

<b>Agenda Item</b>	A6
<b>Application Number</b>	24/00865/VCN
<b>Proposal</b>	Erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping (pursuant to the variation of conditions 2, 12, 14 and 16 on approved application 21/01284/FUL to revise the energy report (omitting solar panels and to include air source heat pumps), to provide full details of the finished floor levels and retaining features to accommodate amendments to the site layout and boundary layout plans).
<b>Application site</b>	Land South of Hawthorn Avenue Hawthorn Avenue Brookhouse Lancashire
<b>Applicant</b>	Mr David Devine
<b>Agent</b>	N/A
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve with S106 legal agreement (Deed of Variation)

**(i) Procedural Matters**

Where this report refers to the Strategic Policies and Land Allocations DPD and Development Management DPD, these are those policies set out in the adopted Climate Emergency Review of the Local Plan (CERLP). The CERLP was reported and adopted at Full Council on the 22 January 2025.

**1.0 Application Site and Setting**

- 1.1 The site comprises 2.18 hectare of greenfield land located within the village of Brookhouse, which lies within Caton-with-Littledale Parish in the Forest of Bowland National Landscape, formerly known as an Area of Outstanding Natural Beauty (AONB). The site is situated south of Hawthorn Close and west of properties on Pinewood Avenue approximately 550 metres west of Brookhouse village centre and approximately 700m southeast of Caton village centre. Land south and west of the site is designated Open Countryside. Access to the site is taken from the existing private field gate and track situated between No.1 Hawthorn Close and No.6 Hawthorn Avenue.
- 1.2 The site is subdivided into small paddocks and used by grazing horses. A group of small timber stable buildings/chattels occupy the lower field. The paddocks are separated by drystone walls and post and wire fencing with a public right of way (Footpath 1-10 17) running through the eastern section of the site. This public right of way links Brookhouse Road to a wider network of footpaths to the south, including footpath 1-10 11 which runs adjacent to the southern boundary of the site.

The site is enclosed by mature hedgerows and trees, which form important landscape features within the wider rural landscape though none of these trees are protected.

- 1.3 The site occupies an elevated position above and directly behind existing residential development. It is between 32m and 37m Above Ordnance Datum (AOD) along the northern boundary before ascending to approximately 46m AOD along the southern boundary. The site is located outside areas of flood risk (from all sources).
- 1.4 Surrounding development adjacent to the site comprises detached bungalows, dormer bungalows and some split level two-storey dwellings. More traditional buildings are located to the north and east towards the village centre and along Brookhouse Road. The village conservation area is approximately 370m to the east of the site (as the crow flies and at its closest point) where there are several listed buildings. The closest listed buildings include Grade II listed Brookhouse Old Hall and Old Hall Farm (circa 450 metres to the east of the site) and Grade II Artlebeck Bridge on Brookhouse Road (circa 270 metres to the west of the site).
- 1.5 The site lies within the Caton-with-Littledale Neighbourhood Plan area. The NP does not allocate the proposed site for housing (or any other land use) but does lie adjacent to the designated Area of Separation between the village settlements of Caton and Brookhouse.

## 2.0 Proposal

- 2.1 Full planning permission was granted on 19 April 2024 for the erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping. The planning permission was granted subject to a legal agreement to secure the age-restricted occupation of the dwellings, alongside the provision and long-term management of on-site public open space and biodiversity net gain (BNG). The planning permission was subject to several planning conditions.
- 2.2 This application seeks approval from the local planning authority (pursuant to Section 73 of the Town and County Planning Act) not to comply with conditions previously imposed on the planning permission, and instead, to comply with amended details/plans submitted as part of this proposal.
- 2.3 The applicant seeks to vary the following conditions:

**Condition 2 (Approved Plans)** – the applicant seeks approval to substitute the approved solar PV location plan with an air source heat pump (ASHP) location plan and changes to the site layout plan following amendments to the retaining features and site levels along the northern boundary.

**Condition 4 (Energy Statement)** – the applicant seeks approval to vary the approved Energy Statement with an amended Energy Statement which proposes enhanced fabric specifications (U values) and the use of ASHPs and Mechanical Ventilation Heat Recovery systems (MVHR) to each dwelling. This replaces the need for solar photo-voltaic (PV) panels as set out in the approved Energy Statement.

**Condition 12 (Finished Floor Levels (FFLs) and Site Levels)** - the applicant seeks approval of the submitted plans setting out the proposed FFLs and site levels. These influence the details of retaining structures/walls pursuant to condition 16.

**Condition 16 (Retaining Structures/walls)** – the applicant seeks approval of the submitted plans setting out the details of the proposed retaining structures/walls.

## 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
21/01510/EIR	Screening under EIA regulations for the erection of 25 dwellings and associated infrastructure	Not EIA development

21/01284/FUL	Erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping.	Approved
Associated with 21/01284/FUL	Public Right of Way Diversion Order pursuant to Section 257 of the Town and Country Planning Act 1990 to divert Public Footpath 1-10-FP17 in Brookhouse.	Order Confirmed
24/00091/DIS	Discharge of condition 3,4,6,7,8,10,11 and 12 on approved application 21/01284/FUL	Split decision (Conditions 3, 6, 7, 11 approved and conditions 4, 10 and 12 refused)
24/00105/DIS	Discharge of condition 5 and 9 on approved application 21/01284/FUL	Refused
24/00156/DIS	Discharge of condition 16 on approved application 21/01284/FUL	Refused
24/00158/DIS	Discharge of condition 9 on approved application 21/01284/FUL	Approved
24/00159/DIS	Discharge of conditions 13,14 and 15 on approved application 21/01284/FUL	Pending Consideration
24/00191/DIS	Discharge of condition 10 on approved application 21/01284/FUL	Pending Consideration

## 4.0 Consultation Responses

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

Consultee	Response
Parish Council	<b>Neither objecting to nor supporting the application.</b> The Parish Council have commented that they would support the retention of solar panels in addition to the air source heat pumps.
Lancashire County Public Right of Way Team	<b>No objection</b> - the initial concerns regarding the layout of the development and the diversion path as marked on the Order Plan have been resolved.
Climate Policy Hub (City Council Policy team)	<b>No objection.</b> In summary, the Climate Policy Hub support the changes and note: <ul style="list-style-type: none"> <li>The revised proposal provides significant fabric efficiency improvements over the previous design in terms of energy savings and go beyond the requirements of the local plan in terms of energy and fabric efficiency.</li> <li>The energy saving measures, combined with the air source heat pumps (ASHP), will provide significant reduction in CO2 emissions and will greatly outweigh the inclusion of rooftop solar.</li> <li>The requirements of policy DM30a of the CERLP are achieved with the revised proposals.</li> </ul>

4.2 The following responses have been received from members of the public:

- One response **objecting** to the proposal but with no detailed comments.

## 5.0 Analysis

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

- Procedural Matters
- Sustainable Design
- Design and Landscape
- Residential Amenity
- Previous Conditions and Planning Obligation

5.2 **Procedural Matters** (NPPF Chapter 2 (Achieving Sustainable Development) and Chapter 4 (Decision-making)).

- 5.2.1 A Section 73 application provides the mechanism to make material changes to a development by varying or removing conditions associated with the planning permission, provided the change only relates to the conditions and not the operative part of the permission (the description of development).
- 5.2.2 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. It is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted. A Section 73 application is not an opportunity to re-examine the principal considerations associated with the approved development, such as the principle of the land use, traffic impacts, flood risk and drainage and ecology etc.
- 5.2.3 The legislation makes it clear that the local planning authority shall consider only the question of the conditions subject to which the planning permission should be granted (i.e. those conditions the applicant seeks to vary). The provisions allow the local planning authority to consider whether the proposals (as amended) should be granted subject to conditions differing from those subject to which the previous planning permission as granted; or shall be granted unconditional; or refused (Section 73 (2) of the TCPA 1990).
- 5.2.4 In this case the applicant seeks approval from the local planning authority to vary conditions to substitute previously approved plans/reports pursuant to condition 2 (approved plans) and 14 (energy statement/measures) and to provide full details required to satisfy pre-commencement conditions 12 (FFLs and site levels) and 16 (retaining wall details). The details provided in relation to conditions 12 and 16 have been submitted following pre-application discussions after the refusal of details pursuant to conditions 12 and 16 under applications 24/00091/DIS and 24/00156/DIS. The local planning authority can only assess the implications arising from the changes to the conditions the applicant seeks to vary.
- 5.3 **Sustainable Design and Renewable Energy** (NPPF Chapter 12 (Achieving Well-Designed Places) and Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change); Strategic Policies and Land Allocations DPD Policy CC1 (Responding to Climate Change and Creating Environmental Sustainability); Development Management (DM) DPD Policies DM29 (Key Design Principles), DM30a (Sustainable Design and Construction) and DM53 (Renewable and Low Carbon Energy Generation); Caton with Littledale Neighbourhood Development Plan Policy CL13 (Energy and Communications)).
- 5.3.1 The approved Energy Statement (February 2023) incorporated several sustainable design features including enhanced fabric specifications, efficient gas boilers, mechanical heat recovery systems and the use of solar photovoltaic panels (PV) to each of the dwellings. This demonstrated the proposed development (dwellings) would reduce average fabric energy demand on the site by 7.73% over Part L1 2021 (approximately 22.73% over Part L1a 2013) and, with the use of solar PV result in a reduction in the average predicted carbon emissions of 2.84% over Part L1 2021 (33.84% over Part L1a 2013). These commitments were deemed acceptable and compliant with policy DM30 at the time the planning permission was granted.
- 5.3.2 Condition 14 required the development to be constructed in accordance with the measures set out in the approved Energy Statement, with details of the solar PV to be submitted to the local planning authority for approval. The applicant sought to amend the approved Energy Statement, to provide enhanced fabric specification above that previously approved and the removal of the solar PV via an application to satisfy the requirements of the condition (discharge of condition application). It was determined the changes were material and it was not possible to amend the Energy Statement via this route, thus requiring an application under Section 73.
- 5.3.3 The applicant's revised Energy Statement (July 2024) demonstrates the proposed enhanced fabric specification (U-values) reduces average fabric energy demand on the site by 9.26% over Part L1 2021 (approximately 24.26% over Part L1a 2013) and, along with the application of renewable technology in the form of ASHPs and MVHR units, leads to a reduction in the average predicted carbon emissions of 52.31% over Part L1 2021 (83.31% over Part L1a 2013). The revised measures, even with the loss of the solar PV, are an enhancement on the approved scheme

resulting in the development being significantly improved beyond the requirements of building regulations and fully aligns with the strategic policy objectives set out in SPLA policy CC1.

5.3.4 Despite the Parish Council stating they would seek to retain the solar PV; the proposed Energy Statement clearly demonstrates these are no longer required. The measures proposed follow the hierarchy of carbon reduction set out in emerging policy DM30a which prioritises minimising the demand for energy and maximising energy efficiency before the utilising renewable energy technology. Consequently, there are no substantive grounds to resist the proposals due to the removal of solar PV. The Council's Climate Policy Hub has assessed the revised Energy Statement and fully support the proposals, noting the commitments being made go beyond the sustainable design target requirements set out in policy DM30a of the local plan in relation to energy and fabric efficiency. Accordingly, it is considered the proposal equally conforms with policy CL13 of the Neighbourhood Plan, which states: *'Development proposals that promote the AONB [now National Landscape] as a low carbon landscape will be particularly encouraged. This includes the provision of low carbon, energy efficient and renewable energy systems within new developments...'*

5.3.5 On the whole, the amendments to condition 14 to allow the development to be carried out in accordance with the revised Energy Statement (July 2024) results in an improvement on the approved scheme and fully accords with the policy requirements and objectives of the Local Plan, the Neighbourhood Plan and the NPPF.

5.4 **Design and Landscape** (NPPF Chapter 2 (Achieving Sustainable Development), Chapter 12 (Achieving Well-designed Places) and Chapter 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN2 (Areas of Outstanding Natural Beauty) and EN3 (Open Countryside Area) and Development Management (DM) DPD policies: DM4 (Residential Development outside Main Urban Areas), DM29 (Key Design Principles), DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact); Caton with Littledale Neighbourhood Development Plan Policy CL1 (Development Strategy), CL8 (Design).

5.4.1 The NPPF, the Neighbourhood Plan and Local Plan policies (DM4 and DM29 specifically) make it clear that planning decisions should ensure new development is visually attractive as a result of good architecture (§135, NPPF), positively contributes to local distinctiveness having regard to appropriate materials, local vernacular, native landscaping etc (DM29, CL8), maintains a sense of place reflective of local character and the built environment (§135, NPPF), respects visual amenity, tranquillity and dark skies of the National Landscape (CL8) and conserves and enhances the natural beauty of the National Landscape (DM46, CL1, CL8). These policy requirements were relevant in the determination of the parent planning permission and remain relevant as part of this section 73 application.

5.4.2 Section 73 applications provide a suitable mechanism to enable proportionate flexibility in the planning system to amend planning proposals where such changes are required/sought. However, to safeguard the quality of approved development paragraph 140 of the NPPF states *'local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme'*. This is a key material consideration in the assessment of this application.

5.4.3 The development in its approved form was considered acceptable and compliant with the relevant landscape and design related policies of the Development Plan and NPPF. This was on the basis the development site was relatively small and contained, immediately adjacent to the existing settlement, was limited to bungalows, with structural landscaping secured to the southern and western boundaries to enhance a new settlement edge. These principal features of the development are not affected by the proposed changes.

5.4.4 The applicant had submitted details to satisfy conditions 12 (FFLs and site levels) and 16 (details of retaining structures/walls) via two separate discharge of condition applications. These were refused because of the overbearing form and unacceptable appearance the retaining features. Whilst it was understood there would be a need for relatively large retaining features across the site, the original recommendation associated with the parent planning permission (paragraph 5.4.24-5.4.25) recognised there could be scope at the condition stage to reduce the scale and improve the

appearance of such features. The applicant had not exhausted options in this regard resulting in the refusal of the condition applications.

- 5.4.5 Subsequent negotiations between the local planning authority and the applicant have resulted in the amended details submitted as part of this application. The main changes relate to the northern edge of the development and the site entrance.
- 5.4.6 In relation to the northern edge of the development, the applicant has reduced the depths of the rear gardens to plots 1 to 7 (to the rear of properties on Hawthorn Close) to reduce the scale of the retaining wall along this boundary and having regard to the amended site levels. This also secures a wider landscape buffer which tapers west to east between the rear of existing neighbouring properties and the proposed rear garden boundaries to plots 1 to 7.
- 5.4.7 In addition, and to break up the massing of the retaining wall required along this boundary, the applicant has introduced a stepped landscape buffer to the retaining structure itself. This means the lower part of the retaining feature will be no higher than 1920mm. Above this there will be a raised landscape bed/buffer with a further retaining structure no higher than 600mm set back behind the proposed additional planting. To the west side of plot 7, a retaining fence is proposed up to a height of circa 2.5m. An amended planting plan introduces additional planting to help screen and filter the appearance of this boundary fence. The combination of these amendments, together with details of the retaining structures along the northern edge of the development, results in a far more visually acceptable retaining wall/boundary treatment which is considered more in keeping with the locality and is of a more domestic scale. The proposed changes in relation to this aspect of the scheme are considered an enhancement on the approved development.
- 5.4.8 The applicant has also submitted details of the proposed retaining wall for the site entrance having had their initial proposal refused pursuant to a condition application. The applicant's original proposal was for vertical timber cladding (against the retaining concrete walls) with random heights to the vertical timber planks. This was considered to be an incongruous treatment which failed to preserve and enhance the natural beauty of the National Landscape and was considered out of keeping with the surrounding locality.
- 5.4.9 Following pre-application discussions, the proposals for the site entrance now compromise one side of the retaining wall finished in a natural random rubble stonewall (adjacent to 6 Hawthorn Avenue) and the other side (adjacent to 1 Hawthorn Close) finished with a purposefully designed living green wall. Whilst it is unusual for the finishes to the site entrance to be finished in different treatments, given the scale of the retaining walls in this location, adding some variety to the finishes will help minimise the overbearingness of the structures in this location. The incorporation of a natural random stone wall to the site entrance is a more traditional boundary treatment, which reflects similar details evident in the core of the village and along Brookhouse Road. This is considered an acceptable and sensitive response given the site's location within the National Landscape. Final details of the entrance stone wall (material sample and coping details) will be required by condition. This has been included in the recommendation below.
- 5.4.10 The proposed living green wall shall be fixed to the retaining wall and will be supported by an integrated irrigation system. This is a unique proposal and one that requires adequate maintenance to secure the intended outcome. If appropriately installed and maintained, the living wall should provide a visually attractive entrance into the development. Subject to an additional condition to secure a suitable maintenance plan for the living wall, the details for the site entrance are considered acceptable and compliant with the design related policies set out at the head of this section of the recommendation.
- 5.4.11 In terms of the final finished floor levels (FFLs) and site levels, the local planning authority recognise the final FFLs and site levels are heavily influenced by the provision of infrastructure including highway design and drainage. It is also recognised the requirement for M4(2) dwellings also influences the final FFLs and site levels. There are no objections to the proposed FFLs for each of the dwellings, which is not dissimilar to those original set out in the original planning application and those set out as part of satisfying the surface water drainage proposals.
- 5.4.12 The proposed site levels (amended since the discharge of condition stage) incorporate subtle changes across the site to reduce the scale of the retaining features and their combined appearance

with garden boundary treatments. It is considered these changes are acceptable and address the previous concerns set out by the local planning authority when refusing the discharge of condition application.

**5.5 Residential Amenity (NPPF Chapter 12 (Achieving Well-Designed Places); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM57 (Health and Well-Being)).**

5.5.1 The proposed changes to the depth of the gardens and the retaining boundary treatments to the rear of plots 1 to 7 will improve the relationship of the development to the existing residents of Hawthorn Close when compared to the approved layout. The retaining garden boundary walls/features to the rear of plots 1 to 7 have been pulled away from existing residential properties with the landscape buffer increased in this location. The proposed landscape buffer measures around 5.3m deep at the rear of plot 3 increasing to circa 9m to the rear of plot 7. For comparison the approved landscape buffer was around 5.3m to the rear of plot 3 increasing to c6.5m at plot 7. This increased buffer, combined with the massing of the proposed retaining structure being broken up with a landscape bed set above the first retaining wall, will improve the visual outlook and reduce the potential overbearingness of the development from neighbouring property above that of the approved scheme. In this regard, the changes to the development are considered to be acceptable and would not be any more harmful than the development as previously approved.

5.5.2 In relation to the amenity of future occupants, the changes result in smaller rear gardens to plots 1 to 7. The post-enable to policy DM29 states all new dwellings should ensure at least 50sqm of usable private garden (this increases by 10sqm for every additional bedroom above 2-bedroom units) that is not directly overlooked, and rear gardens should achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth.

5.5.3 Except for plot 7, the gardens to plots 1 to 6 are reduced in depth to below 10m. However, all plots continue to have well over 50sqm of useable garden space, albeit stepped in the case of plots 6 and 7. Indeed all gardens have over 70sqm of useable garden.

5.5.4 It is considered that the changes to the retaining wall feature to the northern boundary provides an overriding design reason to justify the reduction in garden sizes. Accordingly, plots 1 to 7 continue to have access to sufficient private garden space to secure acceptable living standards in compliance with policy DM29 and the NPPF.

5.5.5 In conclusion, the effect of the changes proposed by this application would not adversely impact residential amenity of future or existing residents and would not conflict with the requirements of the Local Plan or NPPF.

**5.6 Planning Conditions and Obligation (NPPF Chapter 4 (Decision-Making) and Development Management DPD Policy DM58 (Infrastructure Delivery and Funding)).**

5.6.1 As set out earlier in the report, the effect of a Section 73 permission is a new planning permission enabling the developer to implement either the original consent or the amended consent. Therefore, it is important for the local planning authority to consider the conditions previously imposed to assess whether they remain necessary.

5.6.2 Condition 1 prescribes the time limit in which the permission can be implemented. A Section 73 consent cannot alter the time limit granted by the original planning permission. Consequently, condition 1 must be varied to only allow two years to implement the development from the date of the original planning permission. Original planning conditions 2, 12, 14 and 16 shall be varied to reflect the proposed changes pursuant to this application. Conditions 6, 8, 9 and 11 shall be reworded to reflect the details already approved pursuant to discharge of condition applications. Conditions 10, 13 and 15 are the subject of pending condition applications. These conditions shall either be reimposed as originally drafted or varied to reflect any approved details in the event these applications are determined before this application is presented to Planning Committee. Condition 5 required the PROW diversion to be confirmed before commencement of development. The PROW diversion has been confirmed therefore this condition is no longer necessary. Condition 7 (archaeology) has been fully discharged and also unnecessary to reimpose. Condition 26 seeks details of all boundary treatments. It is considered that this condition is no longer necessary as details of the boundary treatments have been submitted to address conditions 12 and 16. The



reimposition would represent unnecessary duplication. Finally, as a consequence of the changes to the layout and the form of the retaining treatments to the northern part of the site, the landscaping plans have been updated. These will be updated as part of the reimposed condition 23. All remaining conditions shall be reimposed as originally drafted. Due conditions being discharged and as a consequence of the details submitted with this application, the numbering of the conditions will vary from the original permission and the recommendation set out below.

- 5.6.3 The terms of the original legal agreement remain unaltered by the proposed application. A deed of variation is required and has been drafted to ensure this application is bound to the planning obligation. It is anticipated this will be completed as soon after the application has been considered by Planning Committee.

## **6.0 Conclusion and Planning Balance**

- 6.1 The principle of the development has been established through the granting of the original planning permission. This application seeks to amend the approved plans, covered by condition 2, in relation to the layout of the gardens for plots 1 to 7 and landscaping plans to facilitate an improved retaining structure on the northern boundary between the new development and existing development of Hawthorn Close. The application also secures details of the site levels and details of the location, type and heights of retaining features across the site, together with amendments to the approved Energy Statement to remove the provision of solar PV in place of enhanced fabric specification and the provision of ASHP and MHVS. It is considered that the proposed changes are acceptable in terms of sustainable design requirements, landscape impact, design and residential amenity. The assessment above demonstrates the changes would not diminish the proposals from what was originally granted and in fact represent betterment, especially in relation to sustainable construction design. The changes to the layout of the development also facilitate improvements (to that originally approved) to the form and appearance of the retaining structures at the site entrance and to the rear of plots 1 to 7. Accordingly, the changes to the development pursuant to conditions 2, 12, 14 and 16 are considered compliant with the relevant local plan policies, the Neighbourhood Plan and the NPPF. On this basis, the proposals can be supported.

## **Recommendation**

That **APPROVAL IS GRANTED** to vary conditions 2, 12, 14 and 16 of the planning permission, subject to a deed of variation to vary the original S106 Agreement to tie it to this permission and the following conditions:

Condition no.	Description	Type
1	Time Limit ( <i>2 years from the original date granted</i> )	Control
2	Approved Plans ( <i>varied to reflect the proposed changes</i> )	Control
3	Employment and Skills Plan ( <i>varied to reflect the details approved by condition application</i> )	Control and pre-occupation.
4	Details of the access, visibility splays and new retaining structures adjacent to the highway and implementation	Pre-commencement
5	Phase II Site Investigation ( <i>varied to reflect the details approved by condition application</i> )	Control and pre-occupation.
6	Site entrance provision and detailing - stonework and sample panel, details of coping finish, planting schedule maintenance plan for living wall. (ADDITIONAL CONDITION)	Before commencement of retaining wall
7	Surface water construction method statement ( <i>varied to reflect the details approved by condition application</i> )	Control
8	Construction method statement ( <i>varied to reflect the details approved by condition application</i> )	Control
9	Surface water and foul drainage scheme (pre-commencement or <i>varied to reflect the details approved by condition application subject to pending condition application</i> )	Pre-commencement
10	Habitat and species protection and enhancement scheme including CEMP (and RAMS) ( <i>varied to reflect the details approved by condition application</i> )	Control



11	Material samples (dwellings and hard landscaping) <i>(before slab level or varied to reflect the details approved by condition application subject to pending condition application)</i>	Before slab level
12	In accordance with Energy Statement <i>(varied to reflect proposed changes)</i>	Control
13	Lighting scheme <i>(before installation or varied to reflect the details approved by condition application subject to pending condition application)</i>	Before installation of lighting
14	Provision of approved boundary treatments and retaining features	Control
15	Details of scheme for cycle storage provision	Before occupation
16	Off-site highway improvement to street lighting and 4 local bus stops to encourage and improve use of public transport	Before occupation
17	Management and maintenance of estate street prior to adoption	Before occupation
18	Validation, management and maintenance of surface water drainage scheme	Before occupation
19	Scheme for improvements to PROW gates/connections	Before occupation
20	In accordance with the AIA and Tree Protection Measures to be implemented before construction of development.	Control
21	Implementation of landscaping scheme <i>(varied to reflect proposed changes)</i>	Control
22	Removal of PD	Control
23	M4(2)	Control

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

In accordance with the above legislation, Lancaster City Council 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 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