

Appeal Decision

Hearing held on 23 November 2016

Site visit made on 24 November 2016

by Karen L Ridge LLB (Hons) MTPL Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal Ref: APP/M2325/W/16/3144925
Land off Dowbridge, Kirkham PR4 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hollins Strategic Land LLP against Fylde Borough Council.
 - The application Ref. 15/0547, is dated 11 August 2015.
 - The development proposed is the erection of up to 170 no. dwellings (all matters reserved other than access) following demolition of existing buildings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing buildings and residential development of up to 170 dwellings, including associated infrastructure, in accordance with application reference 15/0547 dated 11 August 2015, on land off Dowbridge, Kirkham PR4 3RD, subject to the conditions set out in the schedule annexed hereto.

Procedural Matters

2. The planning application which led to this appeal was made in outline form with all matters except access reserved for future consideration. The proposed access for vehicles and pedestrians would be via the existing access point taken from Dowbridge. I shall consider these arrangements as part of my determination. Apart from the site location plan and access plans all other plans are to be treated as illustrative only.
3. The description of development in the banner header above is taken from the application form. At the Hearing both parties agreed that the description on the appeal forms more accurately reflects what is proposed and I shall adopt that description.
4. Following submission of the appeal the Appellant submitted some revised plans and some additional plans. Minor revisions were made to the proposed access and traffic calming plan as well as the cycle lane provision plan¹. The revised plans are accepted by the Council. It will not harm the interests of any parties to the proceedings to accept them so I shall proceed on the basis of the revised plans.

¹ Plan number SK21452-002 revision E and SK21452-007 revision A.

5. The planning application which led to this appeal was not determined within the prescribed period. Following the submission of this appeal the Council's Development Management Committee considered a report which recommended the Council's approach at the appeal. The committee resolved to accept the three putative reasons for refusal set out in that report. In short those reasons include the following concerns:
 - the development would have a significant detrimental visual impact on the landscape character of the area, being a visually prominent feature;
 - the development would result in substantial harm to the setting of Kirkham by virtue of the topography, scale and pattern of development; and
 - the proposal fails to make contributions towards the delivery of affordable housing on the site and financial contributions towards off-site requirements including educational provision and sustainable transport improvements.
6. The Council's objection set out in the third putative reason for refusal was subsequently withdrawn on the basis that the Appellant indicated that it would submit an executed agreement to secure these matters. A executed agreement made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been received and it is acceptable to the Council. The agreement secures the payment of financial contributions and the provision of affordable housing and public open space on-site. I shall return to these matters later
7. The parties have submitted a signed Statement of Common Ground (SCG) which records all of the main matters agreed between them, as well as the main areas of disagreement. One of the principal areas of agreement was in relation to housing land supply. For the purposes of this appeal the Council accepts that it does not currently have a 5 year housing land supply (5 YHLS) in terms of the advice within the National Planning Policy Framework (the Framework). The Council confirms that it is content to adopt a figure of 4.8 years supply as at 31 March 2016.
8. The appeal site is made up of three fields or parcels of land. The southernmost parcel of land was the subject of a successful application for outline planning permission for up to 95 dwellings. A resolution to grant planning permission conditional on completion of a section 106 agreement was made on 27 July 2017. I am instructed that the agreement is nearing completion and the Council does not anticipate any obstacles to a grant of planning permission in the near future. Both parties are agreed that this grant of planning permission is a material consideration in my determination. At the Hearing it was further agreed that the assessment of any effects or benefits of the appeal proposal should focus on those effects or benefits over and above those associated with this alternative scheme (the 95 dwelling scheme).
9. Finally, after the close of the Hearing correspondence was received from a local resident raising new issues about the five year housing land supply. The Council and Appellant were afforded the opportunity to make representations in relation to this matter and a response was received from the Council. I shall take these additional representations into account.

Main Issues

10. In addition to the Council's putative reasons for refusal, local residents have raised objections on other grounds. At the Hearing two principal concerns emerged; flood risk and highway safety and I shall examine these as main issues.
11. Having regard to the above, and to all that I have heard and read, I conclude that the main issues in this case are as follows:
 - the effect of the proposed development on the character and appearance of the surrounding landscape and on the setting of Kirkham;
 - flood risk considerations; and
 - the effect of the proposal on highway safety.
12. There are also a series of other material considerations to be taken into account, one of which includes the shortfall in the Council's 5 YHLS.

Reasons

The development plan

13. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
14. For the purposes of this appeal the most relevant development plan policies are saved policies from the Fylde Borough Local Plan (as altered) dated October 2005 (the LP). The appeal site comprises 13 hectares of land in a countryside area as designated by the LP. Both parties agree that the proposal is contrary to LP policies SP1 and SP2. These policies are strategic policies designed to restrict development to within defined limits identified in named settlements and to strictly control development in countryside areas other than within specified circumstances. The proposal does not fall within any of the excepted categories and consequently it is contrary to policy SP2.
15. In addition the proposal would result in the loss of 11.3 hectares of grade 3a best and most versatile land. The Framework seeks to protect such land and confirms that where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality in preference. In this case the Council confirms that there is a large amount of grade 2 and grade 3 agricultural land across the Borough and therefore it did not raise an objection in relation to this matter. The SCG records that this loss should be given minor weight.
16. The Council is currently preparing a Local Plan Part 1 and Part 2 combined and to that end a Preferred Option of the Local Plan to 2032 has been published and identifies areas for growth. The emerging Local Plan is due to be

submitted for examination. At this stage I agree with the assessment of the Council and Appellant that it can attract only limited weight.

Effect upon the character and appearance of the landscape

17. The site is made up of three fields delineated by hedgerows and fences and adjoining a residential area on the edge of the Kirkham settlement boundary. The western boundary of the site extends towards Dow Brook, with housing beyond. The northern site boundary lies alongside Spen Brook with open countryside beyond. The southernmost land parcel contains a dwelling and a pig farm which remains in active use. Structures and hard-standing associated with the pig farm are clustered in this part of the site, together with an existing dwelling and its associated hardstanding and outbuildings.
18. The northern part of the scheme would lie on north facing slopes which look out to the open countryside beyond. The southern parts of the site are more inward facing towards Kirkham and bear a closer association with the settlement due to this topography and the partial development therein.
19. A private track runs along a ridge line from New Hey Lane into the site along the boundary between the southern field and the north-western field. The track is bounded by a line of trees and represents a strong demarcation line between the two fields. As a result of this feature and the surrounding topography the main parties are agreed that residential development on the southern part of the site is acceptable in principle. This is demonstrated by the progression of the 95 dwelling scheme. I shall therefore focus my assessment mainly upon the effects of development within the two northern fields on the character and appearance of the landscape.
20. Finally in carrying out my assessment I bear in mind that the proposal is in outline form only. Many of the plans are illustrative only and indicative of how development could proceed on the site. In particular the Appellant has submitted an illustrative Landscape Masterplan² and a Parameters Plan³. The landscape plan was revised to incorporate a landscape buffer wrapping around the north-eastern corner of the development with dwellings set back and a community green on the eastern edge of the site. A linear park is depicted along Dow Brook on the western boundary. The parameters plan indicates a zone of single storey dwellings on the highest part of the site adjoining the internal track. The Appellant points out that there would be a benefit in terms of hedgerow retention and the retention and enhancement along the stream corridors with additional tree planting to create a wooded skyline through the highest part of the site, along the internal track.

Effects upon landscape character

21. There are no landscape designations attributable to the site. It is located within 'The Fylde' character area 15d, a sub-category of the Coastal Plan Landscape Character Type as defined by the *Landscape Strategy for Lancashire, Landscape Character Assessment (2000)*. Such character types exhibit features including gently undulating or flat lowland farmland divided by ditches, large fields, open road verges and long views.

² Drawing number 1956_02 Revision K.

³ PAR001

22. Whilst the site is adjacent to the settlement boundary, for the reasons given above, the two northern fields have a close association with the rolling countryside to the north. From within the site and particularly from these two fields there are wide ranging views of the open countryside separating Kirkham from the small hamlet of Treales to the north-west. The open countryside extends outwards from the western edge of Kirkham in a pastoral landscape comprised of long views over a patchwork of low lying farmland. From the site the small hamlet of Treales is visible to the north-west and in the foreground a railway line bisects the countryside on an east-west trajectory.
23. All three agricultural fields form part of the open countryside. The development of 95 houses on the southern field would result in the loss of an agricultural field on the settlement edge. The appeal proposal would result in the introduction of further housing on the two northern fields, albeit with the potential for a landscaped buffer which would wrap around the north-eastern corner of the appeal site. The two northern fields are an intrinsic part of the gently undulating farmland which lies to the north. The loss of these fields to housing would be detrimental to landscape character in that it would result in a diminution of the agricultural land which is part of a greater whole. It would introduce incongruous and uncharacteristic elements into the pastoral landscape which would bring about a significant change to the character of the appeal site which itself comprises a small part of the landscape character area under consideration.
24. Having regard to the juxtaposition of the site with the urban area I am satisfied that the appeal scheme would be viewed as an extension of the existing urban area. I do not agree with the Council's assessment that in some views it would be seen as an area of housing divorced from the adjoining area. The housing would be seen as a continuation of that on St Michaels Road even with the linear park depicted on the illustrative masterplan. From Carr Lane and the footpath running along Carr Brook the houses would merge with existing residential development and the linear park would not be readily discernible in these views.
25. Taking all of the above into account I conclude that the appeal proposal would result in a modest erosion of the landscape character of this part of the open countryside contrary to LP housing policy HL2. This requires, amongst other things, that housing proposals are in keeping with the character of the locality.

Visual effects

26. The Appellant has pointed to the inclusion of the appeal site as a potential development site in the Council's '*Appraisal of Strategic Site Options: Landscape Capacity to Accommodate Landscape and Visual Change*' (ASSO) from March 2016. In that document the Council concluded that the site only has a moderate sensitivity to development. The Appellant further contends that other sites of high sensitivity have been granted planning permission. Be that as it may, the appeal proposal must be assessed on its own merits and not as part of some comparative exercise within my decision making on an individual proposal.
27. The Council has already concluded that, in principle, residential development on the southern field is acceptable in visual terms. As a result of the ridgeline running along the internal track within the appeal site, and its associated treeline, the houses within the 95 dwelling scheme would only be glimpsed in

- viewpoints to the north and north-west. It is in middle and longer distance viewpoints that the two northern fields are readily appreciated as an intrinsic part of the open countryside which runs up to the western edge of Kirkham.
28. One of the closest public vantage points from which the development would be seen is from Carr Lane to the north-west of the site. This is a road which travels out of the settlement into the open countryside in the direction of Treales. Currently when travelling out of the settlement along Carr Lane there is an abrupt change of scene when the last houses on the urban edge of Kirkham are left behind. At this point panoramic views open up of the countryside on all sides. I note that Carr Lane is on a regional cycle route. Due to its proximity to the settlement I consider that it is likely to be a well-used and attractive recreational route for cyclists and walkers affording immediate and easy access to the countryside beyond the settlement.
29. With the appeal proposal in place, along this section of Carr Lane housing would be seen extending out from Kirkham on the southern horizon. This would erode the impression of the viewer being surrounded by rolling countryside. It would reduce the extent to which Kirkham is seen as being clearly confined to the higher land to the west, with housing starting to intrude on the lower slopes. I conclude that there would be a moderate effect upon this viewpoint.
30. The appeal proposal would also be seen in between the houses which adjoin the western appeal site boundary and from the Oxford Drive/Abbots Close cul-de-sac, as well as from private gardens and rear windows of the properties adjoining the site. However public views would be glimpsed. In any event these views are going to change somewhat by virtue of the likelihood of the 95 dwelling scheme coming forward. The additional housing in the appeal scheme would be seen as an extension to the 95 dwelling scheme in views from these vantage points.
31. A public footpath runs adjacent to Carr Brook connecting Carr Lane with St Michael's Church. From the church the footpath continues north-easterly before turning 90 degrees towards Carr Lane. Once the bend is rounded the appeal site comes into view in the middle distance and is seen in the context of an attractive wildflower footpath in the foreground framing rolling hills beyond. From this length of the footpath the appeal site is part of the rural backdrop located in the middle distance and containing the settlement edge. From this vantage point the appeal proposal would result in the appearance of built development extending further out into the open countryside and wrapping around the green foreground. In the longer term with the establishment of planting I conclude that there would be a moderately adverse effect on views from this viewpoint.
32. The housing would also be seen in longer distance views from the public right of way 5-8 which bisects the countryside and from Mowbreck Lane to the north. As the footpath travels towards Mowbreck Lane the land rises and enables views over the railway line towards the appeal site in the far distance. At this point the urban edge of Kirkham is clearly demarcated and the introduction of housing on the appeal site's northern slopes would be visible on the far horizon extending the urban edge eastwards. However it would only form a small part of a much larger composition and would represent only a minor incursion into the open countryside from this viewpoint. This footpath

travels south, across the railway line in the direction of St Michael's Church. Views of the development from this section of the footpath would be partial. Due to the oblique angle between the viewer and the northern parts of the site, the development would be seen as a minor and unremarkable extension of the urban area.

33. Other vantage points from which the housing would be visible are longer distance viewpoints which would afford glimpsed or partial views of the development. These include a handful of viewpoints in Treales and the surrounding lanes and at field openings along Spen Lane. From these points the housing would be seen in glimpsed views in the middle and longer distance and against the backdrop of Kirkham rising to the west. The changes would be relatively modest from this viewpoint. I was asked to visit the Boys Brigade Country Pursuits Centre on Carr Lane. From the centre there are limited, if any, views of the appeal site given two mature boundary hedgerows on either side of Carr Lane.
34. I also note that there would be views of the development from the elevated vantage point of the railway line but these would be fleeting and I do not consider that there would be any appreciable erosion of the sense of open countryside around the settlement. Taking all of the above together I conclude that the development would cause a moderate amount of visual harm.

The setting of Kirkham

35. The town of Kirkham became established on the higher ground with the lower lying and wetter land around the network of brooks established as agricultural land enveloping the town. The town is largely contained by the Kirkham bypass to the south and the A585 running northwards along its western edge. The new housing would extend the urban area into lower lying areas to the east of Kirkham but it would appear as a continuation of existing houses on the north-facing slopes. In addition, if the housing was set back from the north-eastern corner of the appeal site⁴, the development would not have a hard linear built edge but a more organic appearance mimicking the edges of development on the higher slopes.
36. The 95 dwelling scheme would result in an extension of residential properties into the southern part of the site. Development on the two northern fields would represent a greater incursion into the open countryside. Whilst there would be some moderate harm to the setting of Kirkham, I conclude that it would still read as a historic settlement on higher land surrounded by lower lying farmland.

Conclusions on landscape matters

37. I have concluded that the appeal proposal would result in a modest erosion of landscape character to this part of the wider landscape; it would cause a moderate amount of visual harm and would cause moderate harm to the setting of Kirkham. Consequently the proposal is contrary to LP policy HL2 and policies EP10 and EP11 which seek, inter alia, to protect important landscape features and to ensure that development is in keeping with the landscape character types identified in the Landscape Strategy.

⁴ As indicated on the landscape masterplan and in accordance with the parameters plan.

38. In this respect the proposal would also be contrary to national policy objectives in the Framework which seek to recognise the intrinsic character and beauty of the countryside. Whilst the Council has cited paragraph 109 of the Framework in its reason for refusal there is no reason to conclude that the site forms part of a 'valued landscape' in that it does not exhibit any special or particular characteristics which take this part of the countryside out of the ordinary. This was accepted by the Council in its statement of case.

Flood risk considerations

39. The site covers an area of some 13 hectares, with Dow Brook and Spen Brook immediately on its western and northern boundaries respectively. The Environment Agency Flood Maps depict the site falling within flood zones 1, 2 and 3. The Appellant's intention is to locate the residential development solely within the larger area entirely within flood zone 1. A Flood Risk Assessment and Drainage Strategy Management Plan (FRA) and a separate Hydraulic Assessment⁵ were submitted with the planning application. On reviewing the hydraulic model the Environment Agency concluded that it more accurately reflects the level of flood risk on the site than the Environment Agency's own Revised Flood Map.
40. The FRA concludes that infiltration methods would be unlikely to provide a viable drainage solution for surface water run-off generated by the development. Instead it suggests using infiltration methods in part, supported by a controlled discharge to Dow Brook, possibly with multiple outfalls. It is proposed that discharge be restricted to the pre-development greenfield rates. In addition a community green space or public open space is proposed to incorporate sustainable urban drainage features such as bio-retention, ponds and swales within the western and south-western part of the site. These arrangements could be secured by condition in the event that the proposal was acceptable in all other respects.
41. The Hearing heard representations from Mr Scott and Mr Long who each set out the concerns of local residents in relation to flooding. In addition I have also seen a number of other letters of objection raising this issue at both application and appeal stage and a video presentation was shown at the Hearing, with accompanying slides submitted. Mr Scott's concern relates to the area of land which would become impermeable as a result of development and he makes the point that surface water would run-off the site at a much higher rate.
42. Flood risk involves a consideration of the probability and potential consequences of flooding. The Planning Practice Guidance sets strict tests to protect people and property from flooding. Paragraph 103 of the Framework confirms that developers must demonstrate that the most vulnerable development is located to areas of the lowest flood risk within the site. In this case I am satisfied that the housing would all be contained within flood zone 1. The Environment Agency and Council have expressed themselves satisfied with the strategy outlined in the FRA.
43. It is inevitable that building on a greenfield site would increase surface water run-off but the FRA sets out an approach to the technical solutions which would be used to control the additional surface water run-off so as not to increase the

⁵ Both dated July 2015.

risk of flooding elsewhere. I have seen photographs and video evidence of flooding in the vicinity of the site and some evidence of flooding on the site. Local residents confirm that flooding occurs several times a year and with increasing frequency.

44. There was a suggestion at the Hearing that some of the houses on the north-western corner of the site would be sited on areas subject to recent flooding events. It is difficult to assess accurately the true extent of previous flooding from video footage. Flooding appears to occur on the lower reaches of the site, adjacent to the confluence of the two brooks. This is the part of the site which lies in flood zones 2 and 3. The Environment Agency has seen the Landscape Masterplan which contains an indicative layout and has confirmed that the houses shown would all sit within flood zone 1.
45. In any event I am mindful that this is an outline proposal with matters of layout reserved for future consideration. This effectively means that the layout depicted on the landscape masterplan is not cast in stone and the question I must ask myself is; in principle could 170 dwellings be accommodated on site without compromising flood risk.
46. Adoption of the measures within the FRA would ensure that sufficient mechanisms are in place to adequately control surface water. The conditions suggested by the Council would ensure that a fully drawn up surface water drainage scheme was submitted as part of the reserved matters application. Such a scheme would have to demonstrate that surface water run-off post development would not exceed greenfield run-off rates.
47. Having regard to all of the evidence, including the representations from the Environment Agency and third parties, I conclude that if such measures were adopted the risk of flooding elsewhere would not be materially increased and the flood risk to on-site development would be acceptable provided the dwellings were all located within flood zone 1. The proposal is acceptable in relation to this matter.

Highway safety

48. Access to the site is from Dowbridge which is a main arterial road into Kirkham and which joins the A583 bypass to the south. The scheme for 170 homes would utilise the existing vehicular access point subject to some re-alignment of the bell-mouth and with the provision of additional works to the public highway. A Transport Assessment and Travel Plan were submitted with the application and considered by Lancashire County Council as the Highways Authority. Further information was requested in relation to traffic figures and speed surveys and this was provided along with two further technical notes from the Appellant's highways consultants.
49. Initially the County Council expressed two concerns; firstly that the development would have only one point of access and secondly concerns about the speeds of vehicles travelling along Dowbridge. The first concern was addressed by a proposed cycle/pedestrian link to New Hey Lane which could be utilised for vehicular access in an emergency. In addition a 24 hour speed survey was carried out by the Appellant's experts and a separate, longer survey was done by the Highways Authority itself. As a result of the speed surveys the Highways Authority required traffic calming and other measures. A stage 1 road safety audit was undertaken in relation to the access

improvement and traffic calming proposals which resulted in modifications to the original scheme.

50. The off-site highway improvements agreed by the Highways Authority and the Appellant would include traffic calming measures along Dowbridge, street lighting, advisory cycle lanes and a pedestrian refuge island as well as a renewal of existing road markings and a new give way triangle and slow markings. In addition the County Council requested the imposition of conditions on any grant of planning permission to require construction of the off-site highway works prior to certain points in the occupation of the housing scheme. A further condition would require a traffic speed review in the vicinity of the site access prior to occupation of the 51st dwelling and in the event that 85th percentile speeds are greater than 30 miles per hour then a scheme of further works designed to reduce speeds on Dowbridge would be required to be implemented in accordance with an approved timetable⁶.
51. In addition to the off-site works and suggested conditions, provision is made in the section 106 agreement for the payment of financial contributions towards pedestrian cycle improvements at the rail station; further speed measurement survey and a contribution towards travel plan support.
52. At the Hearing I heard evidence from Mr Lever on behalf of the Residents Action Group. Mr Lever has had substantial experience as a police officer attached to the traffic division and was responsible, amongst other things, for conducting road traffic investigations following serious accidents. Mr Lever has read the Appellant's traffic reports and raises a number of concerns about the accuracy of some of the data and questions some of the findings. It is clear that he has raised what he says are anomalies within the report with Lancashire County Council's Highways Engineer. Indeed the County Council's letter of the 16 May 2016 confirms that '*substantial further information relating to road safety was considered which was provided by a local resident (a retired police officer) as well as LCC's own analysis*'.
53. One of Mr Lever's prime concerns was in relation to traffic speeds. He points out that the 50 miles per hour speed limit ends just past New Hey Lane to the east of the access. This means that inward coming vehicles from the east must adjust their speeds to 30 miles per hour a short distance before the access to the development. In the other direction Mr Lever points out that Dowbridge is on a hill and has a wide carriageway such that vehicles travelling out of Kirkham down the hill are more likely to exceed the speed limits given the forward visibility available and the width and nature of the carriageway.
54. Mr Lever raises valid and pertinent concerns in relation to speed. However it is clear that these concerns were before the County Council's highways engineer when he considered the scheme. Objections were only removed once additional information was obtained with regard to current speeds on the road and proposals were in place to assist traffic calming. Mr Lever criticised the Appellant's survey since it was conducted on only one day and at a time when Brookside Cottage had parked vehicles outside which may have caused vehicles to pass by with more caution. However the judgment reached by the County Council Highway's Engineer was having regard to all of the information

⁶ I note that conditions in the same terms are to be imposed on the planning permission for the 95 dwelling scheme.

- including the Council's own speed surveys taken over a longer period. There is nothing to persuade me that the Council's own data was flawed.
55. Mr Lever pointed to a history of road traffic accidents on Dowbridge including a fatal accident in 1992, an accident at Dow Bridge in 2006 and two incidents in 2014 when the bridge was struck on separate occasions. Some of these accidents, if not all, would have occurred outside the period for which the personal injury data was obtained. Mr Lever further explained that there has been a high incidence of personal injury accidents on the road in the last two years. The Transport Assessment relied upon accident data from 1 January 2009 and 31 August 2014. The database for that period did not reveal any accidents on the vicinity of the site access. There were six accidents at the junction of Dowbridge with the Kirkham Bypass further to the east.
56. The response of the Highways Authority confirms that the personal injury accident data covered the most recently available 5 year period and that the data did not point to any particular accident pattern which would be a cause for concern. Mr Lever presented a series of photographs depicting the aftermath of accidents in 2014, 2015 and 2016. The notations indicate five accidents along the length of Dowbridge including one at the bus stop. It is not known if the accidents in the photographs resulted in personal injuries. The accidents appear to be at different points in the road and do not appear to exhibit any particular pattern.
57. Mr Lever also raised concerns in relation to an increase in vehicles making left turning manoeuvres from the A583/Blackpool Road into Dowbridge as it travels into Kirkham. The Transport Assessment considered this junction as it was forecast to experience in the region of a 30+ increase in vehicles as a result of the development⁷. It records 6 accidents over five years at this junction; five slight and one serious. The assessment records high levels of traffic passing through the junction in the AM and PM peak hours of which a small proportion make the left hand turn off the bypass into Dowbridge⁸. The junction is forecast to operate within capacity with the development in place and with forecast traffic growth at years 2019 and 2024 in both the AM and PM peak hours. Lancashire County Council's Highway's Engineer raised no concerns about the operation of this junction. There is no substantive evidence before me to cause me to question that judgment.
58. Finally concerns were raised about the location of the bus stop. The existing bus stop for eastbound services is located immediately adjacent to the site access. The Access Improvements plan notes the position of the existing bus stop and confirms that it is to be repositioned as part of the detailed design. The Stage 1 Road Safety Audit concluded that the new location would have to be included within the Stage 2 Audit to ensure that the new location does not present safety problems.
59. The Highway's Authority confirmed that the bus stop may need to be re-located slightly to the west but was satisfied that such a matter could be considered and implemented as part of the highway improvements. Having carefully considered the current alignment of the highway and the access proposals there is no reason to suggest that the bus stop could not be safely re-located. This would then have to be subject to a stage 2 road safety audit.

⁷ Transport Assessment § 1.8.

⁸ Appendix D

60. The proposals have been subject to a road safety audit and two separate traffic speeds surveys have been undertaken. A series of traffic calming measures are required in the event that the development proceeds and these would be supported by conditions requiring further speed surveys and additional works if necessary. Having regard to all of the above I am satisfied that, subject to the measures proposed being adopted the appeal scheme would not compromise highway safety in the vicinity of the site and along Dowbridge. I have come to this view independently of any assessment as to the fallback position in terms of the traffic generation associated with either the current use or the likely traffic generation associated with the 95 dwelling scheme.
61. In terms of highway safety considerations I conclude that the proposal would not materially compromise the safety of pedestrians and other road users. As such it is acceptable in relation to this matter.

Other matters

62. I now turn to consider other objections raised by local residents and others. Concerns were expressed about possible trespassers from the linear park through the rear gardens of existing houses which would provide a more direct route into town. I accept that the route from some of the dwellings proposed into town would be somewhat circuitous but I do not consider that the idea of scrambling across the brook and its embankment into private gardens would prove to be a more attractive alternative. The risk of criminal behaviour is present in all schemes and I note that the Local Constabulary has confirmed that it would be content provided secured by design principles are followed. Again this is an issue which would properly be addressed at reserved matters stage.
63. Some local residents of St Michael's Road expressed concern about the effect of the new housing on their privacy. However the existing dwellings generally sit at a higher level than the appeal site and the existing brook and proposed linear park would ensure that the new housing was sufficiently set back so as not to materially harm the privacy of existing occupiers.
64. Local residents have also questioned the accessibility credentials of the site in terms of its relationship with the town. I agree that the walk into Kirkham from the site would be at least 15 minutes and would involve the uphill climb along Dowbridge. However the site is on the settlement edge approximately 1 kilometre from the town centre which has a range of facilities. In addition there would be ready access to a bus stop on the main road and on a bus route with regular bus services Preston and Blackpool via Kirkham and Poulton and Preston. Local primary and secondary schools are situated less than one mile away from the site. Having regard to all of these factors I conclude that the site performs well in terms of accessibility considerations.
65. The appeal site is not designated for nature conservation purposes. The Ribble and Alt Estuaries Special Protection Area (SPA), the Ramsar site and the Ribble Estuary Site of Special Scientific Interest (SSSI) are located more than 4 kilometres south of the site. Ecology surveys were carried out and confirmed that the site has a low potential for use by specially protected species, with the exception of wintering birds and foraging bats.
66. A shadow habitats regulation assessment was undertaken by the Appellant including a wintering bird survey. The assessment concluded that development

on the site would not result in any likely significant effects when considered on its own. When considered in combination with other developments or cumulatively the same conclusion was arrived at. These conclusions were accepted by Natural England and by the Greater Manchester Ecology Unit. Any grant of planning permission could include a series of conditions to protect wildlife and biodiversity interests. I have no reason to demur from these conclusions.

67. Objections have also been made on the basis that the local schools are full. However the County Council as Education Authority has assessed a requirement for financial contributions towards both primary and secondary school provision. These payments are secured in the section 106 agreement and would address any additional demands placed upon local schools.

Other material considerations

The Five Year Housing Land Supply

68. The National Planning Policy Framework (the Framework) is a material consideration of significant weight. It seeks to boost significantly the supply of housing and requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5YHLS). Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.
69. The Council's Five Year Housing Supply Statement has a base date of 31 March 2016 and reveals that the Council has a deliverable supply of 4.8 years. This is based upon an accepted annual requirement for 370 new dwellings with the accrued shortfall of housing being distributed over the next 5 years of the plan in accordance with the recognised Sedgefield approach. As a result the Council has conceded that it does not currently have a 5YHLS which means that relevant policies for the supply of housing will not be considered up-to-date.
70. At the Hearing and in its post-hearing letter the Dowbridge Residents' Group raised concerns about the 5 YHLS position advanced by the Council and agreed by the Appellant. It was asserted that the revised 5 YHLS figure put forward at another appeal had misrepresented the Council's true position⁹ on the basis that the Council had resolved at its committee meeting of 15 June 2016 to adopt a different method of distribution for the shortfall. However the Council confirms that this appeal had already been recovered by the Secretary of State for his own determination in February 2016 because of a Neighbourhood Plan.
71. On 15 June 2016 the Council's Development Management Committee considered the publication version of the Local Plan. That report contained a resolution to the effect that the policies in the housing chapter of the emerging local plan should be approved for immediate use. The text to those supporting policies contains a reference to the method of addressing the accrued housing shortfall over the plan period. The Council points out that the resolution referred to policies only and as such it does not address or affect the existing methodology used to deal with the shortfall. The issue as to how the accrued shortfall should be distributed (whether it is in the first five years or over the

⁹ APP/M2325/W/15/3004502 and 3141398

rest of the remaining plan period) is a matter for the Inspector conducting the examination into the Local Plan.

72. It would appear that some confusion has arisen in the minds of local residents and others with regard to a possible change in approach in distributing the shortfall which would change the 5 YHLS figures. However the Council's position is clearly established. It was further set out in the position statement put before the Development Management Committee of 7 September 2016. It is also clear that the Council Officers have acted entirely properly in relation to this matter and that the Council has taken a pragmatic decision to continue using the Sedgefield method of distribution until such time as greater weight can be attached to its Local Plan. It follows that I agree that the Council does not have a 5 YHLS at the present time and for the purposes of this appeal only.
73. It is common ground that policies SP1 and SP2 are policies concerned with the supply of housing and the Framework directs that they should not be considered up to date in circumstances where the Council does not have a 5 YHLS. The Council further accepts that the LP was drawn up to direct development up to the period ending in 2006 and in that regard policies relating to the settlement boundaries are out of date.

Benefits

74. The Appellant contends that the proposal would involve a series of benefits which weigh in favour of the grant of planning permission. The SCG records the Council's agreement that the development would provide employment opportunities in the construction industry and would contribute to additional spending in the locality. It would also make a contribution towards meeting the housing shortfall and to the provision of affordable homes when there is a shortfall of 1007 affordable units across the Borough. I am mindful that the 95 dwelling scheme will bring forward the same benefits to a lesser degree. Essentially the benefits under consideration are those which would accrue as a result of the additional 75 homes on the northern fields.
75. The Appellant asserts that the traffic improvement measures would bring benefits to existing residents. However the improvements are necessary to make the development acceptable in planning terms and I am not convinced that they would bring wider benefits. Similarly there is no evidence to suggest that the pig farm is injurious to existing residential users given the separation distances involved. The provision of public open space on the site would form part of any reserved matters proposal in accordance with policy requirements. These are not matters which weigh in favour of the proposal.

Section 106 matters

76. The section 106 agreement secures a series of covenants in relation to the payment of contributions for primary school provision, secondary school provision, a travel plan and cycle contribution, a speed measurement contribution, sustainable transport contribution and the provision of on-site affordable housing. The Council has provided a statement setting out justification for each of the contributions sought in accordance with the policy tests set out in the Framework and the statutory test in regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The Appellant raises no objections to any of the contributions sought.

77. Overall I am satisfied that the obligations in the agreement meet the tests in CIL regulation 122 and paragraph 204 of the Framework. The Council also gave evidence at the Hearing as to the number of pooled contributions in relation to the above contributions. The Council has not received five or more contributions in any of the instances and I am satisfied that none of the financial contributions fall foul of the pooling restrictions in regulation 123 CIL regulations. As such those contributions which meet the statutory and policy tests can be taken into account

Overall Conclusions

Paragraph 14 of the Framework

78. The duty in section 38(6) of The Planning and Compulsory Purchase Act 2000 enshrines in statute the primacy of the development plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework¹⁰. The Framework is of course a material consideration to which substantial weight should be attached.
79. Paragraph 14 recites the presumption in favour of sustainable development and sets out what it means for decision-taking. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development but that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 YHLS. I have concluded that relevant policies of the development plan are out-of-date by virtue of the lack of a 5 YHLS and the weight to be given to such policy conflict is reduced.
80. Paragraph 14 contains two alternative limbs in relation to decision-taking. The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. It is agreed that that is not the case here, so I shall go back to conduct the balance in the first limb.
81. The proposal would be contrary to LP policies SP1 and SP2 in that it would be in the open countryside and outside a settlement boundary. It would also result in the loss of best and most versatile agricultural land and there would be a modest erosion of landscape character, a moderate amount of visual amount and moderate harm to the setting of Kirkham. As a consequence of these matters I conclude that the proposal is contrary to the development plan when viewed as a whole. However relevant policies for the supply of housing are out of date and the weight which I attribute to the contravention of policies SP1 and SP2 is significantly reduced.
82. There is a serious and significant shortfall in the housing supply and more particularly a substantial need for affordable homes. The homes would be located in an accessible location and would bring economic activity and other benefits in terms of construction work.
83. The balancing exercise to be carried out in the first limb of paragraph 14 is not a straight balance; it is often referred to as a tilted balance because planning permission must be granted unless the adverse impact of the development

¹⁰ §§11, 12, 196

significantly and demonstrably outweighs the benefits. In this case I am satisfied that the adverse impacts which I have identified do not significantly and demonstrably outweigh the benefits. As such the appeal succeeds and outline planning permission shall be granted.

Conditions

84. The Council suggested a set of conditions which were discussed at the Hearing. I also put forward some additional conditions for consideration by the main parties. I have considered all of the conditions in light of the advice within the Planning Policy Guidance and I have made some revisions in the interests of enforceability and precision. The numbers in brackets relate to the suggested conditions in the Council's list. I have also amended some of the suggested conditions in the terms discussed at the Hearing. In the interests of good planning it is necessary to impose conditions setting out time limits for development and to require submission of reserved matters and to relate development to the submitted plans (1, 2 and 3). The development is to be constructed in phases and details of the proposed phasing of the development is required (28).
85. The Council suggested a condition requiring development to be substantially in accordance with the illustrative masterplan and parameters plan and I agree that this is reasonable in order to achieve a satisfactory development (4). I have deleted the reference to a linear park and community green since these details are contained within the plans and are required in any event by condition 4 which I have imposed. At the Hearing I suggested additional conditions in relation to requirements for finished floor levels and to require details of boundary treatments. These were accepted by the parties.
86. It is necessary to secure construction of the site access, emergency access and off-site highway works (5) and to secure a timetable for implementation of the on-site and off-site works (6). I have already discussed the conditions necessary to secure a traffic speed review and further works (7) and a condition is required to secure implementation of a Travel Plan in relation to each phase of development (8). It is also necessary to control activities during the construction and demolition period and to restrict the hours of working (9 and 24).
87. A hedgerow retention scheme is necessary (11) as are conditions necessary to protect sensitive habitats, provide bird nesting and bat roosting opportunities and to prevent the spread of Himalayan Balsam (13, 14, 15, 16 and 17). It is also necessary to require an ecological management plan (18). I have already set out the need to carry out development in accordance with the FRA and to control surface water drainage (19, 20 and 22). Suggested conditions 21 and 22 are incorporated into condition 20 as was agreed. I have imposed the condition requiring a programme of archaeological recording and analysis but I have simplified the condition (23). The Geo-Environmental Assessment recommended the deposit of clean sub-soil and I have imposed the suggested condition relating to this (25). Similarly reinforced floor slabs are required to address gas movement issues (26).
88. I have incorporated suggested condition (27) into the phasing condition. I do not consider that condition (29) is necessary given that landscaping is a reserved matter. Three additional conditions were also discussed at the Hearing; conditions securing the provision of internal access roads and foul

drainage arrangements were also considered necessary. Suggested condition (10) was withdrawn.

Karen L Ridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Matthew Symons BA MPlan MRTPI	Planning Manager, Hollins Strategic Land
Miss Catherine Mitchell BA(Hons) MPhilD CMLI	Landscape Architect, Technical Director, SLR Consulting
Mr Ian Ponter	Of Counsel

FOR THE LOCAL PLANNING AUTHORITY:

Mr Kieran Birch	Senior Development Officer, Fylde Borough Council
Mrs Joanne Folland BA(Hons) CMLI	Senior Associate Landscape Architect, Randall Thorp
Mr Eddie Graves	Principal Planning Policy Officer, Fylde Borough Council

INTERESTED PERSONS:

Mr Adrian Long	Local resident
Mrs Susan Long	Local resident
Mr Ian Scott	Local resident
Mr Charles Fox	Local resident
Mrs Donnelly	Local resident
Mr Neil Lever	Local resident
Councillor Oades	Local Councillor
Mr Neil Donnelly	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appellant's list of appearances.
- 2 Extracts from Fylde Local Plan, submitted by the Council at the request of the Inspector.
- 3 Letter of notification of the hearing and list of those notified, submitted by the Council.
- 4 Committee report on Kirkham Public Realm Improvements: Phase 5 submitted by the Council.
- 5 Forest of Dean District Council v SSCLG and Gladman Developments Limited [2016] EWHC 2429 (Admin), submitted by the Appellant.
- 6 Statement of Mr Adrian Long.
- 7 Statement of Mrs Sue Long.
- 8 Minutes of Development Management Committee meeting on 15 June 2016, submitted by the Council.
- 9 Letter Bryning-with-Warton Parish Council to the Inspectorate dated 11 August 2016.
- 10 Note from Mr Michael Eccles, local resident.
- 11 Statement from Mrs Hadia Donnelly.
- 12 Executed unilateral undertaking dated 23 November 2016, various parties, submitted by the Appellant.
- 13 Office copy entries of the title to the appeal site, submitted by the Appellant.
- 14 Letter Environment Agency to the Council dated 22 October 2015, submitted by the Council at the request of the Inspector.
- 15 Slides from powerpoint presentation 'Flood Risk at Brook Farm, Dowbridge' submitted by Mr Ian Scott.
- 16 Environment Agency letter to Council dated 28 September 2015.
- 17 Environment Agency letter to Council dated 11 May 2016.
- 18 Letter Lancashire County Council to the Council dated 29 February 2016, submitted by the Council.
- 19 Letter Lancashire County Council to the Council dated 16 May 2016, submitted by the Council.
- 20 Statement of Neil Donnelly.

CONDITIONS ATTACHED TO THE GRANT OF OUTLINE PLANNING PERMISSION

- 1) The development hereby permitted is for no more than 170 dwellings. The development shall be carried out in accordance with the following plans, unless otherwise varied by the conditions set out:
 - Proposed site location plan (0-)A001
 - Proposed access improvement and traffic calming general arrangement plan SK21452-002 revision E
 - Proposed cycle land provision B5259 plan SK21452-007 revision A.
- 2) Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission and the development must commence not later than either:
 - The expiration of five years from the date of this permission, or
 - The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.
- 4) The Reserved Matters layout submission shall include a plan/strategy for the development of the whole site in phases, including the provision of public open space, landscaping and woodland planting, children's play area and the infrastructure associated with the development (including internal access roads) within each phase of the construction of the approved dwellings. The development shall thereafter only be carried out in accordance with the approved phasing plan/strategy unless any variation to the approved plan/strategy is first approved in writing by the Local Planning Authority.
- 5) The details submitted as part of the Reserved Matters application shall be substantially in accordance with the illustrative Landscape Masterplan drawing 1956_02 Revision K and the Parameters Plan reference PAR001.
- 6) The Reserved Matters submission in relation to layout on each phase shall include details of existing and proposed site levels throughout the phase and finished floor levels of all dwellings on that phase which shall be defined relative to a datum or datum points the location of which has been previously agreed by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved levels.
- 7) The Reserved Matters submission in relation to appearance on each phase shall include details of all boundary treatment to be carried out on all the perimeter boundaries on that phase and details of any boundary enclosures to be erected or grown within that phase. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied and the boundary treatment

relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation.

- 8) No part of the development hereby approved shall commence until a scheme for the construction of the site access, emergency access and the off-site highway improvements have been submitted to and approved in writing by the Local Planning Authority. The off-site highway improvements shall include details of:
- Site access junction and associated highway works shown on drawing SK21452-002 Revision E subject to detailed design and including the following:
 - i. Site access junction
 - ii. Traffic calming/gateway measures
 - iii. Upgraded bus stop provision to quality bus standard
 - iv. Street lighting
 - v. Review of and implementation of changes to Traffic Regulation Order(s)
 - vi. Construction detail to adoptable standard
 - Highway works to the wider area as shown in drawing SK21452-007 Revision A to be implemented upon completion of 25 dwellings or 18 months from the commencement of development whichever is the sooner, and comprising:
 - i. advisory cycle lanes;
 - ii. gateway measures; and
 - iii. a pedestrian refuge island.
 - White lining renewal/update scheme at A583 Kirkham Bypass/B5192 Dowbridge comprising:
 - i. renewal of existing road markings; and
 - ii. review and update to include new give way triangle and slow markings and additional hatching to eastern give way.

Development shall be carried out in accordance with the approved scheme.

- 9) Prior to the first occupation of the first dwelling on any part of the development the access works shown on drawing SK21452-002 Revision E shall be constructed in accordance with the details approved. No more than 25 dwellings on the site shall be occupied until such time as the off-site highway improvement works referred to in condition 8 have been constructed in accordance with the approved details. The emergency access shall be provided prior to occupation of the 95th dwelling on the site in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

- 10) No more than 51 dwellings on the development hereby permitted shall be occupied until the developer has carried out a traffic speed review in the vicinity of the site access in accordance with details approved by the Local Planning Authority. The results of the review shall be provided to the Local Planning Authority and should the review indicate that the 85th percentile speeds are greater than 30 miles per hour in either direction then a scheme of further works designed to reduce speeds on Dowbridge shall be submitted to the Local Planning Authority for written approval together with a timescale to be approved as part of that submission. In the event that further works are required no more than 51 dwellings shall be occupied until such time as the timetable for implementation of the works has been approved in writing by the Local Planning Authority.
- 11) Prior to the first occupation of any dwelling within a particular phase, a Travel Plan in relation to that phase shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall provide a framework for the phase and consider measures for encouraging sustainable modes of transport based on the number of residential units created within that phase. Development shall be carried out in accordance with the approved details.
- 12) Prior to the commencement of any demolition, construction or remediation on each phase a scheme in the form of a Construction Environmental Management Plan (CEMP) in relation to that phase shall be submitted to, and approved in writing by, the Local Planning Authority. Such a plan shall include details of the following:-
 - the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing;
 - wheel washing facilities;
 - publicity arrangements and a permanent contact / Traffic Manager once development works commences to deal with all queries and authorised by the developer / contractors to act on their behalf;
 - details of the measures to be employed to control and monitor noise, vibration and dust;
 - construction routes within the site;
 - compound locations;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works (there shall be no burning of materials on site);
 - a Management Plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of demolition and construction;
 - the routing of construction vehicles and deliveries to the site and the timing of their arrival.

Development shall thereafter only be carried out in accordance with the approved CEMP, unless any variation to it is otherwise first agreed in writing by the Local Planning Authority.

- 13) No demolition, ground works or construction works shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0900 to 1300 hours on Saturdays. There shall be no such work on Sundays or Public or Bank Holidays.
- 14) Prior to commencement of development on any phase of development a hedgerow retention and replacement scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme. All existing lengths of hedgerow on the site shall be retained except where their removal is required for access points or visibility splays or in cases where a replacement scheme has been agreed.
- 15) Prior to the occupation of development on any phase, a 'Lighting Design Strategy for Biodiversity' in relation to that phase shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
 - Identify those areas or features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of territory and;
 - Show how and where external lighting will be installed on that phase so that disturbance to bats will not be caused. Such lighting should also seek to reduce light pollution from that phase so far as it practicable.
 - All external lighting on that phase shall be installed in accordance with the approved Strategy details and no external lighting shall be installed other than in accordance with the Strategy.
- 16) Prior to works of demolition or construction on each phase of development details of the fencing to be erected between that phase of development and sensitive habitats due to be retained (ponds, hedgerows and watercourses) shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing arrangements shall be in place prior to any works of demolition or construction and shall be retained throughout the demolition and construction works.
- 17) Prior to the commencement of demolition or construction on each phase of development a Method Statement of measures (including a timetable for implementation) to be taken to prevent the spread of Himalayan Balsam and eradicate it from the development shall be submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall be implemented in full in accordance with the approved timetable.
- 18) Prior to the commencement of demolition or construction on each phase of development details of bird nesting opportunities to be installed on that phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include provision for Song Thrush, Dunnock and House Sparrow (Species of Principal Importance) and shall include consideration of provision for other declining species such as House Martin and Swift as well as a timetable for implementation. The

approved details shall be implemented in full on that phase in accordance with the approved timetable.

- 19) Prior to the commencement of demolition or construction on each phase of development full details of bat roosting opportunities to be installed on that phase, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full on that phase in accordance with the approved timetable.
- 20) No tree felling, vegetation clearance works, removal of hedgerows, demolition works or other works that may affect nesting birds shall take place between 1 March and 31 August inclusive on each phase unless surveys by a qualified ecologist show that nesting birds would not be affected on that phase have been submitted to and approved in writing by the Local Planning Authority.
- 21) No site clearance, site preparation or development work shall take place on each phase until a fully detailed landscaping/habitat creation and management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall include:
 - i. A description and evaluation of the features to be managed;
 - ii. Ecological trends and constraints on site that may influence management;
 - iii. Aims and objectives of management;
 - iv. Appropriate management options for achieving aims and objectives;
 - v. Prescriptions for management actions;
 - vi. Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - vii. Personnel responsible for the implementation of the plan;
 - viii. Monitoring and remedial/contingencies measures triggered by monitoring.

The approved details shall be implemented in full for each particular phase and carried out as approved within the first planting season following completion of development on that particular phase and shall thereafter be maintained in accordance with the approved plan.

- 22) The drainage for the whole development hereby permitted shall be carried out in accordance with the principles set out in the submitted Flood Risk Assessment and Drainage Strategy Management document Revision 1.0 dated 19 November 2015 and the mitigation measures within it. Surface water must drain to watercourses and no surface water will be permitted to drain directly or indirectly into the public sewer unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to first occupation of any dwelling on the development in accordance with the approved timetable or within any other period as may subsequently be agreed in

writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

- 23) No development shall commence until details of an appropriate management and maintenance plan for the sustainable urban drainage system for the lifetime of the development has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include:
- 1) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
 - 2) arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the approved system;
 - 3) information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
 - 4) demonstration that the surface water run-off will not exceed the following greenfield run off rates; 1 in 1 -65.1l/s, 1 in 30 - 126.8l/s and 1 in 100 +30% climate change allowance - 155.5l/s;
 - 5) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - 6) flood water exceedence routes, both on and off-site;
 - 7) a timetable for implementation, including phasing where applicable;
 - 8) site investigation and test results to confirm infiltration rates;
 - 9) details of water quality controls where applicable.

The approved scheme shall be implemented in full and subsequently maintained in accordance with the approved phasing/timing arrangements.

- 24) No part of the development hereby permitted (including works of demolition or preparatory works) shall be commenced within the site until a programme of archaeological work, recording and analysis has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

- 25) Prior to the commencement of demolition or construction on each phase of development a scheme for the deposit of clean subsoil on that phase, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full on that phase in accordance with the approved timetable.
- 26) Prior to the commencement of demolition or construction on each phase of development a scheme for the provision of reinforced concrete floor slabs on that phase, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full on that phase in accordance with the approved timetable.
- 27) Prior to any development being commenced within each phase, details of the design, construction, specification, lighting and drainage of all internal access roads within that phase shall be submitted to and first approved in writing by the Local Planning Authority. Development on that particular phase shall be carried out in accordance with the approved details in accordance with a timescale approved by the Local Planning Authority.
- 28) The internal access roads within each phase shall be completed to a minimum of base course level prior to the construction of each phase of development and shall be fully completed in accordance with the approved details contained within condition 27 in accordance with the agreed phasing plan/strategy required by condition 4.
- 29) Development shall not commence until a foul drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

END OF CONDITIONS