where there are relevant conditions capable of being amended. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.
- 7.3 As noted in section 2 of this report, the purpose of the application is principally to make amendments to the layout of plots 1 to 6 of the approved scheme. The amendments are judged to be minor material changes to the development as it would not result in a substantially different from of

development from the one which has already been approved. The amendments do not seek to alter the housing mix of plots 1 to 6 (house type design and size) or the number of dwellings proposed overall.

- 7.4 Whilst (if approved) a Section 73 application results in a new planning permission, it is not an opportunity to re-examine the principle of the development and the merits of the original proposal. Subsequently, the principle of the redevelopment of the site for 20 dwellings and its associated access is accepted. Matters relating to housing need, biodiversity, access and traffic impacts are all matters that have previously been considered and accepted.
- 7.5 Layout changes (variation of condition 2)
The revised layout has arisen following lengthy discussions between the developer and Network Rail after the original planning permission was granted. Network Rail's Asset Protection team were concerned that the original layout would not sufficiently dissuade visitors/residents of the development (such as delivery vehicles) pulling up in front of plots 1 to 6 on St Michael's Lane despite the access and parking to these plots being within the site itself (along with other matters that are not relevant to planning). The main layout concerns included the front elevations facing the road, pedestrian access points directly off St Michael's Lane and a new footway between the site's principal vehicular access and the level crossing. Network Rail has clearly considered the potential risks significant - the risks being potential obstructions in the highway close to the level crossing affecting the safe and efficient operation of the WCML - and as a consequence the developer seeks to resolve their concerns through amendments to the scheme in order to implement their permission.
- 7.6 The applicant seeks to amend condition 2 (approved plans list) by the substitution of the approved site layout plan and site sectional drawings showing the reorientation of plots 1 to 6 and the reconfiguration of the associated landscaping and parking areas. Despite objections to the contrary the applicant does not seek to amend any other part of the development (save for plots 1 to 6) and specifically, plots 18 and 19 remain in their approved positions with no alterations to the interface distances previously accepted.
- 7.7 The original proposal secured plots 1 to 6 fronting St Michael's Lane forming a strong, active streetscene. This was considered an appropriate response to the local townscape character and was a benefit to the scheme. However, it was not ideal and resulted in a large parking court prominently positioned on approach into the development itself. The amended plan seeks to turn plots 1 to 6 round by ninety degrees so plots 2-4 front the proposed internal spine road and plots 1 and 2 front St Michael's Lane. This results in the associated parking court being located behind the dwellings and less visible from within the development and St Michael's Lane. The negative consequence of this proposal is the need for an acoustic fence extending some 22 metres from the northwestern corner of the site to the rear (west) elevation of plot 2. This fence will be a minimum of 2.5 metres high from finished ground level but is intended to be complimented and screened (over time) by new hedgerow planting along the boundary with St Michael's Lane. The developer has also agreed that the fence shall be painted green to help soften the visual impacts of this aspect of the development. The proposed development when viewed from St Michael Lane will arguably be less favourable than the approved scheme, but it is not judged to result in significant adverse impacts to the townscape character and/or visual amenity of the area. On this basis, the proposal is considered compliant with saved policy E4 and policies DM28, DM35 and DM42 of the DM DPD.
- 7.8 The revisions to the layout of the development have resulted in amendments to the location and provision of car parking serving plots 1 to 6. The changes have led to a reduction in dedicated parking from 10 spaces to 8 spaces provided within a communal parking court. Policy DM22 of the DM DPD requires proposals to incorporate provision for parking that accords with the levels set out in Appendix B of the DM DPD. For one bedroom properties there is a requirement for one parking space per unit and for two/three bedroom properties there is a requirement for two parking spaces per unit. These standards are maximum standards rather than minimum standards. To establish an appropriate level of parking, regard should be given to the location of the site relative to public transport services and local facilities, the design and layout of the development and the size and tenure of house types. The two one-bedroom properties have 100% parking and the four 2-bedroom properties, which are the approved affordable housing units, shall benefit from 150% parking (i.e. one space per unit with two additional visitor spaces) opposed to 200% parking as originally approved. Despite the local highway authority considering the site to be of 'low accessibility', it is located within an identified sustainable settlement (DM42) with access to public transport services on the A6 some 450m east of the site (via footpaths) with local facilities a further circa 250m east

(and uphill) towards the village centre. On this basis, the provision of 150% parking for the 2-bedroom affordable units would not result in an unacceptable level of parking to the extent it would conflict with policy DM22 bearing in mind the standards are maximum standards.

7.9 Whilst the proposed alterations result in a reduction of two parking spaces and a weaker streetscene elevation facing St Michael's Lane, the alterations are judged necessary to ensure the development does not adversely affect the safe and efficient operation of the WCML. Equally, the changes would not lead to significant adverse impacts and, on balance, would not conflict with our design/amenity and parking policies. On this basis, the applicant's proposal to substitute the relevant approved plans listed in condition 2 with the proposed plans can be supported.

7.10 Conditions

An approval under s73 of the Act results in the grant of a new stand-alone planning permission therefore all existing planning conditions have been reviewed to ensure they remain necessary and relevant with revisions made where appropriate. The applicant has submitted certain details pursuant to a number of planning conditions as part of this section 73 application. The applicant wishes to vary these conditions to ensure the development is carried out in accordance with the submitted detail rather than pre-commencement conditions (as originally worded) being re-imposed. The applicant also seeks permission to remove condition 8 pertaining to access arrangements to the watercourse on the western boundary of the site.

7.11 **Condition 4 – Risk Assessment**

Condition 4 is worded as follows:

No development or any site activity associated with the development, including site preparation/clearance and demolition, shall commence until details of a risk assessment and method statement for all works (including excavation and earthworks) within 10m of the West Coast Main Line (to protect the stability of railway land) have been submitted to, and agreed in writing by, the Local Planning Authority. Any excavation adjacent to the cutting crest / boundary will require supervision by Network Rail Asset Protection to ensure the stability and safety of the railway is not adversely affected. The development shall be constructed in accordance with the approved details. Reason: In the interest of safe and efficient operation of national infrastructure.

The applicant has entered into a Build Asset Protection Agreement with Network Rail, which is a matter separate from planning. As part of this process the applicant has to provide a number of risk assessments (referred to as RAMs). Network Rail has confirmed they are in receipt of all necessary RAM submissions and that they have no current concerns regarding these proposals. The issue with the condition as currently worded prevents any development commencing on site until the relevant risk assessments have been submitted and agreed.

7.12 The wording of the condition as approved is only concerned with work within 10m of the railway line. As such, in order to avoid unnecessary delay implementing the development, it is possible to reword the condition as follows:

No development or site activity associated with the development including site preparation/clearance and demolition shall take place within 10m of the West Coast Mainline until a risk assessment and method statement for all works (including excavation and earthworks) within 10m of the West Coast Main Line (to protect the stability of railway land) has first been submitted to, and agreed in writing by, the Local Planning Authority. Any excavation adjacent to the cutting crest / boundary will require supervision by Network Rail Asset Protection to ensure the stability and safety of the railway is not adversely affected. The development shall be constructed in accordance with the approved details. Reason: In the interest of safe and efficient operation of national infrastructure.

The variation effectively alters the trigger for when the risk assessments need to be submitted and agreed with the local planning authority without conflicting with the requirements of the original condition.

7.13 **Condition 8 – Access for the maintenance of watercourse**

This condition required details of the access arrangements for maintenance of the open watercourse on the western boundary of the site to be submitted and agreed with the local planning authority before the commencement of development. No such details have been provided to date. However, the revisions to the layout have now secured an appropriate access towards the watercourse via

the proposed parking court to the rear of plots 1 to 6. Nevertheless to enable maintenance of the adjacent watercourse a double gate in the acoustic fence will be required to allow maintenance equipment access to the watercourse. Consequently, Members are advised that condition 8 can be removed on the basis that a new condition is imposed for the provision of these double gates and the car parking court prior to first occupation of units 1 to 6, and retained at all times thereafter.

7.14 Conditions 9 and 10 – Surface water drainage

Conditions 9 and 10 require details of a surface water drainage scheme and its management and maintenance to be agreed before any development, site activity or site preparation/clearance takes place. The applicant seeks to vary condition 9 to enable the development to be carried out in accordance with the submitted drainage details and maintenance plan.

7.15 The proposed drainage plan shows the surface water and foul water operating on separate systems (compliant with condition 15 of the original permission), with the foul connecting to the existing sewer on Sunnybank Road and the surface water discharging to a new outfall into the adjacent drainage ditch. A hydrobrake is proposed to control the surface water flows to 5 litres per second with a surface water storage facility incorporated into the development. This comprises polystorm extra cellular storage cells to be installed below the gardens of plots 3 to 6 and the parking court. The principle of the drainage proposal is acceptable and accords with the SuDS hierarchy and our drainage/flood risk policy. The drainage proposals have been accepted by Network Rail and United Utilities. The Lead Local Flood Authority has, however, questioned some of the drainage calculations and the size/design of the drainage pipes. Amended information has been provided which the LLFA is currently considering. If the LLFA confirms the details are acceptable, the conditions can be varied accordingly to require the development to be carried out in accordance with the amended drainage scheme submitted. A verbal update will be provided on this matter. If the LLFA does not support the amended proposals, the conditions will be retained as originally worded requiring the developer to submit the details via a separate discharge of condition application before any development commences.

7.16 Despite concerns to the contrary, the principle of the drainage strategy is considered appropriate for this site. The technical details of ensuring the storage capacity is of sufficient size and the outfall and discharge rate is appropriate are matters for the LLFA to confirm. This will also include consideration of flood exceedance flows and the maintenance proposals. Officers are confident these matters can be resolved in advance of the Committee. One area where Officers have raised concerns relates to the provision of the storage facility under the garden areas of four dwellings (plots 3 to 6). This has been challenged but due to the high water table, existing ground conditions and outfall levels the use of oversized pipes instead was not a viable option. The use of the shallow geocellular system is appropriate in such circumstances and is considered to require relatively low maintenance. Unfortunately scope to pull the storage facility out of the gardens is limited due to the exclusion area to Network Rail's assets. The main concerns relate to securing access for future maintenance and management and preventing subsequent damage to the system by future occupants of the dwellings affected. Access to the storage facility is provided at either end of it and covenants would be imposed to ensure access to maintain, manage or replace the facility within the affected garden areas (the latter point is outside of the control of planning but is to be included in the amended maintenance plan).

7.17 In terms of preventing future damage to the system and ensuring that the drainage scheme would not increase flood risk on site or elsewhere over the lifetime of the development, Officers feel there is sufficient justification to impose new conditions on this section 73 application removing permitted development rights to prevent extensions, outbuildings and the hardstanding of gardens to the dwellings affected. Officers have also questioned how this would affect the deliverability of the affordable housing units (as these are plots 3-6). The registered provider has indicated this would not affect their interests in the properties. In the absence of other alternative sustainable drainage solutions, the proposed location of the surface water storage facility is considered acceptable on this occasion provided conditions are imposed relating to permitted development rights.

7.18 Condition 11 – Noise mitigation

The original condition requires a scheme setting out noise mitigation measures for residential development based on the originally submitted acoustic report (2015). This is principally concerned with noise from the WCML. A scheme has been submitted which includes the provision of an acoustic fence along the western boundary and wrapping around the northern boundary. This fence shall be 2.5m high from finished ground levels. The fence shall comprise a solid vertical timber

fence painted green. The mitigation scheme also includes different graded acoustic laminate glazing to the windows in the rear elevations facing the WCML and the windows in the front elevations of properties proposed on the east side of the internal spine road and the provision of acoustic ventilation systems to enable rooms to be appropriately ventilated rather than opening windows. Environmental Health is satisfied with the mitigation proposed. Consequently there are no objections to vary the condition to ensure the development is carried out in accordance with mitigation measures proposed.

7.19 Condition 13 – Landscaping

The submitted landscaping scheme incorporates the retention of the majority of trees around the site boundaries, particularly those to the southern boundary. The scheme incorporates new hedgerow planting around the area of public open space and along the site frontage with St Michael's Lane together with tree planting and bulb planting within the estate itself. There are no objections from the Council's Tree Officer or Network Rail concerning the proposed landscaping. The submitted maintenance plan has also been accepted by the Councils' Tree Officer. The hard landscaping plan incorporates contrasting materials between main carriageway and private drives and will positively contribute to the overall design quality of the scheme. On this basis, varying the condition to ensure the development is carried out in accordance with the planting and hard landscaping plans and maintenance plan can be supported. The condition will still retain the trigger for implementation.

7.20 As noted earlier, in the event a section 73 is approved its effect is the grant of a new permission except for the time limit which remains unchanged from the original grant of planning permission. In addition to the conditions the applicant seeks to formally vary or remove as part of this application, the local planning authority must review all other conditions to ensure they remain necessary. Conditions 3, 5 and 12 have all been agreed under discharge of condition application 17/00166/DIS. These conditions cannot be removed as the development has not commenced and must be carried out in accordance with the details agreed. Conditions 3, 5 and 12 shall be reworded to reflect the details agreed. In addition to condition 8, it is contented that condition 15, which requires the development to be drained on separate systems, should also be removed. If the amended drainage proposal is accepted by the LLFA, condition 15 would be unnecessary as this drainage plan clearly shows the development drained on separate systems. All other conditions shall be retained.

8.0 Planning Obligations

8.1 The original legal agreement and its subsequent deed of variation remain intact and unaffected by this variation of condition application.

9.0 Conclusions

9.1 The proposed amendments will facilitate the implementation of this residential development by removing aspects of the previously approved layout that Network Rail had identified (after permission was granted) as posing significant risks to the safe and efficient operation of their national rail infrastructure. The amendments have come about following lengthy collaboration and negotiation between planning officers, the developer, the highway authority and Network Rail to enable the delivery of much needed housing. Whilst there are some aspects to the amended scheme that are less favourable than the approved scheme, on balance the revisions are considered to maintain an acceptable design and standard of living accommodation and would not adversely affect neighbouring residential amenity or cause significant harm to the townscape character and visual amenity of the locality.

9.2 With regards to the details submitted to address conditions, subject to confirmation from the LLFA that the amended drainage proposals are acceptable, details relating to drainage, noise mitigation, landscaping and asset protection adequately satisfy the requirements of the originally worded conditions and would secure a sustainable form of development.

9.3 Members are therefore advised that the proposals to vary conditions 2, 4, 9, 10, 11 and 13 and remove condition 8 are considered acceptable and compliant with development plan policy and can be considered favourably.

Recommendation

That the variation of conditions 2, 4, 9, 10, 11 and 13 and the removal of condition 8 **BE GRANTED** subject to the following conditions:

1. Time Limit (3 years from the date of the original permission 15/01167/FUL)
2. Approved plans list
3. Construction Management Plan (as approved under 17/00166/DIS)
4. Risk Assessment for works within 10m of WCML
5. Eradication of invasive species (as approved under 17/00166/DIS)
6. Access details to be agreed (retained as a pre-commencement condition)
7. Off-site highway details to be agreed (retained as a pre-commencement condition)
8. Drainage scheme to be implemented (if approved by LLFA)
9. Surface water drainage management and maintenance plan
10. Noise mitigation to be implemented and retained
11. Materials and boundary details to be implemented (approved under 17/00166/DIS)
12. Landscaping proposals and maintenance to be implemented
13. Implementation of estate road to base course level before any other development
14. Hours of construction
15. Visibility splays
16. No pedestrian access onto St Michael's Lane other than principal vehicular access
17. No obstruction of the level crossing or signage during construction and fit out
18. Removal of permitted development rights for outbuildings, rear extension and hardstanding of rear gardens to plots 2-6 as set out on the approved layout plan pursuant to condition 2.
19. Provision of double gates (for maintenance of the watercourse) and the car parking court prior to first occupation of units 1 to 6, and retained at all times thereafter

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None