

Appeal Decisions

Inquiry opened on 10 January 2017

Site visit made on 11 January 2017

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 20 February 2017

Appeal A Ref: APP/F2360/W/16/3144372

Land at Penwortham Mills-The Causeway, Leyland Road, Penwortham, Lancashire PR1 9TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bovis Homes Ltd against the decision of South Ribble Borough Council.
 - The application Ref 07/2010/0648/FUL, dated 9 September 2010, was refused by notice dated 13 August 2015.
 - The development proposed is *'construction of a new priority junction onto Leyland Road together with a link road to provide access to a residential development on the land at Penwortham Mills as set out in planning application: 07/2008/0435/ORM.'*
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Appeal B Ref: APP/F2360/W/16/3152894

Vernon Carus Ltd, Penwortham Mills, Factory Lane, Penwortham, Preston, Lancashire PR1 9SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Bovis Homes Ltd against the decision of South Ribble Borough Council.
 - The application Ref 07/2014/0190/ORM, dated 18 March 2014, was approved on 22 December 2015 and planning permission was granted subject to conditions.
 - The development permitted is *'outline application for the erection of approximately 385 dwellings. This is a hybrid application which includes two parts- Part A: Outline application permission (excluding Phase 1) for the erection of up to 204 dwellings, with the provision of associated infrastructure (including roads, footpath, cycleways and open space). All matters reserved for subsequent approval, Part B: Full planning permission (Phase 1 as shown on the plans) for the erection of 181 dwellings and the provision of associated infrastructure (including roads, footpaths, cycleways and open spaces).'*
 - The condition in dispute is No 14 which states that: *'The primary access to the site shall be from the Cross Borough Link Road (CBLR). Prior to the commencement of any development and unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site in connection with the construction of residential dwellings until a full detailed design for the construction of the required highway access and junction to the CBLR has been submitted to and approved by the Local Planning Authority. Thereafter the access road/junction to the CBLR shall be constructed in accordance with the approved design details and shall be completed prior to the first occupation of any dwelling of the development, with the exception of dwellings to be accessed from Factory Lane.'*
 - The reason given for the condition is: *'In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are*
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acceptable before work commences on site in the interests of highways safety and sustainable transport in accordance with Policies 3 and 17 of the Central Lancashire Core Strategy.'

Decisions

1. Appeal A is allowed and planning permission is granted for construction of a new priority junction onto Leyland Road together with a link road to provide access to a residential development on the land at Penwortham Mills (planning application: 07/2014/0190/ORM) on land at Penwortham Mills-The Causeway, Leyland Road, Penwortham, Lancashire PR1 9TL in accordance with the terms of the application, Ref 07/2010/0648/FUL, dated 9 September 2010, subject to the conditions in the attached schedule.
2. Appeal B is allowed and the planning permission Ref 07/2014/0190/ORM for 'outline application for the erection of approximately 385 dwellings. This is a hybrid application which includes two parts- Part A: Outline application permission (excluding Phase 1) for the erection of up to 204 dwellings, with the provision of associated infrastructure (including roads, footpath, cycleways and open space). All matters reserved for subsequent approval, Part B: Full planning permission (Phase 1 as shown on the plans) for the erection of 181 dwellings and the provision of associated infrastructure (including roads, footpaths, cycleways and open spaces)' at Vernon Carus Ltd, Penwortham Mills, Factory Lane, Penwortham, Preston, Lancashire PR1 9SN, granted on 22 December 2015 by South Ribble Borough Council, is varied by deleting Condition 14 and substituting for it Condition 13 in the attached schedule and amending the other conditions to those in the attached schedule.

Preliminary and Procedural Matters

3. The inquiry sat for 2 days, closing on 11 January. I carried out an unaccompanied site visit of the surrounding area between the hours of about 1500 and 1600 on 9 January before opening the inquiry and an accompanied site visit of the Appeal A site and surrounding area between the hours of about 0830 and 1000 on 11 January.
4. The description of the Appeal A application was given as above on the application form. However, it has subsequently been changed to that given on the Council's notice of refusal to take account of the most recent proposal for the residential development. The amended description is as follows: '*construction of a new priority junction onto Leyland Road together with a link road to provide access to a residential development on the land at Penwortham Mills (planning application: 07/2014/0190/ORM)*'. I have therefore determined Appeal A based on this amended description of the development proposed.
5. The Appeal B application was submitted partly in outline form with all matters of detail reserved for subsequent consideration and partly for full permission but with access details to be finalised. It was granted planning permission subject to conditions that included Condition 14, which requires access to be provided from the proposed 'Cross Borough Link Road' (CBLR). Appeal A is regarding the refusal of an application for an alternative access to the Appeal B development from Leyland Road. Should Appeal A succeed, Condition 14 in Appeal B would no longer be necessary as the primary access to the development would be provided by the Appeal A proposal rather than from the CBLR. I have therefore determined both appeals on the above basis.

6. In relation to Appeal A, following its refusal of planning permission, the Council has agreed amended details of an access from Leyland Road and withdrawn its 4 reasons for refusal based on access from the CBLR, highway safety and sustainable transport, future development, and character and appearance. It has also agreed a condition in Appeal B to replace Condition 14 to take account of the access to the development in Appeal A. Whilst the Council has not contested the appeals at the inquiry, I have dealt with the matters raised in the reasons for refusal of the Appeal A application as main issues.

Main Issues

7. The main issues in the appeals are the effect of the Appeal A proposal on highway safety; its effect on the provision of sustainable transport; its effect on future development in the area; and its effect on the character and appearance of the surrounding area; and whether Condition 14 in Appeal B is reasonable and necessary in the interests of highway safety and sustainable transport.

Reasons

Highway Safety

8. Lancashire County Council (LCC), as the Highway Authority (HA), has confirmed that its concerns about the safety of the Appeal A proposal have been overcome by amendments to the design of the proposed priority junction, planning obligations to secure contributions towards highway improvements and planning conditions. The amended Appeal A proposal as agreed with the HA is detailed on Drawing No 0775-12 Revision H.
9. The amendments include widening of the existing footway south of Castle Fold and the relocation of a lighting column in the interests of pedestrian safety and to provide off carriageway cycle facilities; the implementation of Traffic Regulation Orders (TROs) to prevent parking near to the proposed junction to ensure that inter visibility between drivers and pedestrians would be acceptable and improve visibility from nearby driveways; the provision of a link road between Castle Fold and the proposed access road to overcome any conflict between turning traffic; the provision of parking spaces for local residents to replace the on-street parking that would be lost due to the TRO and the unofficial parking provided by the car park of the Sumpter Horse Public House; and not relocating a bus stop.
10. Although I observed at my site visit that Leyland Road suffers from congestion between the hours of 0830 and 0900, particularly in the area of Lostock Hall, the traffic appeared to me to continue to flow and by about 1000 hours the traffic was moving relatively freely in the area of the appeal proposal.
11. The junction capacity assessments carried out for the appellant, based on traffic surveys taken in 2016, demonstrate that the junctions, including the proposed priority junction, would operate at an acceptable level in all flow scenarios, allowing for the predicted traffic flows resulting from the Appeal B development. Also, a planning condition in Appeal B would secure a Travel Plan that should reduce the use of vehicles. In addition, the appellant has stated that, when forecasting traffic flows, full traffic growth has been applied to the background traffic flows in the local highway network and the underlying traffic flows take no account of any reduction in traffic on Leyland Road that could result from future proposals. These include proposals to widen the A582

and construct Penwortham bypass and the Preston Western Distributor Road, all of which are future schemes included in LCC's Central Lancashire Highways and Transport Masterplan.

12. Based on the evidence provided, I accept that the proposed priority junction scheme would limit vehicular/cyclist/pedestrian conflicts and delays and the TROs would reduce conflict and delays caused by on street parking. As such, I am satisfied that the Appeal A proposal would be able to cater for the traffic that would be generated by the Appeal B development without causing any significant additional harm to highway safety or the flow of traffic in the area. I therefore conclude that the residual cumulative impacts of the Appeal A proposal on highway safety and traffic congestion would not be severe. As such, with respect to this main issue, the Appeal A proposal would accord with the National Planning Policy Framework (Framework) and South Ribble Local Plan 2012-2026 (SRLP) Policy G17, as it would not prejudice highway safety, pedestrian safety or the free flow of traffic.

Sustainable Transport

13. A number of measures have been agreed between the appellant and Council that would ensure that the Appeal A proposal would not have an adverse effect on the use of sustainable transport. These include a contribution to be secured by a planning obligation to fund a bus service running through the Appeal B site for a period of 5 years from the occupation of the 50th dwelling; works to provide measures to enhance access to the Appeal B site on foot and by bicycle, secured by a planning condition; and contributions towards off-site works that would improve footways and cycle routes on adjacent roads. As such, I find on this main issue that the Appeal A proposal would not result in any significant harm to the provision of sustainable transport.

Future Development

14. SRLP Policy A2 seeks to protect land from physical development for the delivery of the proposed Cross Borough Link Road (CBLR). It indicates that the CBLR would comprise, in part, a road to be constructed from Carrwood Road to The Cawsey and the route is shown on the Policies Map. The justification for the Policy states in paragraph 4.20 that the road is to open up land for development (Lostock Hall Gas Works) and to serve as a key part of the CBLR. Neither the Policy nor the justification refer to either the Appeal A or the Appeal B sites or impose any requirements for the access to the Appeal B site. Neither sites lie within land to be protected for the CBLR. Therefore, the Appeal A proposal would not conflict with SRLP Policy A2.
15. SRLP Policy D1 allocates the Appeal B site, referred to as 'Vernon Carus and Land, Factory Lane, Penwortham' and 'H' on the Proposals Map, for residential development and related infrastructure. The Policy does not give any other requirements, including the access to the development. However, the description of the site given in the accompanying paragraph 7.31 suggests that the access will be from the CBLR. This does not form part of the development plan policies and does not preclude other alternative accesses being proposed. Therefore, even though the proposed access in Appeal A would not conform to the supporting text, it would not be contrary to SRLP Policy D1.
16. SRLP Policy G3 designates part of the route for the proposed access in Appeal A as 'Safeguarded Land for Future Development'. The justification in paragraph

10.37 suggests that the land should remain open and the types of development which would be allowed would be the same as those which would be generally acceptable in the Green Belt, with no development that would prejudice later comprehensive development being permitted. The proposed access road, which would be an engineering operation that would not harm the openness of the area, would represent a development that would not be inappropriate development in the Green Belt.

17. The Council has accepted the appellant's claim that an access from the CBLR cannot be secured as the CBLR has not been constructed, there is no clear programme of delivery and an access from it would involve land that is not in the control of the appellant, making it undeliverable. Therefore, the requirement for the access to the Appeal B site being from the CBLR would prevent the delivery of much needed housing. Furthermore, the Appeal A proposal would not prejudice the long term development of safeguarded land, as there are limited opportunities for access to this land, and would be able to provide an access to some of the safeguarded land to facilitate future housing on it, if necessary. It is also relevant that a previous appeal found in favour of residential development on such land to the south west of the Appeal B site.
18. There is general agreement that the access from Factory Lane to the Appeal B site would be inadequate on its own to cater for all the resulting traffic from that proposed development. For the above reasons, I find that the Appeal A proposal would be the only acceptable means of providing the primary access to the Appeal B development and conclude on this main issue that the proposal would not have any significant harmful effect on future development in the area and it could potentially provide a means of access to benefit such development on adjacent safeguarded land, if it is found to be necessary. As such, the proposal would accord with SRLP Policies A2, D1 and G3.

Character and Appearance

19. The Appeal A site includes the Sumpter Horse Public House and associated car parking areas, together with grassland that is well contained by mature hedgerows and areas of woodland. The surrounding land includes open fields to the north as well as a recently constructed residential development by Rowland Homes to the south. The Appeal A site links up with the Appeal B site to the east.
20. The Landscape and Visual Impact Assessment, carried out for the appellant as part of an Environmental Statement, considered that the appeal site was 'low' in value and 'ordinary' in quality. There is no public access to the grassland and limited public views of it due to the vegetation. The proposed access road would not be high enough or large enough to cause any significant adverse impact on the landscape character or appearance, particularly as any resulting loss of vegetation would be mitigated by the proposed planting that has been identified on a plan accompanying the appeal.
21. Whilst the Sumpter Horse Public House would be demolished as part of the Appeal A proposal, it is not a building with any noted qualities, even though I was informed at the inquiry that the name is unique. Neither it nor the remainder of the appeal site have any formal designation and are not adjacent to any protected land. The Council and appellant have now agreed that the Appeal A proposal would not have an unacceptable impact on the character of the land. I am satisfied that, due to the surrounding context of the land and

the proposed landscape mitigation measures, there would be minimal visual impact from the proposed development and any change in character would be barely perceptible.

22. For the above reasons, I conclude on this main issue that the Appeal A proposal would not have an adverse effect on the character and appearance of the surrounding area and would accord with SRLP Policy G17 in this respect.

Whether Condition 14 in Appeal B is Reasonable and Necessary

23. In Appeal B, the appellant has claimed that Condition 14 regarding access is unreasonable as the hybrid planning application did not seek permission for access to the Penwortham Mill site. However, should a condition be considered appropriate, it has agreed a replacement condition with the Council that would permit access from Leyland Road.
24. I have found in Appeal A that the access to the proposed development in Appeal B from the CBLR is not currently feasible and that the only acceptable and available alternative is the proposed access from Leyland Road. I have also found that the Appeal A proposal would not cause any significant harm to highway safety and, with the additional measures that would be secured by planning obligations, would provide a similar level of support for the use of sustainable transport as would have been provided by the permitted development under Appeal B.
25. I conclude on Appeal B that Condition 14 is not reasonable or necessary in the interests of highway safety and sustainable transport, but that a condition to secure access to the proposed development from Leland Road would be reasonable and necessary for these reasons. I am satisfied that the proposed access from Leyland Road in Appeal A would accord with Central Lancashire Core Strategy Policy 3, regarding travel, and Policy 17, regarding design.

Other Matters

26. I have considered the concerns expressed by local residents and by local Councillors and the petition submitted at the inquiry. Some of these concerns relate to the main issues, particularly with regard to highway safety and traffic, which I have dealt with above. Other concerns, including those regarding noise, air quality, drainage and the impact on wildlife and amenity have been examined in technical reports in the relevant Environmental Statement chapters and I am satisfied would be addressed by appropriate planning conditions.
27. Whilst some of those attending the inquiry suggested that they had not been notified of Appeal A, their attendance at the inquiry indicates to me that their interests have not been prejudiced. Others attending the inquiry suggested that they had been given insufficient time, due to the timing of the notification, to examine the appeal documents or had not been able to access them. However, the evidence presented to the inquiry by the Council demonstrates that relevant notices had been circulated with references to how the documents could be inspected either on the internet or at a venue. I have also been given a copy of the letter of notification of the inquiry and a list of those notified. Therefore, in the absence of substantive evidence to show otherwise, I am satisfied that appropriate notification has been given in accordance with the statutory procedures.

28. Concerns about the suitability of the local highways to cope with the additional traffic that would be generated by the Appeal B development have been addressed in documents provided by the appellant and the HA has accepted that there would no longer be any significant problems to the highway network, which includes the bridges, as a result of the Appeal A proposal. The use of Factory Lane to access part of the Appeal B development has been agreed with the HA and Council, subject to improvements to that road being financed through a planning obligation. These improvements include a proposal for a give way system at the narrow bridge under the railway, which in my opinion should be re-examined to ensure that the safest design would be achieved and that the give way is in the most appropriate direction.
29. With regard to the loss of the Sumpter Horse Public House as a community facility, the Council has not given this as a reason for refusing the Appeal A application. I accept that its proposed loss would be contrary to SRLP Policy H1 as, being a functioning public house, it is a community facility which serves the needs of the community and there is nothing before me to show that it is no longer financially viable. Whilst the appellant has suggested that this Policy is inconsistent with paragraph 70 of the Framework, the SRLP was adopted in July 2015, after publication of the Framework and therefore its policies should carry significant weight. However, I have taken the policies in the Framework as a material consideration in my determination of this appeal.
30. Paragraph 70 of the Framework includes the requirement to guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day to day needs. In this respect, the appellant has provided evidence to the inquiry that there are a significant number of public houses and other similar community facilities near to the Sumpter Horse Public House. This indicates to me that the loss of the public house would have a very limited impact on the day to day needs of the local community. I have found that the Appeal A proposal would be the only available additional means of access to ensure the acceptability of the Appeal B proposal. As such, the loss of the community facility would be necessary to secure the benefits that would arise from the Appeal B development.
31. In terms of the loss of the home of the Landlady of the Sumpter Horse Public House, the appellant has indicated that it acquired the premises from the owner and has let it to the landlord/landlady on an annual basis since 2010 to allow it to continue to operate pending the redevelopment of the site for the access. As such, the leaseholder has been given sufficient time to plan for alternative accommodation, as its potential loss has been made apparent for the period from the start of the annually renewed lease. Whilst it is regrettable that the Landlady would be unable to continue to reside at the Public House should the Appeal A proposal proceed, I have not been given any evidence to show that she would be made homeless by the proposal.
32. Another major concern of the local residents appears to me to be with respect to the loss of parking due to the removal of the car park of the Sumpter Horse Public House and the loss of on-street parking as a result of the proposed TROs. Whilst I observed at my site visit early in the morning that the Public House car park was being used at that time to park over 20 vehicles, I have limited information to identify the ownership of these vehicles and whether they could be parked elsewhere.

33. The appellant has suggested that observations by its highways expert witness have noted that there are 10 to 12 vehicles parked in the car park at any one time and that the TROs would affect about 11 properties on the western side of Leyland Road, 3 of which have off-street parking. As such, it has justified the 20 spaces that have been shown for alternative car parking on Drawing No 0775-12 Revision H as being adequate to cater for the resulting loss of parking. However, there is potential for further parking spaces to be provided if necessary and, at the inquiry, a representative of the HA indicated that he considered that 25 spaces could be accommodated. As such, I am satisfied that, by securing and managing the proposed parking under planning conditions, the Appeal A proposal would not unacceptably reduce the number of parking spaces or harm residential amenity due to loss of parking.

Planning Obligations

34. A S106 Agreement, dated 22 December 2015, accompanied the planning permission granted for the proposed development in Appeal B. As part of the Appeal A and Appeal B proposals to amend the access to the proposed development, the appellant has submitted an executed S106 Deed of Variation (DoV), dated 10 January 2017, which varies the previous S106 Agreement. The DoV effectively ties the planning obligations in the S106 Agreement to the implementation of both the Appeal A and Appeal B planning permissions.
35. The planning obligations in the S106 Agreement, as amended by the DoV, would secure the provision of a bus service from Preston to Lostock Hall via the appeal sites for a period of 5 years from the first occupation of the 50th dwelling. It would also secure contributions of £165,000 towards improvements on Carrwood Road that consist of footway widening, a toucan crossing and new pedestrian refuge islands. In addition, the Agreement would secure a minimum of 96 affordable housing units; a highways contribution of £100,000 for improvements to Leyland Road, Penwortham/Lostock Hall; a lease with covenants to Vernon Carus Sports Club over the Vernon Carus Sports Ground to secure its continued use for sport, together with contributions of £150,000 to be used for capital projects to enhance development facilities at the Sports Ground and to cover the future maintenance of a Multi-use Games Area; and a public open space and strategic landscaping scheme.
36. I have examined the evidence provided by the Council and the HA regarding the need for these contributions and compliance with the Community Infrastructure Levy Regulations (CIL) Regulation 122 and Regulation 123(3). The provision of affordable housing is necessary following a viability assessment for the Appeal B proposal in order to comply with SRLP Policy A1 and to ensure that the development would meet the Borough's housing needs. The Sports Ground lease and contributions would be necessary to cater for the increased demand for such facilities that would be generated by future occupants of the Appeal B development and would be directly related to the development as the facilities would be on the opposite side of Factory Lane to the appeal site.
37. The public open space and strategic landscaping scheme contributions would be required for the provision and maintenance of such areas on the appeal site. The Highways contributions, and the contribution towards a bus service, would be necessary to ensure that the additional vehicular journeys would not cause any significant harm to the function of the local highway network in terms of

capacity and safety and encourage the use of sustainable means of transport by future occupants of the Appeal B development. They would be used towards improvements that would be on vehicular, pedestrian and cycle routes that would be likely to be used by residents of the development.

38. Based on the above, I am satisfied that all the planning obligations in the S106 Agreement, as amended by the DoV, would be necessary to mitigate the effects of the development and meet the tests in CIL Regulations 122 and 123(3). I have therefore taken them into account in my determination of the appeals.

Appeal A Planning Conditions

39. The conditions that I have imposed are based on those suggested by the Council, following discussions at the inquiry. I am satisfied that they meet the tests as set out in the national Planning Practice Guidance (PPG).
40. A condition specifying the time limit within which the development must begin is necessary to comply with the Act and also ensure that development is carried out expediently. I have imposed a condition specifying the relevant drawings as this provides certainty, particularly with regard to the agreed amendments to the proposal that have led to the withdrawal of the objection by the HA. A condition to secure and implement a Construction Management Plan, to include the routing of construction vehicles and delivery times, and a condition to control piling activities are both necessary for health and safety reasons and to protect the living conditions of local residents. Conditions to secure and manage temporary car parking during construction and the provision and management of the permanent car parking, to ensure a minimum of 20 spaces, are necessary to safeguard residential amenity and highway safety.
41. Conditions requiring further details of the junction design and other supporting highway measures and the access road are necessary to ensure that they are constructed to an acceptable design and provide a suitable means of access to the development. A condition requiring maintenance details of the connecting road to Castle Fold is necessary to ensure that it would be kept in an acceptable condition, should it not be adopted by the HA, for safety and amenity reasons. Conditions regarding the treatment of contaminated land and to control the importation of any subsoil and/or topsoil material are necessary to prevent pollution in the interests of health and safety.
42. Conditions to protect bats during demolition, birds during tree felling, vegetation clearance and demolition, and badgers, and to manage invasive species are all necessary to safeguard wildlife, including protected species. A condition to secure the implementation of landscape and habitat management, including the protection of retained trees and hedges, is necessary to protect the character and appearance of the area and wildlife. A condition regarding surface water drainage, including its future maintenance, is necessary to ensure that the proposal would be adequately drained to prevent any increased risk of flooding and contamination of watercourses and to protect the environment.

Appeal B Planning Conditions

43. Whilst the only planning condition that has been disputed in Appeal B is Condition 14 regarding the provision of an access to the development, at the inquiry I discussed the other conditions that were imposed on the previous planning permission to ensure that they meet the tests set out in the PPG.
44. Conditions specifying the time limit within which the development must begin and the submission of reserved matters, which I have reduced from 5 years to 3 years, are necessary to comply with the Act and also ensure that development is carried out expediently. There is no need to lengthen the time limit from the standard time. A condition regarding the phasing of the remediation, highways and construction works on the site is necessary to protect the visual and environmental amenities of the area. A condition specifying the relevant drawings and documents provides certainty.
45. Conditions regarding dwelling emission rates and a 'Standard Assessment Procedure' are necessary in the interests of energy efficiency and to minimise the environmental impact of the proposal, given that the Code for Sustainable Homes referred to in development plan policy is no longer applicable. A condition regarding materials is necessary to ensure that the development has an acceptable appearance. A condition regarding ground and slab levels is necessary in the interests of the appearance and drainage of the development. Conditions regarding landscaping and the protection of trees to be retained are necessary to safeguard the character and appearance of the area and wildlife.
46. A condition regarding a Construction Method Statement to include times of construction, the provision of wheel washing facilities during construction and the routing of construction vehicles, is necessary for health and safety reasons and to protect the living conditions of local residents. A separate condition to control the working hours during construction is unnecessary as this is included in the Construction Method Statement. A condition to secure a programme of building recording is in the interests of archaeology and history.
47. I have found that Condition 14 requiring access from the CBLR is not necessary. However, a new condition (Condition 13) to secure an access from Leyland Road is necessary in the interests of highway safety and sustainable transport. Also for these reasons conditions are necessary to secure highway works on Factory Lane at the appropriate phase of development and to secure other layout requirements, including those that would allow a bus service to pass through the development from Factory Lane to Leyland Road, which I have amended from Condition 16 a) of the previous permission to remove reference to the CBLR. A condition to secure a Travel Plan is necessary to promote and provide access to sustainable transport options.
48. A condition to secure a foot/cycleway connection to the Old Tramway route is necessary to encourage the use of sustainable means of transport, including cycling and walking. Conditions to ensure that the proposed new roads would be constructed to an appropriate standard and that suitable car parking would be provided are necessary in the interests of highway safety and residential amenity. At the inquiry, the Council accepted that the Drawing reference number given in Condition 21 of the previous permission is not correct and I have therefore corrected it in new Condition 19. Conditions to secure the provision and retention of public open space and to control the lighting to car parking areas are necessary in the interests of visual and residential amenity.

49. A condition regarding drainage is necessary to prevent any increased risk of flooding. Conditions regarding contamination, including dealing with unforeseen contamination during construction and ensuring that imported subsoil and/or topsoil material is not contaminated, are necessary in the interests of the environment and health and safety. Conditions requiring a buffer zone, the removal or management of invasive plants, compliance with the recommendations in the relevant part of the Environmental Statement and a re-survey for protected species should development be delayed are necessary to protect the local wildlife, including protected species, and to comply with the relevant statutory provisions. A condition to control the time of tree felling, vegetation clearance and demolition is necessary for similar reasons and, to be consistent with Appeal A, I have amended the allowable times given in Condition 31 in the previous permission to those in new Condition 29.
50. A condition regarding ground gasses is necessary in the interests of the health and safety of future occupants of the development. A condition to prevent the conversion of proposed garages to residential accommodation is necessary to ensure that sufficient parking would be provided in the interests of residential amenity. I am satisfied that all these conditions are reasonable and necessary and have amended some of the conditions previously imposed to ensure that they comply with the tests set out in the PPG.

Planning Balance and Overall Conclusions

51. I have found that there would be conflict with SRLP Policy H1, which would prevent the Appeal A proposal from according with the development plan when taken as a whole. However, for the reasons given in paragraphs 29 to 33 above, I find that the scale of the resulting harm would be relatively low and the loss of the community facility would not be contrary to any policies in the Framework.
52. With regard to other material considerations, I have considered the proposal in the context of the Framework and the presumption in favour of sustainable development. The benefits of the Appeal A proposal are related to those that would result from the Appeal B proposal, as I have found that, without the means of access that would be provided, the proposed development in Appeal B would not be acceptable. These benefits include the provision of a significant number of dwellings, which would make a sizeable contribution towards addressing the five-year housing land supply, including up to 96 affordable homes, secured by a planning obligation. I have given this benefit considerable weight, on the basis that the Framework aims to boost significantly the supply of housing.
53. In examining the proposal against the three dimensions of sustainable development given in the Framework, I have included the economic benefits of the jobs that would be created during construction, a potential increase in spending to support local businesses and services and the economic activity that would be generated by the increase in the supply of market and affordable homes. The social benefits would be related to the affordable housing and a potential increase in support for local community facilities and services, including new and existing facilities on the nearby Vernon Carus Sports Ground.
54. Environmental benefits include the improvements that the Appeal B proposal would make by redeveloping the derelict parts of the Penwortham Mills site.

Whilst there would be some loss of trees and open land due to the Appeal A access road, these would be adequately mitigated by additional landscaping, secured by a planning condition. This should also bring about ecological benefits.

55. The Appeal B development is fully supported by development plan policies and I have concluded that the proposed access from Leyland Road has been shown to be the only way of enabling the Appeal B development to progress. Therefore the benefits that arise from that development are sufficient to ensure that the Appeal A proposal would represent sustainable development in accordance with the Framework. Taking account of the above, I find that these other material considerations clearly outweigh the conflict with development plan policy and the harm that would arise from the Appeal A proposal.
56. Therefore, for the reasons given above and having regard to all relevant matters raised, I conclude that both Appeal A and Appeal B should succeed.

M J Whitehead

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter	Of Counsel, instructed by David Whelan, Solicitor for South Ribble Borough Council
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FOR THE APPELLANT:

Andrew Piatt	Partner Solicitor, Gateley plc
He called	
Phil Wooliscroft MSc HNC	Director, Croft Transport Solutions
David Appleton MA NDH	Director, Appletons Landscape Consultancy
CMLI	
Michael Watts DipURP	Senior Director, Nathaniel Lichfield & Partners
MRTPI	

INTERESTED PERSONS:

Ian Scott	Local Resident
David Bennett	Town Councillor, Penwortham
Mrs McDonnell	Landlady of the Sumpter Horse Public House
James Birchall	Local Resident
Councillor Ian Watkinson	South Ribble Borough Councillor, Charnock Ward
Christine Hughes	Local Resident
Mark Doyle CEng	Local Resident
Malcolm Webster	Local Resident
Councillor David Wooldridge	South Ribble Borough Councillor, Middleforth Ward

DOCUMENTS SUBMITTED AFTER OPENING THE INQUIRY

- 1 Statement of Ian Scott, submitted by Ian Scott on 10 January
- 2 Statement of Anna Thornhill, submitted by James Birchall on 10 January
- 3 Copy of S106 Agreement, dated 22 December 2015, for Appeal B and unexecuted deed of variation, submitted by the appellant on 10 January
- 4 Draft Priority Junction Conditions, submitted by the Council on 10 January
- 5 Draft Statement of compliance with CIL Regulations, submitted by the Council on 10 January
- 6 Opening submissions for the appellant, submitted by the appellant on 10 January
- 7 Opening submissions for the Council, submitted by the Council on 10 January
- 8 Final Statement of compliance with CIL Regulations, submitted by the Council on 10 January
- 9 Copy of executed S106 deed of variation, dated 10 January 2017, submitted by the Council on 10 January
- 10 Summary Proof of Evidence of Phil Wooliscroft, submitted by the appellant on 10 January
- 11 Updated Priority Junction Conditions, submitted by the Council on 11 January
- 12 Track change of updated Priority Junction Conditions, submitted by the Council on 11 January
- 13 Closing submissions on behalf of the appellant, submitted by the appellant on 11 January
- 14 Draft Priority Junction Conditions, submitted by the Council on 19 January
- 15 Amended Conditions for Appeal Ref APP/F2360/W/16/3152894, submitted by the Council on 19 January

PLANS SUBMITTED AFTER OPENING THE INQUIRY

- A Drawing No SCP/06406/SK052 Rev B: Proposed Ghost Island Right Turn Junction and Link Road- General Arrangement for Appeal Ref APP/F2360/W/16/3144372, submitted by the appellant on 10 January
- B Drawing No GIS\MA\40327\07-01: Location of Public Houses in vicinity of Sumpter Horse Public House, submitted by the appellant on 10 January
- C Sketch plans of proposed Carrwood Road improvements, submitted by the Highway Authority on 11 January
- D Sketch plans of proposed Tardy Gate improvements, submitted by the Highway Authority on 11 January
- E Drawing No PEN-OSB: Penwortham Mill Site Location Plan for Appeal Ref APP/F2360/W/16/3144372, submitted by the appellant on 18 January

SCHEDULE OF CONDITIONS APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i) Drawing No PEN-OSB entitled 'Site Location Plan';
 - ii) Drawing No 1554/14 entitled 'Masterplan – Ghost Island right turn junction arrangement from Leyland Road application';
 - iii) Drawing No 0775-12 Rev H Croft Transport Solutions plan; and
 - iv) Drawing No SCP/06406/SK052 entitled 'Proposed Ghost Island right turn junction and link road – general arrangement' with regard to the link road only.
- 3) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include provision for:
 - i) the proposed times construction works will take place;
 - ii) the parking of construction vehicles and vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the location of the site compound;
 - vi) wheel washing/road sweeping measures;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to control the emission of noise during construction;
 - ix) details of all external lighting to be used during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xi) off-site highway works;
 - xii) proposed closure of any roads;
 - xiii) access arrangements for construction traffic, including the timing of deliveries to the site, throughout the construction period; and
 - xiv) a routeing strategy.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 4) No development shall take place, including any works of demolition, until a scheme for the provision of temporary car parking for existing residents of Leyland Road has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the access, location, construction, number of parking spaces and management of the temporary car parking. The development shall be constructed in accordance with the approved scheme.
- 5) No development shall commence on site, except for investigation works, until a full detailed design for the construction of the Leyland Road junction and

other supporting highway measures in accordance with Drawing No 0775-12 Rev H has been submitted to and approved in writing by the local planning authority. The Leyland Road junction and supporting highway measures shall be constructed in accordance with the approved design details and shall be completed prior to the first occupation of any dwelling of the development under planning permission Ref 07/2014/0190/ORM, with the exception of dwellings to be accessed from Factory Lane.

- 6) No development shall commence on site, except for investigation works, until a full detailed design, including existing & proposed ground levels and sections, for the proposed link road in accordance with the details shown on Drawing No SCP/06406/SK052 has been submitted to and approved in writing by the local planning authority. The link road shall be constructed in accordance with the approved design details.
- 7) No development shall commence until a scheme for the future maintenance of the Castle Fold Connector Road as detailed on Drawing No 0775-12 Rev H has been submitted to and approved in writing by the local planning authority. Castle Fold Connector Road shall thereafter be managed in accordance with the approved scheme.
- 8) No development shall commence until a scheme for the construction of the permanent car park with access location as indicated on Drawing No 0775-12 Rev H, has been submitted to and approved in writing by the local planning authority. The scheme shall include the following:
 - i) Provision of a minimum of 20 car park spaces;
 - ii) Landscaping of the car park, including details of any boundary fencing to be erected;
 - iii) A lighting report to include siting, design and height of lighting columns, proposed timing, the light overspill from the car parking area and the horizontal and upward light levels and glare impact to the nearby roads and properties; and
 - iv) A timetable for the construction and bringing into use of the car park.

The car park shall be constructed in accordance with the approved scheme and timetable.

- 9) Prior to the first use of the car park indicated on Drawing No 0775-12 Rev H, a car park management scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:
 - i) Details of the location of signs for the car park;
 - ii) Wording of the car park signage; and
 - iii) Management of the use and maintenance of the car park

The car park shall thereafter be managed and maintained in accordance with the approved scheme.

- 10) No development shall commence until a scheme to deal with the risks associated with contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual

- model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site;
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these results, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy for any phase or sub phase in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions.

The development shall be carried out in accordance with the approved scheme.

- 11) Prior to the importation of any subsoil and/or topsoil material into the development site, information supporting the suitability of the material shall be submitted to the local planning authority for approval in writing. Subsoil and topsoil material shall only be imported to the site in accordance with the approved information. The information shall include details of the material source, sampling methodologies and analysis results to demonstrate that the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.
- 12) No development shall commence on site, except for investigation works, until a scheme detailing all piling activities including any mitigation measures has been submitted to and approved in writing by the local planning authority. Any piling activities shall be carried out in accordance with the approved scheme and shall be limited to between 0930 hours and 1700 hours on Mondays to Fridays, 1000 hours and 1200 hours on Saturdays and no piling activities shall be undertaken on Sundays or nationally recognised Bank Holidays.
- 13) No demolition works shall commence until a Demolition Method Statement has been submitted to and approved in writing by the local planning authority for the demolition of the Sumpter Horse Public House. The Demolition Method Statement shall provide details of measures to be implemented to avoid harm to bats during the course of any demolition works. The demolition of the Sumpter Horse Public House shall be carried out in accordance with the approved Demolition Method Statement.
- 14) No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place during the main bird breeding season from 1 March to 30 September unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given by the local planning authority.
- 15) No development shall commence on site, including demolition, ground works and vegetation clearance, until an invasive non-native species management protocol has been submitted to and approved in writing by

the local planning authority. The management protocol shall include details of the containment, control and removal of any invasive plant species as listed in the Wildlife and Countryside Act 1981 (as amended) found on site. The development shall be carried out in accordance with the approved management protocol.

- 16) No development shall commence on site until a precautionary badger survey has been undertaken in accordance with details that have first been submitted to and approved in writing by the local planning authority. If the survey identifies that badgers would be affected by the works, no development shall commence until a mitigation method statement, including a timetable of measures to be implemented, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved mitigation measures.
- 17) No development shall commence on site until a Landscape and Habitat Creation and Management Scheme has been submitted to and approved in writing by the local planning authority. The Scheme shall include:
 - i) A description and evaluation of features to be retained, created and managed;
 - ii) Aims and objectives of habitat and landscape creation and management;
 - iii) Details showing compliance with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations', including details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works near to those trees or hedges to be retained during the development and construction period;
 - iv) Details to indicate the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening;
 - v) A timescale for the implementation, maintenance and management of the landscaping and habitat creation; and
 - vi) The replacement of any tree or shrub which is removed, becomes seriously damaged or diseased or dies by the same species of similar size to that originally planted, unless details have first been submitted to and approved in writing by the local planning authority.

The approved Landscape and Habitat Creation and Management Scheme shall be implemented in the first planting season following completion of the construction of the road hereby permitted.

- 18) No development shall commence until details of the design, based on sustainable drainage principles, and implementation of a surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year plus an allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, 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 floor levels in AOD;

- ii) The drainage strategy to demonstrate that the surface water run-off will not exceed the pre-development greenfield runoff rate;
- iii) Any works required off-site to ensure discharge of surface water without causing flooding or pollution, including refurbishment of existing culverts and headwalls or removal of unused culverts where relevant;
- iv) Flood water exceedance routes, both on and off site;
- v) A timetable for implementation, including phasing as applicable;
- vi) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- vii) Details of water quality controls, where applicable;
- viii) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;
- ix) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of the sustainable drainage system, including inspections relating to performance and asset condition assessments and operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
- x) Means of access for maintenance and easements where applicable.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the approved dwellings the subject of planning permission Ref 07/2014/0190/ORM except for those dwellings to be accessed from Factory Lane, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved scheme.

SCHEDULE OF CONDITIONS APPEAL B

- 1) The section of the development hereby granted full permission (Phase 1: erection of 181 dwellings) shall begin not later than 3 years from the date of this decision.
- 2) Details of the access, 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 on the section of the site hereby granted outline planning permission takes place and the development on that part of the site shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby granted outline planning permission shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Prior to the commencement of any development, a scheme and programme for the timing and phasing of any remediation, highways and construction works on the site shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved scheme and programme.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans/supporting information:
 - i) Environmental Statement Ref 40327/06/MW/jsi (Nathaniel Litchfield: Jan 2014);
 - ii) Landscape Masterplan Drawing No 1554/11 Rev B (Appleton Group);
 - iii) Layout Phase 1 Plan Drawing No PENW/100/02 Rev G (Bovis Homes);
 - iv) Phasing Layout Drawing No PENW/100/05 (Bovis Homes);
 - v) Environmental Statement Consultation Comments Report Ref 140373: Sept 14 (Bovis Homes);
 - vi) Badger & Riparian Mammals Report Ref 100182: April 2010 (Bovis Homes);
 - vii) Audit of Transport Assessment Ref R002B/9T5763: November 2010 (Deloitte);
 - viii) Fence Key Plan Drawing No PEN/100/03 Rev B (Bovis Homes);
 - ix) Materials Drawing No PEN/100/04 Rev B (Bovis Homes);
 - x) Storey Height Plan Phase 1 Drawing No PEN/100/05 Rev 8 (Bovis Homes);
 - xi) Proposed Traffic Calming Layout Drawing No SK10 Rev D (Singleton Clamp);
 - xii) Detailed view of Factory Lane Drawing No SK11 Rev B (Singleton Clamp);
 - xiii) Street Scenes Drawing Nos PEN/55/01 and 02 (Bovis Homes);
 - xiv) Proposed elevations Drawing Nos PEN/FY146/02, A444/02, AF05/02, C525/02, P302/02, P303/02, P401/02, P402/02, P404/02, P409/02, P410/02, P502/02, S241/02, S351/02 and HTPD/AF17/02 (Bovis Homes); and
 - xv) Proposed floor and roof plans Drawing Nos PEN/FY146/01, A444/01, AF05/01, C525/01, P302/01, P303/01, P401/01, P402/01, P404/01,

P409/01, P410/01, P502/01, S241/01, S351/01 and HTPD/AF17/01 (Bovis Homes).

- 5) All dwellings hereby permitted shall achieve a minimum Dwelling Emission Rate of 19% above the 2013 Building Regulations.
- 6) Prior to the commencement of the development hereby permitted details shall be submitted to and approved in writing by the local planning authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.
- 7) No dwelling hereby permitted shall be occupied until a Standard Assessment Procedure (SAP) assessment or other alternative proof of compliance which has been previously approved in writing by the local planning authority, such as an Energy Performance Certificate, has been submitted to and approved in writing by the local planning authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.
- 8) Prior to the commencement of each phase or sub phase of development, details of the colour and texture of the facing and roofing materials to be used shall be submitted to and approved in writing by the local planning authority. Each phase of the development shall proceed in accordance with the approved details.
- 9) Prior to the commencement of each phase or sub phase of development, a ground level survey to include existing ground levels and existing and proposed ground and slab levels shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with this scheme.
- 10) The approved landscaping scheme for Phase 1 as submitted and approved in accordance with Condition 28 shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years, in compliance with BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations. This maintenance shall include the watering, weeding, mulching and adjustment and removal of stakes and support systems, and the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species and a similar size to that originally planted.
- 11) Prior to the commencement of each phase or sub-phase of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the proposed times construction works will take place;
 - ii) the parking of construction vehicles and vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;

- v) the location of the site compound;
 - vi) wheel washing/road sweeping measures;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) measures to control the emission of noise during construction;
 - ix) details of all external lighting to be used during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xi) off-site highway works;
 - xii) proposed closing of any roads;
 - xiii) access arrangements for construction traffic including the timing of deliveries to the site throughout the construction period; and
 - xiv) a routeing strategy.
- 12) Prior to the commencement of each phase or sub-phase of development a programme of building recording and analysis for that phase shall be implemented in accordance with a written scheme of investigation which shall have been submitted to and approved in writing by the local planning authority. The final report shall be submitted to the local planning authority prior to the occupation of any dwelling.
- 13) Prior to the commencement of any development, there shall be no excavation or other ground works, except for investigative works or the depositing of material on the site in connection with the construction of residential dwellings, until a full detailed design for the construction of the Leyland Road junction in accordance with Croft Transport Solutions plan Drawing No 0775-12 Rev H has been submitted to and approved in writing by the local planning authority. The Leyland Road junction, including the proposed car park, shall be constructed in accordance with the approved design details and shall be completed prior to the first occupation of any dwelling of the development hereby permitted, with the exception of dwellings to be accessed from Factory Lane.
- 14) Prior to the commencement of that phase of the development hereby permitted which takes access from Factory Lane (maximum of 40 residential units), there shall be no excavation or, other ground works on that phase, except for investigative works, until a full detailed design plan for the construction of the required off-site highway improvements to Factory Lane have been submitted to and approved in writing by the local planning authority. The highway improvements to Factory Lane shall be constructed in accordance with the approved design details and shall be completed prior to the first occupation of any dwelling within the relevant part of the development.
- 15) Notwithstanding the details on the submitted site layout detail for Phase 1, Drawing No PENW/100/02 Rev G, the following details shall be submitted to and approved in writing by the local planning authority:
- i) The main Spine road through the site to be designed with a minimum width of 6.0 metres with localised widening at bends to enable a bus to pass through the site from Factory Lane through to Leyland Road.

- ii) Estate road cul-de-sacs serving up to 20 properties to have a carriageway to vary in width between 4.1 metres and 6 metres, and allow passing and additional service/occasional parking.
- iii) Estate road cul-de-sacs serving more than 20 properties to have a carriageway to vary in width between 4.5 metres and 6 metres and allow passing and additional service/occasional parking.
- iv) Service verges to be provided on both sides of the new carriageway (including shared surface), consisting of a 2 metre wide service verge for locating statutory undertakers' equipment where buildings front onto the road and the remaining service verge to be a minimum width of 0.5 metres unless there is street lighting when the minimum width shall be 0.8 metres. No parking spaces on private drive or communal parking shall encroach over the service verge area.
- v) A 2 metre wide contrasting colour footpath to be provided around the feature square areas to aid partially sighted people and this footpath area to be protected by bollards or raised kerbs to prevent parking obstructions.
- vi) Private drives to have a minimum width of 3.2 metres where they are used for vehicular access and pedestrian access to the property.
- vii) Private drives that are sandwiched between walls and fences to have a minimum clear width of 3.0 metres, to provide additional room to open the doors.
- viii) Drives to pairs of parking bays adjacent to walls and fences to have a minimum clear width of 2.6 metres, to provide additional room to open the doors.
- ix) Off road car parking spaces to include a minimum of 6 metres manoeuvring space to prevent over running of the opposite footpath and collisions.

The approved scheme shall be implemented in accordance with a timetable to be approved in writing by the local planning authority.

- 16) Prior to the first occupation of the 60th dwelling hereby permitted, a full Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives, targets, measures and funding mechanism to achieve targets, monitoring, implementation timescales for delivery (which exceeds the build out period), and the provision of a travel plan coordinator. The approved Travel Plan shall be audited and updated at intervals as approved and shall be carried out in accordance with the implementation timescales.
- 17) The proposed Foot/Cycle Way connection for a Foot/Cycle Link to Old Tramway Route (Central Park) as indicated on Drawing No SCP/06406/SK22 Rev A: Proposed Foot/Cycle Way shall be provided during Phase 1 and prior to occupation of the 51st dwelling unit, and constructed to a minimum width of 3.5 metres, paved and with lighting in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.
- 18) Prior to the occupation of any dwellings within each phase or sub phase of the development, the associated part of the new estate road shall be constructed in accordance with the Lancashire County Council

Specification for Construction of Estate Roads to at least base course level.

- 19) The car parking and manoeuvring areas as detailed on the approved site layout Drawing No PENW/100/02 Rev G shall be marked out in accordance with the approved plan, before the first use of the associated dwelling and permanently maintained thereafter.
- 20) The proposed site layout to be submitted with the Reserved Matters application on the section of the site subject to outline planning permission shall include a scheme for the provision of public open space broadly in accordance with the Landscape Masterplan Drawing No 1554/11 Rev B. The designated areas of public open space shall remain free from development thereafter.
- 21) Prior to the commencement of each phase or sub phase of development, a scheme and programme for the laying out, landscaping, maintenance and retention of any formal or informal public open space and sports facilities within that phase shall be submitted to the local planning authority for approval in writing. The development shall proceed in accordance with the approved scheme.
- 22) Prior to the commencement of each phase or sub phase of development, full details of any lighting illuminating car parking areas in that phase shall be submitted to and be approved in writing by the local planning authority. The approved lighting shall be installed at the car parking areas prior to the first occupation of the dwellings and be retained thereafter.
- 23) No development shall take place on any phase or sub phase of development until a foul and surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of that phase of the development has been submitted to and approved in writing by the local planning authority. The drainage scheme shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year climate change critical storm would not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include details of how it shall be maintained and managed after completion and shall subsequently be implemented in accordance with the approved details before the development is completed.
- 24) No development shall commence on any phase or sub phase of the development until a scheme that includes the following components to deal with the risks associated with contamination of that phase has been submitted to and approved, in writing, by the local planning authority:
 - i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.

- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy for any phase or sub phase in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions.

These components shall not be changed without the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 25) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy as required by Condition 24 (iii) above and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met and any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 26) No development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses and ponds identified on the Landscape Masterplan Drawing No 1554/11 Rev B shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
 - plans showing the extent and layout of the buffer zone
 - details of any proposed planting (for example, native species)
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan.
- 27) Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of invasive plants, as identified under the Wildlife and Countryside Act 1981 shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of invasive plants during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure

that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

- 28) Prior to the commencement of each phase of the development a landscaping scheme, including habitat creation, enhancement and management, shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall demonstrate maintenance and enhancement of the hedgerow and tree resource; maintenance and enhancement of bat roosting, foraging and commuting, and bird nesting and foraging, habitat; maintenance and enhancement of amphibian habitat (including compensation for the loss of marshy grassland); ditch enhancement; and the maintenance and enhancement of habitat connectivity. The scheme shall include locally appropriate native species. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 5837, 2005 with any stock complying with the specification of BS 3936 (Part 1) 1992 in the first planting and seeding seasons following the commencement of the development or such extension of this time as may be agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 29) Any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place between 1 March and 30 of September inclusive of any year, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the local planning authority.
- 30) All trees and other habitats, including hedgerows, being retained in or adjacent to the application site shall be protected for the duration of the development, including the erection of protective fencing, in accordance with BS5837, 2005 'Trees in Relation to Construction'. No tree shall be damaged or destroyed, uprooted, felled lopped or topped during that period without the written consent of the local planning authority. Any tree removed without such consent or dying or being severely damaged or becoming diseased during that period shall be replaced with trees of such size and species as may be approved in writing with the local planning authority.
- 31) The development hereby approved shall proceed in full accordance with the recommendations set out in Chapter J of the Environmental Statement Ref 40327/06/MW/jsi: Nathaniel Litchfield/Jan 2014.
- 32) Prior to the commencement of each phase or sub-phase of development, the following information shall be submitted to the local planning authority for approval in writing: A report which provides full details of measures to resist the ingress of ground gases into that phase of the development. The report shall follow best practice industry guidance such as CURIA Report 0665. The approved measures shall be implemented during construction and shall be thereafter retained and

maintained for the duration of the permitted use, unless further authoritative, robust, scientific information has been submitted to and approved in writing by the local planning authority that proves there is no gas risk to the development hereby permitted.

- 33) Once works have commenced on the site, if any adverse ground conditions that are suspected to be contaminated are found on the site, works in that location shall cease and the problem area roped off and a report of this suspected contamination shall be submitted to the local planning authority. A 'Competent Person' shall be employed to undertake sampling and analysis of the suspected contaminated materials. A report which contains details of sampling methodologies and analysis results, together with remedial methodologies, shall be submitted to the local planning authority for approval in writing. The approved remediation scheme shall be implemented prior to further development works taking place and occupation of the development in that area of the site. If no adverse ground conditions are encountered during site works and/or development, a verification statement shall be submitted in writing to the local planning authority prior to occupation of the building(s), which confirms that no adverse ground conditions were found.
- 34) No subsoil and/or topsoil material shall be imported onto the site from a new source until information supporting the suitability of the material has been submitted to and approved in writing by the local planning authority. The information submitted shall include details of the material source, sampling methodologies and analysis results, which demonstrate that the material does not pose a risk to human health as defined under Part 2A of the Environmental Protection Act 1990.
- 35) Notwithstanding the provisions of the Town and Country Planning (General Development ' Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plans shall be maintained as such and shall not be converted to or used for living accommodation.
- 36) If the development hereby permitted does not commence within 12 months of the date of this permission, a re-survey shall be carried out to establish whether protected species are present at the site. The survey shall be undertaken by a suitably qualified person or organisation. In the event of the survey confirming the presence of a protected species, details of measures, including timing, for the protection or relocation of the species shall be submitted to and approved in writing by the local planning authority and the approved measures shall be implemented.