

<b>Agenda Item</b>	A8
<b>Application Number</b>	22/00817/VCN
<b>Proposal</b>	Erection of 27 dwellings (C3) with associated access (pursuant to the variation of conditions 2, 5 and 6 on planning permission 18/00472/FUL to amend house types, access, layout, surface water management plans and install a substation)
<b>Application site</b>	Land Off Wyresdale Road Lancaster Lancashire
<b>Applicant</b>	Mr John Matthews
<b>Agent</b>	N/A
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval (subject to deed of amendment to extant Section 106 Legal Agreement).

**(i) Procedural Matters**

The application has been advertised, and is considered to be a departure from planning policy, due to implications on Urban Setting Landscape, Key Urban Landscape and Woodland Opportunity designations from the original approval.

**1.0 Application Site and Setting**

1.1 The site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals 2.04 hectares, but the net developable area is 1.06 hectares, with the remainder of the site afforded to landscaping, open space and drainage. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track, which once would have served Lancaster Leisure Park when it was a rare breed's farm. Beyond this is Well House Farm, and Well House. Some small-scale business units are located to the east, with open fields to the south forming part of a concurrent planning application for a surface water management scheme associated with this proposal. The boundary treatment to the north consists of a post and wire fence followed by tree planting. To the east and west lies stockproof fencing with some landscaping and protected trees, and to the south of the site the boundary is open fields sloping downwards to the Burrow Beck.

- 1.2 The site is within Flood Zone 1, and therefore at the lowest risk of flooding from tidal and river sources, although a small area of the site frontage is known to suffer from surface water flooding during 1in100 and 1in1000 year events. The site is within an area at 50 to 75% susceptibility to groundwater flooding. Part of the north-western boundary of the site is allocated as mineral safeguarded land, and all the trees that bound the site are protected by a Tree Preservation Order (no.654 (2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider Williamsons Park forming part of a Registered Park and Garden, which is located 400 metres from the application site.
- 1.3 The Walton Le Dale/Slyne Distribution Pipeline runs to the east beyond the application site, however no development is proposed within any of its consultation zones. The site partially lies within the Urban Setting Landscape in the Strategic Land and Policies DPD, with the wider site falling within a housing allocation for 'Land at Lancaster Leisure Park and Auction Mart, East Lancaster'. The site is within the larger site definition of potential impact upon designated Air Quality Management Areas (AQMAs), which covers the vast majority of Lancaster and across to beyond Halton. The site is circa 1.5km east of the Lancaster AQMA predominantly along the gyratory road, and approximately 3.3km from Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), RAMSAR and the Lune Estuary Site of Special Scientific Interest (SSSI). The site is within an article 4 area removing permitted development rights for houses in multiple occupancy (HMO) and a Regulation 7 Direction to control 'To Let' signs.

## 2.0 Proposal

- 2.1 This application seeks to vary a permission (18/00472/FUL) for the erection of 27 two-storey dwellings and the provision of a new vehicular access off Wyresdale Road on the eastern fringes of Lancaster. This application proposes to provide a surface water drainage scheme within the site (and beyond, to be considered through a concurrent application 22/00816/FUL). The proposed layout includes surface water drainage channels around the majority of the perimeter of the residential development area, with an updated and varied Arboricultural Impact Assessment and Method Statement submitted to incorporate the altered impacts upon existing trees within the site. The ecology report has also been updated to reflect the changes sought through this application.
- 2.2 This application seeks consent for an electricity substation adjacent to the site access point, which has move circa 2 metres southeast from the original submission, and garden areas of plots 23 to 27 have extended slightly to provide more garden depth and area to these predominantly affordable units from the original consent. Boundary treatments will predominately consist of 1.8-metre-high close boarding fencing, although certain prominent plots seek 1.8-metre-tall reconstituted stone walls for improved acoustic and aesthetic benefits. Knee high rail fencing is sought to the extremities of private road and parking areas, and refuse collection points and external lighting columns have been detailed within the proposed plans seeking consent through this variation of conditions application.
- 2.3 Some minor amendments to the approved house types are proposed, which are details below. The internal floorspaces to all units remains unchanged, and the proposed housing mix remains unchanged:-
- Edenfield house type – 4x 2-bed terrace, unchanged
  - Formby/Parkgate house type – 4-bed detached, lean-to roof with rooflights to rear projection in place of gable roof, bi-fold door in rear projection rear elevation and window to main dwelling rear elevation in place of bi-folds, remove side facing french doors of rear projection, side door to altered utility location in place of ground floor side window.
  - Haigh house type – 4-bed detached, rooflights in rear projection
  - Hartford house type – 4-bed detached, rooflights in rear projection
  - Heswall/Bramwell house type - 4-bed detached, altered position of openings to the rear elevation, altered location of utility and door in place of windows to the ground floor side elevation.
  - Tarleton house type – 2/3-bed semi-detached (box room), unchanged
  - Four Tarleton units has been replaced by 2/3-bed (box bedroom) semi-detached Culcheth units, which offer a marginally larger floorspace for units of the same number of bedrooms

- Willaston house type – 4-bed detached, rooflights in rear projection

### 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00816/FUL	Engineering works to create a surface water management scheme	Pending consideration
21/01434/PRETWO	Proposed engineering works to include installation of ponds and swales, residential development and updated drainage proposals for 18/00472/FUL	Advice provided
18/00472/FUL	Erection of 27 dwellings (C3) with associated access	Approved
17/00920/PRETWO	Pre-application advice service in 2017 on the basis of the erection of 28 dwellings	Advice provided
17/00945/FUL	Erection of 44 dwellings with associated access and landscaping	Refused
16/00591/FUL	Erection of 44 dwellings with associated access and landscaping	Withdrawn

### 4.0 Consultation Responses

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

Consultee	Response
<b>Lead Local Flood Authority (LLFA)</b>	<b>No objection</b> , recommend that the pre-commencement drainage conditions for full details of drainage, maintenance and management are attached to the sought variation.
<b>Engineering Team</b>	No observation received
<b>Tree Protection</b>	<b>No objection</b> , original concerns addressed through amendments for swales outside root protection areas, reduced incursions into root protection areas and appropriate methodology for necessary works within such areas.
<b>United Utilities (UU)</b>	<b>No objection</b> to the natural flood risk management proposals to reduce overland flows, recommend that the pre-commencement drainage conditions for full details of drainage, maintenance and management are attached to the sought variation.
<b>County Archaeology</b>	No observation received
<b>Cadent Gas</b>	No observation received
<b>Environmental Health</b>	<b>No objection</b> , recommend planning conditions regarding hours and dust control during construction, air quality assessment and clean cover system of the site.
<b>Environment Agency (EA)</b>	<b>No objection</b> , sought changes reflect earlier discussions between the applicant and EA
<b>County Highways</b>	<b>No objection</b> to amended proposal, removing grass verge between carriageway and footway, as required for adoptable standards.
<b>Planning Policy</b>	Request that the sites connectivity is considered, and that opportunities are explored
<b>Electricity NW</b>	No observation received
<b>Natural England (NE)</b>	<b>No adverse comment</b>

4.2 The following responses have been received from members of the public, raising **Objections from 6** responders:

- Removals of trees, including protected trees, and environmental damage
- Drainage and localised flooding, introducing impermeable surfaces to the field
- Impact upon protected species, such as bats, and loss of wildlife corridor

- Noise during construction, air and noise pollution impacts from tree removal that provides existing mitigation
- Suggest acoustic fencing to west for privacy and noise barrier
- Detrimental visual impact, affordable housing may be unsightly
- Accessed from busy dangerous road (excessive speed), traffic
- Brownfield sites should be used first, loss of countryside land
- Negative impact upon local property prices

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Procedural matters, principle of development
- Drainage and flood risk
- Trees and landscaping
- Ecology and lighting
- Layout, design and boundary treatments
- Highways and cycle storage
- Residential amenity and refuse storage/collection
- Other matters

5.2 **Procedural matters, principle of development** (NPPF Sections 2. Achieving sustainable development, Section 4. Decision-making, Section 5. Delivering a sufficient supply of homes and Section 6. Building a strong, competitive economy, Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes, SG1: Lancaster South Broad Area of Growth, SG8: Infrastructure Requirement & Delivery for Growth in East Lancaster, H1: Residential development in Urban Areas and H5: Land at Lancaster Leisure Park and Auction Mart, East Lancaster, and Development Management (DM) DPD policies, DM1: New Residential Development and Meeting Housing Needs, DM2: Housing standards and DM3: Delivery of Affordable Housing; Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note.

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. Whilst it is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted, due to the concurrent planning application for the wider drainage scheme associated with this development, a legal agreement will be required to tie the consents together, effectively necessitating the implementation of a varied scheme alongside this concurrent application, if approved. Section 73 provides a mechanism to consider and assess minor material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.

5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in June 2019. During this committee, with 11 Councillors voted in favour of the proposition and 1 against, with 2 abstentions, whereupon the Chair declared the proposal to be carried. This parent consent application 18/00472/FUL was brought to committee members again in July 2020 due to the intervening adoption of the current local plan and policies, and this was again considered acceptable and granted planning permission largely under the current suite of planning policies. All decision making must remain consistent with the requirements of planning legislation to determine applications in accordance with the provisions of the adopted local plan, unless materials considerations indicate otherwise.

5.2.3 The provision of up to 27 dwellings and the associated infrastructure has been established by the granting of a conditional planning permission. Most importantly, and for example, the planning

conditions (and obligations) relating to the delivery of market and affordable housing, the provision of an appropriate housing mix and other matters beyond the approved plans and drainage details (conditions 2, 5 and 6) remain intact and unaltered by this proposal. The material considerations of this application will focus only on the changes to the scheme proposed as part of this Section 73 application, namely the layout of the development, alteration to house types, location of the proposed site access, and drainage.

5.2.4 In addition to the aforementioned variations to conditions, further information has been submitted with this application relating to tree implications and method statements (controlled through planning conditions 14 and 15 of the original consent), ecology (condition 13), cycle storage (condition 17) and boundary treatments (condition 19). This information will be assessed as part of this planning application, as should the information provided be considered acceptable, this information can be assessed and altered to control planning conditions, rather than seeking further information through a subsequent discharge of conditions application.

5.3 **Drainage and flood risk (NPPF Section 14. Meeting the challenge of climate change, flooding and coastal change, Strategic Policies and Land Allocations (SPLA) DPD policies H5: Land at Lancaster Leisure Park and Auction Mart, East Lancaster, and Development Management (DM) DPD policies DM34: Surface Water Runoff and Sustainable Drainage, DM33: Development and Flood Risk and DM43: Green Infrastructure)**

5.3.1 The is located upstream of areas deemed to be at risk of surface/pluvial flooding attributable to Burrow Beck. The influence of the culverted watercourse to the south and overland flow along Wyresdale Road has been noted as potential contributing factors to the flood risk experienced downstream. As such, this application, and concurrent application 22/00816/FUL, seek a surface water management plan to serve the residential development site, and provide a betterment to the existing flood risk issues in the downstream reaches of Burrow Beck. Whilst the original planning permission at the site is acceptable and consented in terms of drainage and other matters, with no objections from LLFA subject to planning conditions attached to permission 18/00472/FUL, the current variation and full planning applications for consideration seek to provide a betterment in terms of drainage and flood risk, going significantly beyond the basic requirements of mitigating impacts of the approved residential development.

5.3.2 The drainage works within the application site under consideration through this variation of conditions proposal includes swales along the west, north and western sides of the site, with a culvert under the proposed access. This surface water drainage infrastructure is designed to lead to wider drainage developments and infrastructure to the southwest, seeking consent through concurrent application 22/00816/FUL. Ideally these would be considered under the same application, however due to the fact the wider drainage infrastructure extends beyond the red edge development area of the original consent for dwellinghouses at the site (referenced 18/00472/FUL), these works beyond the site must be proposed, considered and regularised (if approved) through a separate planning application. Whilst the drainage infrastructure proposed through this application seeks to mitigate the impacts of the development itself, these seek consent to link into a much wider scheme of swales and attenuation dams, which the EA conclude would offer betterment in terms of reducing flood risk downstream.

5.3.3 The full details of the wider scheme are assessed through the concurrent application, to which this variation of conditions application would link into, and if granted, this would be delegated back to officers to legally tie the developments and permissions together. However, it is noteworthy that the submitted drainage strategy seeks a surface water management scheme as a betterment to downstream flood risk. Even within the development area of this proposal, the use of surface water drainage provision such as swales is encouraged for drainage and green infrastructure benefits (DM DPD policies DM34 and DM43). Such drainage features are also working towards the aspirations of the emerging Climate Emergency Local Plan review. Whilst the impacts upon existing ecology and trees on site will be assessed in subsequent sections of this report, above ground surface water drainage infrastructure such as swales offers modest benefits in terms of habitats and ecology, whilst attenuating drainage from the development site. These considerations weigh in favour of the variation of conditions, with the LLFA, EA and UU all raising no objection to the varied proposal, subject to re-imposing conditions 5 and 6 for the provision of full details and management/maintenance through a subsequent discharge of conditions process. As such, these matters are considered to be acceptable subject to such conditions, and weigh in favour of this

proposal, facilitating the delivery of housing through seeking appropriate drainage of the site (in combination with the wider concurrent proposal).

5.4 **Trees and landscaping** (NPPF Sections 15. Conserving and enhancing the natural environment and 12. Achieving well-designed places, Strategic Policies and Land Allocations (SPLA) DPD policies EN5: Local Landscape Designations and SP8: Protecting the Natural Environment, and Development Management (DM) DPD policies DM45: Protection of Trees, Hedgerows and Woodland and DM46: Development and Landscape Impact

5.4.1 The amended proposal has implications on protected trees to the northwest of the site, with the altered road layout allowing for the retention of two trees previously permitted for removal in group G4 (Category B2), and a Pine tree adjacent to the site access in group G8. Other trees previously permitted for removal in groups G3, G7 and G8 remain to be removed within this variation of conditions application. However, unfortunately the sought drainage infrastructure and swales necessitates the removal of an additional ash tree in group G3 (Category C2), and 5 additional trees for removal in group G4 (Category B2), resulting in a net loss of three additional trees. Unfortunately, there does not appear to be a feasible way of retaining these trees sought for removal whilst delivering the proposed swales and drainage infrastructure. Additional amended information submitted during the course of this application in terms of the location swales, and the working methods in proximity of retained trees, should ensure that these losses are limited to those proposed and outlined above within the development area, addressing concerns raised by the Council's Tree Officer.

5.4.2 Whilst category C trees can be removed to accommodate development, ideally development should be designed around category A and B trees where possible. The additional losses of protected trees is unfortunately, but the tree-lined nature of the site will largely be retained, with a slight betterment to Wyresdale Road due to the retention of a Pine tree previously permitted for removal. There is a retained tree-lined aspect adjacent to the majority of removals in group G4, albeit beyond the development site and in separate ownership. Amendments to swale location and arboricultural details have ensured the retention of trees adjacent to residential dwellinghouses along Pottery Garden, and those with potential for bat roosts. Even when mitigated through additional planting through a planning condition seeking landscaping details, the additional tree removals weigh modestly against the proposal due to the retention value of these protected trees. These tree removals weigh modestly against this proposal. It is worth noting these removals would have a neutral visual landscape impact, as the minimal extent and location of removals reduces landscape harm, whilst the positioning of swales adjacent to trees and around the residential development aspect of the proposal provides a greater buffer from locally important landscape features, which outweighs any landscape impact of the few additional tree removals. The grass seeding of swales and drainage infrastructure within the development area of this application would be controlled through the retained soft landscaping planning condition 18.

5.5 **Ecology and lighting** (NPPF Sections 15. Conserving and enhancing the natural environment, Strategic Policies and Land Allocations (SPLA) DPD policy SP8: Protecting the Natural Environment, and Development Management (DM) DPD policy DM44: The Protection and Enhancement of Biodiversity)

5.5.1 An updated ecological appraisal has been submitted with this application, and following amendments to ensure the retention of trees that have potential for bat roosts, the ecological impacts of this varied proposal are the same as those previously approved. As such, the suggested mitigation remains unchanged.

5.5.2 The proposal includes details of external lighting bollards along the inner side of private roads along the northeast and southeast of the site. These measure less than 1.2 metres tall, with louvres to direct light downwards and reduce light spill from the narrower beam, with LED lighting in a 'warm white' colour (between 2700°K and 3000°K). Subject to being implemented in accordance with these details, in the locations specified, these should cause no undue impact upon trees and wooded areas. There would be no undue harm to bats in the vicinity, particularly when located within 9 metres of proposed dwellinghouses.

5.6 **Layout, design and boundary treatments** (NPPF Section 12. Achieving well-designed places, and Development Management (DM) DPD policies DM29: Key Design Principles and DM30: Sustainable

## Design)

- 5.6.1 The sought layout is very similar to that previously approved, albeit slightly narrower and shifted slightly further from Wyresdale Road to accommodate the sought drainage arrangements. This provides a greater buffer between proposed domestic/road developments from public viewpoints along Wyresdale Road, and slightly greater separation from existing features within the Urban Setting Landscape, modestly improving the inter-relationships with this area of local landscape importance. Due to the layout shifting and slightly longer gardens to smaller properties to the west of the site, the residential development area extends slightly further southwest than previously approved. However, it is considered that this will cause no undue harm to the landscape or visual impact of the proposal.
- 5.6.2 The proposal seeks very minor alterations to approved dwellinghouse designs and layouts, with no reduction in internal space standards through the proposal. The proposed alterations are largely to the rear elevations, and will have no undue impact upon the designs of these dwellings or the broader streetscene. External materials to dwellinghouses and structures will remain controlled through an unchanged condition 9, requiring the submission and agreement through discharge of conditions. Whilst the alterations sought to dwellinghouses is neutral, modest design and visual improvements have been provided by rationalising and improving boundary treatments, removing superfluous stock fencing along the northwest boundary, and replacing acoustic fencing with 1.8-metre-tall stone wall in prominent location, which offers an improved aesthetic similar to Well House boundary treatments. The high surface density of these walls should also provide good acoustic insulation. Furthermore, a noise assessment and appropriate mitigation will still be controlled through an unchanged condition 8.
- 5.6.3 A small substation is sought, which has moved slightly further away from Wyresdale Road and the site access through amendments during this application process. This substation is a modest development scale, just 2.75 metres tall by 3.25 metres wide and 3.85 metres deep. Subject to being finished in an appropriate colour, controlled through the existing external material planning condition, this development would cause no undue harm from a design and visual perspective. This can be further softened through the landscaping scheme to be controlled and submitted through unchanged planning condition 18. Overall, the proposal is considered to be a modest improvement to the design of the development, in particular with the enhanced boundary treatments.
- 5.7 **Highways and cycle storage (NPPF Sections 8. Promoting healthy and safe communities and 9. Promoting sustainable transport, Strategic Policies and Land Allocations (SPLA) DPD policy SP10: Improving Transport Connectivity, and Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, and DM62: Vehicle Parking Provision)**
- 5.7.1 The internal layout and turning heads within the site are very similar to those already approved, and the site access has moved circa 2 metres southeast up Wyresdale Road from the approved arrangements. The visibility splays remain the same specification as previously approved, and parking provision to dwellinghouses is unchanged. Pavements to the internal access road have been amended to be immediately adjacent to the road, addressing a point raised by County Highways to ensure the sought layout is adoptable from this perspective. Conditions and obligations controlling details of the construction of the access, provision of visibility splays and on- and off-site highway improvements remain unchanged through this proposal, despite the minor alteration to the location of the site access. County Highway have raised no objection to the proposal, and these minor alterations to the approved arrangements are considered to offer neutral impacts upon the public highway and parking provision.
- 5.7.2 Details of cycle storage have been provided to proposed dwellinghouses that do not benefit from an integral or detached garage for such storage. The cycle storage details of 1.77m x 1.13m x 1.34m dimensions on a flag base within the rear curtilage of relevant properties is considered to be suitable and sufficient for cycle storage at these two- and three-bedroom properties. The implementation of these details can be controlled through planning condition, to ensure appropriate provision and encouragement of sustainable transport methods.
- 5.8 **Residential amenity and refuse storage/collection (NPPF Sections 8. Promoting healthy and safe communities and 12. Achieving well-designed places, Strategic Policies and Land Allocations**

5.8.1 The internal space standards proposed are the same as those previously approved, although the Culcheth units offer greater internal space and the same number of bedrooms as the Tarleton units these are to replace, offering modest improvements to residential amenity of future occupants of these dwellinghouses. This proposal also seeks to modestly increase the gardens to the terraced housing, and semi-detached unit 23, which been deepened to ensure these all provide the minimum 50sq.m area through this proposal. Refuse storage areas have been detailed for plots accessed via the private roads to the northeast and southeast of the site, and whilst drag distances for these are approximately 62 metres and 44 metres respectively, exceeding the sought standards of 30 metres, this is necessary to ensure these are well located and within 15 metres of the internal adoptable road for collection crews. The 62 metre drag distance from dwellinghouses to the collection point would be downhill, and whilst this is a large drag distance to return bins uphill to the furthest property, these should have been emptied at this point. These details are considered to be acceptable. The provision of larger and policy compliant garden spaces to plots 24 to 27, and greater internal floorspace of the Culcheth units replacing some of the smaller Tarleton units, are both considered to offer modest improvements with regard to residential amenity of future residents of these dwellinghouses.

5.9 **Other Matters** (NPPF Sections 16. Conserving and enhancing the historic environment, Strategic Policies and Land Allocations (SPLA) DPD policy EN9: Air Quality Management Areas and Development Management (DM) DPD policies DM27: Open Space, Sports and Recreation Facilities, DM28: Employment and Skills Plans, DM31: Air Quality Management and Pollution, DM39: The Setting of Designated Heritage Assets, DM42: Archaeology, DM57: Health and Wellbeing and DM58: Infrastructure Delivery and Funding)

5.9.1 The archaeology and heritage implications of the proposal remain unchanged, with archaeology addressed prior to determination of the original application, and the approved and proposed developments having little impact upon the setting of national heritage assets, and minor impact upon the setting of adjacent non-designated heritage assets.

5.9.2 No details have been provided regarding electric vehicle charging points, and the planning condition 17 should remain, with cycle storage details submitted to be controlled through a new planning condition as previously discussed. This will encourage sustainable transport uptake, along with the unchanged obligation to public transport. The impacts of nearby sources of potential air pollution upon future residential also remains unchanged through this proposal.

5.9.3 No amendment has been sought through this application in terms of obligations to affordable housing, education and contributions to public open space. A healthy quantum of open space is provided within and around the site, which the sought drainage arrangements expanding, albeit with some implications upon functionality due to changes in land levels. The proposal is considered to be neutral in this regard, meeting policy requirements and being materially similar to the approved parent consent. The requirement to submit and comply with an appropriate Employments and Skills Plan remains unchanged through condition 16.

5.9.4 The proposed 3-bed units would arguable be considered 2-bed units under the assessment of the Nationally Described Space Standards adopted since the original determination of permission 18/00472/FUL. However, these offer the same floorspace as previously approved, and the housing mix and offer is the same as previously considered and determined as acceptable through the parent consent.

## **6.0 Conclusion and Planning Balance**

6.1 The proposal seeks variations to the original permission to facilitate a sustainable drainage scheme at the site, in conjunction with concurrent application 22/00816/FUL, which has implication upon the proposed development layout, access location and implications upon trees at the site. The original parent consent at the site offers an acceptable drainage arrangement, subject to planning conditions, however this variation of conditions application, alongside concurrent application 22/00816/FUL, offers significant betterment to drainage and downstream flood risk, weighing moderately in favour of this proposal.



- 6.2 The loss of a few additional protected trees is regrettable, and unfortunately this is considered necessary to deliver aforementioned betterments in drainage and flood risk, with additional associated improvements in ecological value of the development through above ground drainage infrastructure. Furthermore, the proposal offers modest improvements to some garden and dwellinghouse spaces, plus visual improvements to prominent boundary treatments. The impact upon ecology and the minor amendments to access arrangements and external design of proposed dwellinghouses are neutral in terms of planning balance and in comparison to the parent consent at this site.
- 6.3 The category of trees sought for removal should ideally be incorporate into development, rather than removed at the expense of this. However, given the planning benefits through betterments in terms of drainage, flood risk downstream on the Burrow Beck, and modest residential amenity and visual/landscaping improvements sought through this varied proposal, the benefits are considered to outweigh the detractions of the additional tree losses in this location. This is subject to a landscaping scheme to mitigate tree losses, other planning conditions recommended below, and the completion of a legal agreement to ensure the delivery of the wider sustainable drainage proposal and its associated benefits.

## Recommendation

That Variation of Conditions Planning Permission BE GRANTED subject to the following conditions, and a variation to the s106 agreement to reflect this permission in terms of drainage within and beyond the application site:

Condition no.	Description	Type
1	Timescale (unchanged)	Control
2	Approved Plans <b>(varied to submitted plans)</b>	Control
3	Access construction details (unchanged)	Pre-commencement
4	Offsite highway works (unchanged)	Pre-occupation of 5 <sup>th</sup> dwelling
5	Surface water drainage details (unchanged)	Pre-commencement
6	Surface water drainage management/maintenance (unchanged)	Pre-commencement
7	Finished floor levels (unchanged)	Pre-commencement
8	Noise mitigation (unchanged)	Pre-occupation
9	External materials (unchanged)	Pre-commencement
10	Foul drainage details (unchanged)	Pre-occupation
11	Vehicle turning heads <b>(updated to reflect additional information)</b>	Control, implement pre-occupation
12	Visibility splays (unchanged)	Control, implement pre-occupation
13	Ecology mitigation <b>(updated to reflect new report)</b>	Control
14	Arboricultural Impact Assessment <b>(updated to reflect new report)</b>	Control
15	Arboricultural implications <b>(updated to reflect new report)</b>	Control
16	Employment skills plan (unchanged)	Pre-commencement
17	EV charging <b>(updated to remove cycle storage aspect)</b>	Pre-commencement
18	Hard and soft landscaping (unchanged)	Pre-commencement
19	Boundary treatments <b>(updated to reflect additional information)</b>	Control, implement pre-occupation
20	<b>Cycle storage (new condition to reflect additional information)</b>	Control

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

In accordance with the above legislation, Officers have 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 made 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