

Public Document Pack



Date of meeting Tuesday, 17th July, 2018
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

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| a | APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 17/01004/REM | FIELD_PAGE_RANGE |
| b | APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY. PRIME DEVELOPERS (CREWE) LTD. 17/01004/REM | FIELD_PAGE_RANGE |
| a | APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. HILBRE HOMES. 18/00225/REM | FIELD_PAGE_RANGE |
| b | APPLICATION FOR MAJOR DEVELOPMENT - LAND AT NEW ROAD, MADELEY. HILBRE HOMES. 18/00225/REM | FIELD_PAGE_RANGE |
| a | APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD AND NORTH WEST OF LOWER ROAD, HOOK GATE. COUNTY TOWN HOMES - HARPREET RAYET. 17/01001/FUL | FIELD_PAGE_RANGE |
| a | APPLICATION FOR MAJOR DEVELOPMENT - LAND AT WEST AVENUE, KIDSGROVE. WESTLEIGH PARTNERSHIPS LTD, REVELAN LIMITED & REVELAN PROPERTIES LTD. 18/00239/FUI | FIELD_PAGE_RANGE |

Working to be a co-operative council

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| a | APPLICATION FOR MAJOR DEVELOPMENT - THE ORME CENTRE, ORME ROAD, NEWCASTLE-UNDER-LYME. ABODE RESIDENCIES. 18/00183/FUL & 18/00367/LBC | FIELD_PAGE_RANGE |
| a | APPLICATION FOR MINOR DEVELOPMENT -SILVER BIRCH PH, 129 -131 CHURCH STREET SILVERDALE . DWELLSTAR DEVELOPMENTS LTD. 18/00148/FUL | FIELD_PAGE_RANGE |

Members: Councillors Burgess, Mrs J Cooper, Fear (Chair), Maxfield, Northcott, Pickup, Proctor, Reddish (Vice-Chair), Spence, S Tagg, G Williams and J Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 5

Application Ref. 17/01004/REM

Land adjacent to Rowley House, Moss Lane, Madeley

Since the publication of the main agenda report, further comments of **Madeley Parish Council** have been received regarding the latest amended plans. They wish to object on the same grounds as previously submitted.

These grounds are listed in the consultation section of the main agenda report. Your officer has nothing further to add to the report which addresses the key issues which the Planning Committee need to consider in the determination of this reserved matters application that follows the granting of an outline planning permission

The RECOMMENDATION remains as set out in the main agenda report.

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SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
17th July 2018

Agenda item 5

Application Ref. 17/01004/REM

Land adjacent to Rowley House, Moss Lane, Madeley

Since the publication of the main agenda report and the publication of the supplementary report on 13th July the Landscape Development Section (LDS) has advised that measurements have been taken of the diameter of trees within/adjoining the site which demonstrates that the information submitted by the applicant is inaccurate. The consequence is that the Root Protection Area (RPA) for trees that are identified on the submitted site plan as TPO1 and TPO2 are larger than shown within the submitted supporting information and the dwellings on plots 28 and 29 fall within the RPA of TPO2.

This information has been conveyed to the applicant and amended plans have been received. The amendments site the dwellings further forward in the plots and moving the parking spaces to the side. This results in the dwellings being outside of the RPA.

The LDS have confirmed that they have no objections to the revised layout and note that residents measures have been used for the RPA of TPO3 and that this should be checked as part of the conditioned revised tree protection plan.

Your Officer's comments

Whilst the dwellings on plots 28 and 29 will be sited forward of the other properties within that stretch of the internal access road as they are sited on the end of the row and on bend of the access the amended layout will be acceptable in appearance.

The amendments, in the context of the wider development, are considered to be 'trivial' and as such the submission of such amendments does not trigger the need to notify the Parish Council and as such a decision can be reached on this application.

The RECOMMENDATION remains as set out in the main agenda report.

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FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 6

Application Ref. 18/00225/REM

Land at New Road, Madeley

Since the publication of the main agenda report, the further comments of Madeley Parish Council (MPC) and the Landscape Development Section (LDS) have been received on the amended plans that were received before the previous committee meeting.

MPC maintains its objections on the grounds set out in the main agenda report and they do not consider the amended plans would mitigate the impact on protected trees.

LDS having considered both the amended plans and additional information presented by the applicants in response to concerns that they previously raised, have now removed their objections to the application. This is on the basis that conditions are now attached relating to the submission and approval of - a dimensioned tree protection plan; an arboricultural method statement (for all works within the Root Protection Area of retained trees including construction of the acoustic fence/barriers proposed for certain plots); tree protection measures; hard and soft landscaping details, a plan to show the alignment of utility apparatus; and a schedule of works (to retained trees).

Officer Response

As indicated in the main agenda report a fundamental characteristic of this edge of village location is the natural hedgerows and mature trees; and concerns with the original scheme were the impact of the layout on existing hedgerows and mature trees – both directly and as a result of an unsustainable relationship. LDS are now satisfied having reviewed information including on predicted shading, that, subject to conditions that the amended scheme is unlikely to result in the loss now, or in the future, of these visually important hedgerows and trees. The scheme would be supplemented by additional planting also and your officers are now content that the retention of the existing hedgerows, except where impacted by access arrangements, and trees, along with additional planting would further supplement the landscaping of the site and this would result in an attractive development.

The amended site layout and tree information does however result in the footpath link from the development to Woodside (on the west side of New Road) being lost – this is because the construction of the hardsurfacing required for such a link would be within the root protection area of tree T5 – Horse Chestnut. Tree T5 is covered by a Tree Preservation Order and LDS have objected to hardsurfacing with the root protection area which has resulted in the footpath link being no longer proposed. The loss of this footpath is disappointing and the development is as a consequence less well connected to the village for pedestrians, in that they will have to cross New Road by the site rather than walk in on the same side of New Road as the development is

on. It is in that sense slightly less “sustainable” in access terms. Pedestrians crossing New Road at this point would have acceptable visibility of vehicles and the Highway Authority has not expressed any concerns in this regard so the arrangement could not be said to be unsafe. Your officers are in discussions with LDS and the Highway Authority (who would have to agree to adopt any non standard footpath construction) to see if there a way of providing it but it would appear unlikely. Given that the pedestrian and vehicular access to the development would still be safe it is not considered that concern about the loss of the footpath would justify refusal, particularly as outline permission already exists and the difficulty of providing this link without harming the tree could be said to be predictable

In conclusion, the proposed development for 32 dwellings provides an acceptable level of off street car parking, pedestrian connectivity and relationship with neighbouring properties and following the submission of amended/ additional information the design of the scheme is acceptable. The development would enhance the site and the character and amenity of the area in accordance with design principles set out in the Council’s Urban Design Guidance SPD and the National Planning Policy Framework. Accordingly a revised recommendation is now given.

Revised Recommendation

PERMIT subject to conditions relating to the following:

1. Link to outline planning permission and conditions
2. Approved plans
3. Provision of access, internal roads, private drives and parking areas in accordance with the approved plans
4. Facing and roofing materials
5. Boundary treatments
6. Ground and floor levels as per approved plans
7. Submission and approval of gradient details of the access road, surfacing private drives, parking and turning areas; and surface water drainage details
8. Retention of garages for parking of motor vehicles and cycles
9. Trees shown as retained shall be retained and protected throughout construction.
10. Dimensioned Tree Protection Plan (to include proposals for protection of hedgerows)
11. Arboricultural Method Statement (detailed) for all works within the RPA of retained trees including construction of the acoustic fence/barrier.
12. Detailed hard and soft landscaping proposals.
13. Alignment of utility apparatus
14. Schedule of works to retained trees
15. Additional off site pedestrian link works should link not be achievable
16. Approval does not constitute the LPA’s approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application

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SECOND SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 6

Application Ref. 18/00225/REM

Land at New Road, Madeley

Since the publication of the main agenda report and the publication of the first supplementary report on 13th July the Landscape Development Section (LDS) have indicated, in respect of the footpath link from the development to Woodside, that there may be a no-dig solution within the root protection area of Tree T5. This solution is envisaged to be a 'bridge type structure' and would enable a footpath link to be provided without harming the tree.

Condition 15 of the original outline planning permission, reference 14/00930/OUT, does require details to be submitted and approved for the provision of a 2m wide footway from the site access linking south to Woodside along with other off site highway works. If a link cannot be agreed (and subsequently provided) then a Section 73 planning application to vary the condition would be required.

The footpath link appears to be within the adopted highway, beyond the application site, and discussions with the Highways Authority (HA) have suggested that a 'bridge type structure' is likely to be acceptable to them subject to the detailed design being acceptable to them. They have advised that a commuted sum for the future maintenance of the structure would be likely to be required and that they could secure this via the adoption procedure.

The details would still need to be acceptable to the Local Planning Authority as well. If a solution cannot be found that avoids harm to the protected tree, the view remains that the proposal without a footpath link from the south of the development to Woodside would not justify a refusal of the application.

The RECOMMENDATION remains as set out in the first supplementary report, that the application be approved subject to the conditions set out in that report

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FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 7

Application Ref. 17/01001/FUL

Land to the north-east of Eccleshall Road, south-east of Pinewood Road and north-west of Lower Road, Hook Gate

Since the publication of the main agenda report, three further letters of representation have been received. A summary of the comments made in addition to those already reported is as follows:

- An unviable application for 16 houses has been previously approved on this site and the applicant has sought to increase the housing density and reduce the costs of the project to make it viable and maximise their return.
- The site density is not in keeping with the local area but still requires further cost reduction to be viable which has to be supported by the Council and tax payers.
- There are other sites in the local area that are significantly more viable with less impact on the environment and that will not require the degree of financial contribution being demanded for this site.
- Identification of the correct S106 charge should be documented and follow a standard county wide approach.
- The previous developer made a request to vary the provision of affordable housing but it was refused by the Council in 2016. Why now would the Committee want to agree to a financial sweetener at a time when public services are being trimmed?
- The financial modelling in the submitted viability appendices calculates their required profit percentage but has also included a contingent risk of 3% of build costs which has artificially reduced their return.
- Insufficient notice has been given to residents to prepare their representations and there has been very poor and inadequate communication from the Council.

The report of the District Valuer has been received and considered. The report concludes that a policy compliant scheme is not viable and that the scheme can in financial terms deliver the whole required affordable housing contributions (6 units) and sustain circa £77,000 of contributions (as opposed to the £113,806 of contributions that a policy compliant scheme would require).

Officer Response

With respect to the last point made by the third parties the appropriate publicity has been provided to this application, and the notice provided of the application going to Committee and of the associated guillotine on late representations has been in accordance with the Council's agreed procedure. There has been an extensive period for public comment on this application, well in exceedance of that required by legislation. There is no known procedural reason why the Committee should not determine the application at the meeting on the 17th.

Your Officer is satisfied that the conclusion of the District Valuer is a sound and robust one.

The Council has therefore to decide whether or not, given that there is substantive evidence that the scheme cannot support the full level of costs associated with the provision of affordable housing and the addressing of the implications for public open space and education places, whether to still accept the scheme and if so how to address the financial shortfall.

As is indicated in the report the NPPF states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled. In this case it is appropriate to give weight to the contribution which the development will make to the supply of housing, the Council being unable to demonstrate a 5 year housing land supply, and the contribution it could make to the provision of affordable housing, given the degree to which that provision is falling short in this area. If the Council were to insist upon a full policy compliant scheme the likely result is that the development would simply not proceed and there would be no delivery of housing and no delivery of any affordable housing. On this basis it appears reasonable to your officers that the Council should be prepared to accept a development that to some degree is non-policy compliant.

On this basis how should the accepted financial shortfall be addressed?

As the applicant is a housing association whose primary purpose is to deliver affordable housing, they seek to deliver the policy compliant number of affordable homes and have included within their appraisal, grant funding from Homes England. The District Valuer has concluded that without the grant funding, the developer would be able to deliver just 4 affordable homes and no Section 106 contributions. There is an acute need for the provision of smaller affordable housing units with the Borough and given the circumstances of this particular case, it is considered appropriate to seek to ensure that the policy compliant number of affordable units to be delivered and is not reduced.

Although the applicant's financial advisers are of the view that the maximum financial contribution that the scheme can sustain is just short of £50,000, due principally to differences of opinion regarding the Gross Development Value (GDV) of the scheme (the sale values), the District Valuer considers that the development can support £77,000 of contributions in addition to the affordable units. Your Officer has discussed this matter with the applicant and they have indicated that they would be prepared, notwithstanding their own appraisal, to make contributions totalling £63,500. It is important to remember that financial appraisals are based upon judgements about likely costs and returns, and there can be professional disagreements, and your officer's view is that the offer of contributions totalling £63,500 with the full amount of affordable housing is a reasonable one that can be accepted.

If the Committee are prepared to accept the above conclusions, there are three ways of proceeding:-

- (a) either reduce by the same amount both the education and public open space contributions that are required, or
- (b) reduce them by the same proportion, or
- (c) 'ringfence' and protect one of the contributions and allow the other to be even more substantially reduced.

In several cases the Committee have agreed to ringfence education place contributions on the basis of the view that the provision of education places where new housing development is proposed is of overriding importance. The Council has no agreed formal “hierarchy of need” in its Developer Contributions SPD which can be referred to in such cases.

In this case, your Officer would suggest that given the substantial amounts already secured by Section 106 obligations with respect to the provision of additional capacity at Madeley High School and given that the Public Open Space contribution has already been reduced on the basis that there is an extant planning permission on this site which requires lower contributions per unit, it would (a) not be appropriate to ringfence the education places contribution and (b) the impact of not securing the full figure should be shared equally with each contribution being reduced by the same proportion – the shortfall being “shared” across the board.

That said, market conditions, and thus viability, can change. On this basis it would be quite reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within say one year of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be secured via a Section 106 agreement.

It would be normal practice to secure the affordable housing in perpetuity via a Section 106 obligation. However, the applicant has advised that to secure Homes England funding, the affordable housing will have to be secured by a planning condition rather than by Section 106 agreement. In relation to other permissions for RSLs it has been accepted that a condition can be an appropriate mechanism for securing the affordable housing in such cases and given that the funding is so important in achieving a viable scheme, it is considered acceptable in this instance.

Revised Recommendation

A) Subject to the applicant (providing they first agree in writing to extend the statutory determination period to the 31st August 2018) entering into a Section 106 obligation by agreement by 28th August 2018 to require:

- a. **A contribution of £44,950 for the improvement and development of the Burntwood View/Hugo Way play area and open space**
- b. **A contribution of £18,550 towards the provision of education places at Madeley High School**
- c. **A review mechanism of the scheme’s ability to make more policy compliant contributions to public open space and education if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such contributions if then found financially viable.**

PERMIT subject to conditions relating to the following matters:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Construction environmental management plan**
- 5. Artificial lighting**
- 6. Acoustic screening**

7. Glazing and mechanical ventilation
8. Waste storage and collection arrangements
9. Details of retaining structures
10. Arboricultural Method Statement
11. Schedule of works for retained trees
12. Details of hedgerow retention
13. Revisions to patio area of Plot 10
14. Boundary treatments
15. Provision of visibility splays
16. Provision of accesses, internal site roads, parking and turning areas
17. Submission of details of surface water drainage and surfacing materials
18. Details of off-site highway works
19. Retention of garages for parking of vehicles and cycles
20. Surface water drainage scheme
21. Protected species mitigation
22. Approval of the design of the acoustic fence
23. Retention of the existing boundary hedgerow at a height greater than that of the acoustic fence
24. Prior approval of a scheme for the provision, in perpetuity, of 6 affordable housing units within the development.

B) Failing completion by the date referred to of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the development would fail to secure the provision of adequately maintained public open space and an appropriate provision for required education facilities, and there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contributions towards public open space and education; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 8

Application Ref. 18/00239/FUL

Land at West Avenue, Kidsgrove

Since the publication of the main agenda report, the independent viability appraisal referred to in paragraph 6.16 of the main agenda report has been received and considered.

The report has been prepared on the basis that the applicant considers the public open space contribution requirements requested by the Council will render the scheme unviable. Presently it is recommended that the application is permitted subject to the receipt and consideration of further highway, environmental and tree information and subject to the applicant entering into a Section 106 agreement to secure a contribution of £235,493.

The independent viability appraisal concludes that due to the cost of ground remediation, the scheme cannot support any level of policy compliant Section 106 contributions.

Officer Response

Your Officer accepts the conclusion of the independent appraisal.

Paragraph 173 of the National Planning Policy Framework (the Framework) indicates pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. The NPPF also states that where obligations are being sought or revised, LPAs should take account of changes in market conditions over time, and where appropriate, be sufficiently flexible to prevent planned development being stalled.

The evidence received for this planning application to substantiate the applicant's claim, that the Council's requirements render the scheme unviable, needs to be read in the context of National Planning Policy Framework as indicated above, and also in the context of an identified housing land delivery shortfall. If a scheme is unviable it will not proceed and there will be no contribution to the supply of housing in a sustainable location where there is an insufficient supply. In addition, as noted at paragraph 2.2 of the main agenda report, this development provides more affordable housing than is necessary to satisfy policy and as such will make a contribution towards addressing the shortfall in affordable housing provision on other developments within the Borough. These are material considerations and in light of

such considerations it is considered it would not be appropriate, if granting planning permission, to insist upon the payment of the public open space contribution.

As indicated within the main agenda report there are a number of outstanding issues regarding highway safety; the acceptability of the living conditions of the occupants of the development (environmental issues); and impact on trees. It was anticipated that additional supporting information and amended plans would be submitted to address such issues however the deadline has passed without any further information/plans being received.

Whilst the principle of residential development on this site remains acceptable as yet it has not been demonstrated that the specific proposals are acceptable with regard to highway safety, living conditions and impact on trees. Your officer is not able, therefore, to recommend that planning permission be granted on the basis of the submission to date.

The applicant has agreed to extend the statutory period until 24th August (within which they could not lodge an appeal against the Council's failure to determine the application) and they have requested that the Committee defer its decision on the application until the next meeting of the Committee. Acknowledging that LPAs are encouraged to be timely in making decisions, but recognising that there is no reason to consider that neighbouring interests here would be materially prejudiced by the uncertainty associated with such a deferment, it is considered that it would be appropriate to defer the decision for just a further 4 weeks to allow additional time for the outstanding issues to be resolved. – noting that the applicant has agreed to extend the statutory period

Revised Recommendation

A decision on this application should be deferred to given additional time for the outstanding matters to be resolved.

PUBLISHED 16 JULY, 2018

ADVANCE SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
17th July 2018

Agenda item 9

Application Ref. 18/00183/FUL

The Orme Centre, Orme Road, Newcastle-under-Lyme

Since the publication of the main agenda report, the draft report of the independent valuer (the District Valuer) referred to in paragraph 5.8 of the agenda report has been received. The draft report concludes that a policy compliant scheme is viable here – on the basis that his calculated “residual land value” of the current scheme is greater than that of the previous scheme which the author advises is the appropriate benchmark against which to determine viability.

Officer Response

It is normal practice to give an applicant the opportunity to comment upon a viability appraisal. This has not been possible here (the report being received only on Monday 16th) and it is considered appropriate to ask the Committee to defer its decision on the 17th to allow additional time both for the applicant to respond to the draft, for the District Valuer to consider any such response, and your officers to consider the appropriate recommendation. Initial indications are that there a number of points upon which the District Valuer and the applicant disagree. It may perhaps be that upon the provision of additional information the District Valuer may wish to reconsider his position on at least some points. The matter requires further consideration and the exchange of information

Revised Recommendation

A decision on this application should be deferred to allow additional time for discussions about the viability of the scheme to be concluded such that that the Committee can be appropriately advised by officers

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FIRST SUPPLEMENTARY REPORT

TO THE PLANNING COMMITTEE

17th July 2018

Agenda item 13

Application Ref. 18/00148/FUL

Silver Birch PH, 129 -131 Church Street, Silverdale

Since the publication of the main agenda report the financial viability appraisal report has been received from the District Valuer (DVS).

The report has been prepared on the basis that the applicant considers that the public open space (POS) contribution requirements requested by the Council will render the scheme unviable. Presently it is recommended that the development should be refused unless a Section 106 contribution is entered into by the developer for £4,933 for each of the seven additional residential units which amounts to a total contribution of £34,531.

The LDS have indicated that the contribution in this case would be applied to playground facilities at Silverdale Park which is a 320m walk away from the site

The report of the DVS concludes that the scheme is not viable with policy compliant financial contributions, and when asked to confirm what, if any, financial contributions the scheme could support, the DVS has confirmed that the scheme would be unviable if any level of contribution were to be secured.

Officer Response

The conclusions of the DVS is clear and whilst this development cannot support policy compliant contributions there is the undoubted contribution that the development would make to housing availability which is acknowledged to be in short supply.

The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution, if the scheme were to found capable of financially supporting these features.

Revised Recommendation

A. Subject to the applicant first entering into a Section 106 agreement by 28th August 2018 to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

1. Standard Time limit for commencement of development
2. Approved Plans

3. Secure weatherproof cycle parking for 8 cycles
4. Construction hours
5. Design measures to secure internal noise levels

B. Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant financial contribution towards public open space.