

PLANNING COMMITTEE

14th April 2021

Planning Application 21/00139/FUL

Development of six 2 bedroom apartments and three 1 bedroom apartments, with associated external works and parking arrangements

Land At, Torrs Close, Redditch, Worcestershire, ,

Applicant: Dr S Ananthram
Ward: Central Ward

(see additional papers for site plan)

The case officer of this application is Mr Anthony Young, Planning Officer (DM), who can be contacted on Tel: 01527 881234 Email: anthony.young@bromsgroveandredditch.gov.uk for more information.

Site Description

The site covers approximately 0.1ha and is located between Torrs Close and Mount Pleasant to the south of the town centre. Access is from the south of the site from Pool Bank.

The site is rectangular in shape, orientated north to south. To the eastern boundary, Torrs Close is a residential street off which there are 11 properties. The northern boundary is formed of the gable of 12 Torrs Close, and on the western edge, elevated above the site on a steep sided "escarpment" feature, is in part the rear of a commercial garage premises and the rear garden of Southcrest Nursing Home. A private drive from Pool Bank leading to further residential properties closes the southern boundary.

This vacant site is currently occupied by broadleaved woodland, dominated by semi-mature sycamore trees. Opposite the site is a linear strip of woodland running parallel to and on the north side of Pool Bank. Bordering the south side of Pool Bank is Southcrest Wood, a Local Wildlife Site.

Proposal Description

This application seeks planning permission to erect an apartment building of 9 units over three floors. It would provide 6 x 2 bed and 3 x 1 bed accommodation. The southern half of the site would provide landscaped parking for the units with a single point of access off Torrs Close.

Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient use of Land

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Policy 11: Green Infrastructure
Policy 14: Protection of Incidental Open Space
Policy 16: Natural Environment
Policy 18: Sustainable water Management
Policy 19: Sustainable travel and Accessibility
Policy 20: Transport Requirements for New Development
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Redditch High Quality Design SPD

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance

Relevant Planning History

18/00784/FUL	Erection of a new apartment block consisting 10no. 1 and 2-bed residential units together with associated car parking and external works	Committee resolution to approve (13.11.19) subject to completion of S106 (not completed therefore decision not yet issued)
17/00996/FUL	Proposal to create 4 numbers of detached houses.	Withdrawn
2006/371/RM	Reserved matters for 6 apartments in a three storey block	Approved - 18/7/2006
2004/214/RC3	Outline Application - 6 apartments in a three storey block	Approved - 29/11/04

Consultations

Highways - Redditch

No objections subject to conditions.

Waste and Recycling

No objection

Worcestershire Wildlife Trust

Maintains its objection as it did to 18/00784/FUL, despite the application having a committee resolution to approve. Notwithstanding this, it continues to believe that the

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proposed development would lead to a net loss of biodiversity contrary to guidance in the NPPF (see for example paras. 170 and 175). In the event of approval, it recommends that a condition is applied requiring biodiversity mitigation and enhancement.

Tree Officer

Although there is a high level of tree loss within the site, all the trees are predominately self-sets, or trees in poor condition or with structural defects, all of which is low amenity value. Any trees, groups or hedgerows that are to be retained should be adequately protected during the construction phase of the development

North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding) and there are no records of flooding on site.

A planning condition is recommended requiring a drainage plan to be submitted to demonstrate how the applicant wishes to deal with surface water on site, including drainage for the proposed retaining wall. It should detail the extent of the new buildings and any new hard standing and what materials will be used to finish these areas. It is also required that there is an appropriate level of attenuation.

WRS - Contaminated land and noise

Contamination - the site is currently vacant and adjacent to a petrol filling station and car repair garage with potential for ground contamination. A condition is therefore recommended to secure site investigation and any remediation.

Noise - No objection, subject to approval of a Construction and Environmental Management Plan

Public Consultation Response

A total of 15 letters were sent on 5th February 2021 (expired 1 March 2021). Site notices were displayed around the application site on 9th February 2021 (expired 5th March 2021).

A total of 3 objections received raising the following principle issues.

- Scale of development too large for the site
- Disturbance and inconvenience to residents during the construction phase of the development
- Loss of trees and habitat
- Will disturb care home residents
- Will cause further traffic and parking issues
- Insufficient parking provision proposed

Assessment of Proposal

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Housing land Supply

The Council is unable to demonstrate a 5 year supply of housing land and therefore the NPPF paragraph 11(d)(ii) 'tilted balance' applies. This means applying a presumption in favour of sustainable development, and for decision taking means granting permission unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point of decision making.

Principle of residential development

The application site is within the Redditch urban area and in accordance with RDLP Policy 2 - Settlement Hierarchy, is the focus for development, as it provides the highest level of services and facilities provision and offers the most sustainable location for development.

RDLP Policy 2, in supporting housing on the site in principle, is relevant and the most important for determining the application.

Ecology

BRLP Policy 16 - Natural Environment seeks to ensure the natural environment is protected and enhanced. The NPPF seeks to avoid significant harm to biodiversity from a development and if it can't be adequately mitigated or compensated for, then planning permission should be refused. Contribution to and enhancement of the natural and local environment should be achieved by, amongst other things, providing net gains for biodiversity.

The application was accompanied by an Update Preliminary Ecological Assessment (PEA), prepared by Worcester Wildlife Consultancy. It concluded that there did not appear to be any significant changes to the site since the previous PEA and bat surveys were carried out by Focus Ecology Ltd., submitted with 18/00784/FUL.

The Local Wildlife Site (LWS) known as Southcrest Wood is wholly south of Pool Bank Road and the application site is outside of the LWS. The proposal is therefore unlikely to impact on its conservation status. Other woodland neighbouring the site, together with Southcrest Wood, do present themselves as a cohesive whole. However, the application site is a very small element on the edge of this large woodland block and beyond its north and west boundaries is built development. The proposed development therefore would not result in any fragmentation or loss of connectivity within the wider woodland.

Given the site contains continuous broadleaved habitat within proximity to Southcrest Wood, the Focus Ecology bat survey revealed a moderate amount of common pipistrelle bat commuting and foraging within the site, but there was no observed roosting within the trees. The use of an old oak tree on the site as a roost on an occasional basis and/or during the winter period of hibernation could not, however, be ruled out. Therefore,

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further survey effort and a precautionary approach to the felling of the tree was recommended.

I am satisfied that, given the above considerations, significant harm to biodiversity would not arise as a result of the proposed development. The PEA recommends that nesting opportunities for house sparrows and house martins could be provided in the form of sparrow terraces and house martin cups on the exterior walls of the proposed new building(s). Both these species have undergone a decline in recent years (Red List in the case of house sparrows, Amber List in the case of house martins). Opportunities for roosting bats can be provided in the form of a bat box installed on the exterior of one of the proposed buildings or nearby mature tree.

A net gain for biodiversity may not be achieved in this case, but this shortfall needs to be weighed against the mitigation that can be achieved and the pressing need to provide more housing within the district.

With the exception of nesting birds and the potential for roosting bats, the PEA confirmed that no other evidence of any protected species was found on the site and there were no other obvious and immediate implications for the proposed development) with regards to the habitats present.

I am satisfied that sufficient ecological information has been submitted, including addressing third party concerns, to enable determination of the application in line with the law and planning guidance, subject to conditions. The scheme is therefore compliant with Policy 16 of the Borough of Redditch Local Plan.

Design and amenity

BRLP Policy 39 - Built Environment seeks to ensure all new development in the Borough contributes positively to the local character of the area and Policy 40 lists criteria to encourage good design to make the Borough a better place to live, work and visit.

The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The application was first submitted for four detached dwellings across the site. However, officers were of the view that the dwelling proposed at the southern end of the site, and which would be visible at the top end of Poolbrook, would dominate this otherwise wooded vista. The scheme was therefore amended to provide, instead, a 10-unit apartment block which allowed the approach from Poolbrook to remain free of buildings and instead remaining open as a landscaped carparking area. As a consequence, the building itself would have only become visible when entering Torrs Close. The 10-unit proposal was resolved to approve at Committee on 13.11.19, subject to completion of S106 (not completed therefore decision not yet issued). This 9-unit scheme follows a similar layout format as the 10-unit proposal, and as such would achieve the same design benefits in terms of its relationship to Poolbrook.

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The proposal would continue the perimeter block format existing along Torrs Close and introduce a contemporary building, with gable forms and fenestration adding interest to form and massing along with a mixed palette of materials to add visual interest. I am satisfied that the proposal would introduce a distinctive building that would be in keeping with the scale of neighbouring development and with a layout that respects the wooded character of the area.

As the development would be at the entrance of Torrs Close concern has been raised about the impact on neighbouring residents during the construction phase of the development, namely from parking of workers vehicles, position of site entrance, storage of materials. I consider that more detail is required to understand how these activities are to be sensibly managed, and therefore consider it appropriate that a Construction Management Plan be secured and implemented by way of planning condition.

There is a commercial repair garage on elevated ground to the rear of the site and given that an acoustic fence is proposed along this boundary, I am satisfied that this will adequately mitigate any noise to acceptable levels for the benefit of future occupiers.

Flooding and Drainage

RDLP Policy 17 deals with flood risk management and Policy 18, sustainable water management, seeking to ensure, amongst other things, that development addresses flood risk from all sources and does not increase the risk of flooding elsewhere, with appropriate use of SuDs techniques.

North Worcestershire Water Management requires further information by way of planning condition to demonstrate how the applicant intends to deal with surface water on site, and how surface water will be disposed of.

With appropriate measures secured by condition for foul and surface water disposal your officers are satisfied that the proposal would be Policy 17 and 18 compliant.

Highways

At the heart of BRLP Policy 19 and 20 is the importance of improving accessibility and mobility, whilst avoiding past trends of increased traffic and longer journeys.

The proposed development is located in a residential and sustainable location off an unclassified road. Torrs Close does not benefit from footpaths or street lighting and no parking restrictions are in force in the vicinity. Pool Bank adjacent to Tors Close benefits from footpaths on one side of the carriageway and street lighting is also present; no parking restrictions are in force along this road in the vicinity. The site is located within walking distance of amenities, bus route and bus stops which are located approx. 125m from the proposed development.

The Highway Authority has requested four pedestrian crossing points to enable pedestrians to reach the bus stops safely, along with other conditions.

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Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained. It recommends a number of planning conditions.

Given the above, and with the application of conditions, the scheme would be compliant with Policies 19 and 20 of the Borough of Redditch Local Plan.

Conclusion

Paragraph 8 of the NPPF defines sustainable development as having three dimensions: economic, social and environmental. In this case, given the 5 year housing supply shortfall, the presumption in favour of sustainable development for decision taking means, the 'tilted balance' under paragraph 11 d) ii) applies. This does not change the statutory status of the Local Plan as the starting point for decision making.

In view of the above assessment, the Council is satisfied that the proposal complies with the relevant policies of the Local Plan and no other material considerations have been identified that would indicate that the Local Plan should not be followed.

Furthermore, application of the 'tilted balance' means applying a presumption in favour of sustainable development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

In terms of economic benefits, the proposal would make a contribution to the Council's supply of housing. It is also acknowledged that there would be some economic benefits associated with the proposal during the construction phase and it will bring into efficient and productive use a piece of land of limited amenity value in Redditch urban area, which can assist in economic support for shops and services.

The proposal would also fulfil the environmental and social dimensions of sustainable development, because the site is in a sustainable location, therefore reducing the requirement to travel by private vehicle and would contribute to supporting a sustainable community.

I conclude that the adverse impacts of this proposal, as discussed above, would not significantly and demonstrably outweigh the benefits.

For the reasons set out in the report, it is considered that the proposal complies with the Local Plan and is sustainable development and should therefore be approved without delay.

RECOMMENDATION:

That having regard to the development plan and to all other material

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considerations, planning permission be GRANTED subject to the following conditions:

- 1) The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings -

- 1954- 06A-SITE ELEVATION AND SECTIONS
- 1954- 05A-SITE ELEVATION AND SECTIONS
- 1954- 04A-BUILDING PLANS
- 1954- 03A-PROPOSED SITE PLAN
- 1954- 02A-BLOCK PLANS
- 1954- 01A-LOCATION PLAN

Reason: To define the permission and in the interests of proper planning

- 3) Prior to the first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out accordance with the approved details.

Reason: To ensure a high-quality appearance is achieved, to safeguard the visual amenities of the area.

- 4) Prior to any works above foundation level commencing on site, a scheme for surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 5) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, shall not commence until conditions A to G have been complied with:

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A) A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

B) Where an unacceptable risk is identified a scheme for detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme shall be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

C) Detailed site investigation and risk assessment shall be undertaken and a written report of the findings produced. This report shall be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment shall be undertaken by competent persons and shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

D) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme shall ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

E) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

F) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out shall be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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G) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 6) Prior to first occupation of the development hereby approved an acoustic fence shall first have been erected on the western site boundary in accordance with a design specification and location that has first been submitted to and approved in writing by the Local Planning Authority. The fence shall be retained in place thereafter.

Reason: To safeguard the amenities of future occupiers.

- 7) Prior to site clearance works commencing details of tree and root protection fencing for retained trees, in accordance with BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed and retained in its approved position throughout the construction phase of the development.

Reason: To ensure retained trees are protected from construction activity in the interests of the amenity of the area.

- 8) Prior to the occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

a) full details of all existing landscape features on the site including the position, species and spread of all trees clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, retaining walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate. The approved scheme shall be implemented within 12 months from the date of any of the dwellings hereby permitted are first occupied.

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Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: To protect and enhance the character and ecology of the site and the area and to ensure the appearance is satisfactory.

- 9) Prior to the commencement of works on site in connection with this development an update bat survey of the site shall be carried out and a bat survey report of the findings along with any recommendations submitted to and approved in writing by the Local Planning Authority

Reason: To determine the status of the site for bat habitat during the intervening period.

- 10) Prior to the removal of Tree 4, as identified in Focus Ecology Ltd Bat Survey Report June 2018, understorey vegetation (including all tree saplings) shall be cleared from the site. Following vegetation clearance, the site shall be left undisturbed for a minimum of five days. Following the five day resting period and immediately prior to the felling of the tree, a tree climbing inspection by an appropriately licensed ecologist/arborist under ecological supervision shall be carried out. The tree shall then be soft felled (e.g. cutting the tree in sections and gently lowering the section to the ground). Cut sections shall be examined by an ecologist prior to removal and if necessary left overnight to allow any resident fauna to escape. If cavities are evident in the trunk or elsewhere, it is important that these are brought down intact rather than sawn through.

Reason: To allow any resident fauna to escape in the interests of safeguarding protected species.

- 11) Prior to the commencement of development in connection with this approval, a detailed Ecological Mitigation and Enhancement Strategy including a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved Strategy and programme.

Reason: To enhance biodiversity and contribute towards local and national biodiversity targets.

- 12) No part of the development hereby approved shall begin until a Construction Environmental Management Plan (CEMP) to include details of:

- a. Parking for site operatives and visitors;
- b. Area for site operative facilities;

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- c. Parking, turning and arrangements for unloading and manoeuvring of delivery vehicles;
- d. Areas for the storage of plant and materials;
- e. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- f. Hours of operation for the construction phase of the development, including the hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- g. Details of any temporary construction accesses and their reinstatement;
- h. A highway condition survey, timescale for re-inspections, and details of any reinstatement have been submitted to, and approved in writing by the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety, to prevent indiscriminate parking and protect neighbour amenity.

- 12) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

- 13) The development hereby approved shall not be occupied until the first 5 metres of the accesses into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 14) The Development hereby permitted shall not be first occupied until the proposed apartments car parking spaces have been fitted with an electric vehicle charging point (1 per apartment). The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 15) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be

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submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To encourage sustainable travel and healthy communities.

- 16) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 1954.03A.

Reason: To ensure conformity with submitted details.

- 17) Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 22 metres to the left on exiting the site measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 18) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 19) The Development hereby approved shall not commence until drawings of the highway improvements/offsite works/site access works (tactile drop crossing and footway) comprising:-

- tactile dropped crossing to be relocated in order for pedestrians to cross over Pool Bank to the existing footpath
- tactile dropped crossing to cross over the Manor Court Hotel access road
- tactile dropped crossing to cross over the following Southcrest Gardens access junction

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- tactile dropped crossing to cross over the Pool Bank Road/ Mount Pleasant Road junction to allow pedestrians to walk into Redditch town centre have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those drop crossings / footway have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

Procedural matters

This application is being reported to the Planning Committee at the discretion of the Head of Planning and Regeneration, due to objection raised by Worcestershire Wildlife Trust.

Section 278 Agreement

The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The applicant should be aware of the term “highway works” being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.