



## Appeal Decision

Inquiry opened on 14 August 2018

Site visit made on 16 August 2018

**by Martin Whitehead LLB BSc(Hons) CEng MICE**

an Inspector appointed by the Secretary of State

**Decision date: 31<sup>st</sup> August 2018**

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**Appeal Ref: APP/F2360/W/18/3198822**

**Land off Brindle Road, Bamber Bridge, Preston, PR5 6YP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
  - The appeal is made by Bellway Homes Limited (Manchester Division) against the decision of South Ribble Borough Council.
  - The application Ref 07/2017/2900/FUL, dated 22 September 2017, was refused by notice dated 7 March 2018.
  - The development proposed is the demolition of existing buildings and the erection of up to 193 dwellings with associated private gardens, parking, public open space, landscaping and vehicular access from Brindle Road.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and the erection of up to 193 dwellings with associated private gardens, parking, public open space, landscaping and vehicular access from Brindle Road on land off Brindle Road, Bamber Bridge, Preston, PR5 6YP in accordance with the terms of the application, Ref 07/2017/2900/FUL, dated 22 September 2017, subject to the conditions in the attached schedule.

### Procedural and Preliminary Matters

#### ***Application for Costs***

2. Prior to the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

#### ***Inquiry and Site Visit***

3. The Inquiry sat for 4 days, opening on Tuesday 14 August, and closed on Friday 17 August. I carried out an unaccompanied site visit at about 1800 hours on Monday 13 August, including observing the traffic at the junction of Brindle Road with Bank Head Lane when the railway crossing barrier was lowered, and an accompanied site visit of the site and surrounding area during an adjournment of the Inquiry on Thursday 16 August.

#### ***Planning Obligations***

4. At the Inquiry an executed Planning Agreement pursuant to section 106 of the Act (S106), dated 16 August 2018, was submitted. It includes planning obligations to secure affordable housing, on-site open space provision and maintenance, and contributions towards a bus service, Mobile Speed Indicator

- Devices (SPiDs) on Brindle Road, improvements at Withy Grove Park, secure cycle lockers at Bamber Bridge Station and the monitoring of a Travel Plan.
5. I have examined the planning obligations to determine whether they meet the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122. Based on the CIL compliance statement provided by the Council and the 'Statement of Justification for the Planning Obligation relating to the provision of bus service funding' from Lancashire County Council (LCC), as the local highway authority, I am satisfied that all the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Also, I find that none of the planning obligations contravene CIL Regulation 123(3), regarding the limit of five separate planning obligations to provide for the funding or provision of a project or type of infrastructure.
  6. The affordable housing is required to ensure compliance with Policy A1 of the South Ribble Local Plan (SRLP). The SPiDs would be necessary to ensure that the additional traffic that would be generated by the proposed development would be safely accommodated on the highway network. The improvements to Withy Grove Park and the provision and maintenance of on-site public open space would be necessary to address the likely need for additional recreational amenities as a result of the future occupants of the proposed development, in accordance with SRLP Policies G8, G10 and G11. The Travel Plan monitoring and cycle lockers would be necessary to encourage the use of sustainable means of transport.
  7. Whilst the appellant and Rule 6 party have both questioned the justification for the contribution towards the bus service, supported by the opinion of their transport experts, I am satisfied that LCC has provided the necessary justification. The contribution is necessary to help fund a more frequent local bus service connecting the site to Bamber Bridge, including the railway station, and Preston to encourage a shift from cars to more sustainable means of transport for essential commuting/educational trips. LCC has indicated that the monies would enable it to improve the existing bus services, targeting the provision of a Monday to Saturday half hourly daytime service, a Sunday hourly daytime service and a Monday to Saturday hourly evening service and has provided evidence to show that it has discussed this with Stagecoach, a local bus company, to arrive at an appropriate sum. As such, I have taken all the planning obligations in the S106 Agreement into account in my determination of this appeal.
  8. At the Inquiry the appellant provided an engrossed S106 Unilateral Undertaking (UU), dated 16 August 2018, in response to the Council's requirement that provision be made for a highway link between the appeal site and the adjacent site that is allocated for future development. However, the evidence indicates to me that the S106 UU would fail to meet the requirements of the Council. I have therefore not taken it into account in my determination of this appeal. Furthermore, the Council has suggested that it would expect such a provision to be made by a planning condition, which I have discussed later.

### ***National Planning Policy Framework***

9. Following the determination of the planning application, the National Planning Policy Framework, March 2012 (2012 Framework) has been replaced by the National Planning Policy Framework, July 2018 (2018 Framework). I have

taken account of the latest national planning policies in my determination of this appeal.

## **Main Issues**

10. The main issues are the effect of the proposal on the character and appearance of the surrounding area; whether it would provide acceptable living conditions for future occupants of the proposed dwellings, with particular regard to matters of noise and air pollution; and whether it would comply with national and local policies that seek to create inclusive and mixed communities.

## **Reasons**

### ***Character and Appearance***

11. The appeal site has a rural character and appearance, consisting of a disused poultry farm with its associated buildings and house and adjoining open fields and pond, bounded by hedges and trees. However, it is at the edge of the built-up area of Bamber Bridge, bounded on the southern and western sides by residential development and on the eastern side by the M61 Motorway. The land to the north is open fields, separating the site from the M6 Motorway. Although the site does not form part of the existing built development, the Key Diagram in the Central Lancashire Core Strategy (CLCS) shows it as lying within the boundary of Preston & South Ribble Urban Area.
12. The principle of residential development on the appeal site and the land to the north was established during the Local Plan process, in which this land has been allocated for residential development, referred to as 'Site S' in SRLP Policy D1. The Table in Policy D1 identifies that Site S has an area of 22.7 hectares and could accommodate an estimated 250 dwellings. However, the Local Plan Examination Inspector has indicated in her report that this is an indicative number and should not preclude additional dwellings being brought forward, *'should the Council be satisfied that this is appropriate following detailed assessment'*.
13. The proposed development would be for 193 dwellings. A planning application for 283 dwellings on the adjacent site has been submitted and refused planning permission and is the subject of a separate appeal. The two sites together form most of allocated Site S and the combined number of dwellings proposed on them would far exceed the estimated 250 dwellings in SRLP Policy D1. However, that Policy and the Examination Inspector's findings do not suggest that it is a limit to the number of dwellings that could be accommodated on the site. Furthermore, the 2018 Framework indicates in paragraph 122 that development that makes efficient use of land should be supported and in paragraph 123 that development that fails to make efficient use of land should be refused planning permission.
14. Section 12 of the 2018 Framework seeks to achieve well-designed places and in paragraph 130 indicates that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way that it functions. In this respect, the Council's main concerns seem to me to be associated with the density of the proposed housing. The Design and Access Statement indicates that the net density would be about 40 dwellings per hectare (dph)

- and the Council has indicated that, when the public open space is subtracted, the density would amount to about 35 dph.
15. I accept that the density would be significantly higher than that of the mature housing in the area that fronts Brindle Road, but it would be closer to that of some of the later nearby development. The Council has specified that the density in the adjacent Cottage Gardens is about 30 dph, which consists mainly of detached houses, and the density of the mainly detached dwellings at Bluebell Way is about 20 dph. Cottage Gardens is a relatively small development with very limited public areas and Bluebell Way is adjacent to the semi-detached and terraced housing at Lady Acre and Further Fields, which the Council has calculated as having a density of about 40 dph. Therefore, I find that the overall density of the proposed development would be in line with that of other development in the area, as it would be a mix of different types of housing that would include terraces at a higher density.
  16. The Council has not disputed that the proposed buildings would have separation distances that would meet the required standards. There would be a variety of dwelling types and sizes, with single storey dwellings adjacent to Stephendale Avenue that would reflect the bungalows in that road, and terraced dwellings adjacent to the M61 Motorway, deemed to be necessary as a means of noise mitigation. Whilst the photomontages that have been submitted by the appellant show a relatively long and straight row of terraced houses with mainly paved parking at the front, this is the nature of terraced housing and the row would be broken up into smaller blocks with a varied roof line. Also, the level of car parking at the front of the dwellings would reflect that in the other more recent development in the area, and the Council has not disputed the appellant's claim that the amount of parking would be necessary to meet the required standards.
  17. I do not accept the Council's claim that the development would appear cramped and dense. Whilst it would have an urban pattern of development, I find that this would not be harmful to the surrounding character, as it would be in keeping with other later development in the area. Furthermore, the proposed built development would be surrounded by greenspace that would include mature trees and a pond that would be retained. I am satisfied that this, the size of the rear gardens and the planting between the frontage parking that would increase with maturity, together with the band of open space that would run from east to west across the site to the pond, would be sufficient to ensure that the development would not appear unduly dense or cramped.
  18. The amount of public open space that would be provided has been given as 1.08 hectares which would exceed the Council's Policy requirement of 0.6 hectares. This would include a large area on the eastern boundary, some of which would act as a bund along the side of the M61 Motorway. The Council has acknowledged that this would provide a visual amenity and that some of it would also provide a degree of recreational amenity space, albeit its use would be limited by its topography and location. In addition the area surrounding the existing pond would provide recreational and visual amenity space. There would also be connecting amenity space along the existing Public Rights of Way (PRoWs) on the site and through the development.

19. I accept that some of the public open space would have limited surveillance, including part of the PRoW at the rear of Cottage Gardens and an area of open space behind dwellings at the southern end of the site. However, there is nothing before me to show that any concerns regarding anti-social behaviour or crime could not be addressed by measures secured by planning conditions. Such measures could include the types of boundary treatment and lighting in accordance with those that have been agreed with the Police Architectural Liaison Officer.
20. Paragraph 129 of the 2018 Framework mentions the use of assessment frameworks, such as Building for Life, to assess and improve the design of development. In this respect, the appellant has carried out a Building for Life 12 Assessment on the proposed design, dated June 2018. Whilst this exercise has only been carried out at a later stage in the design process and too late to make any significant changes to the design, it has arrived at an overall amber rating, which indicates that the proposed development is partially compliant with Building for Life 12 Standards and requires some additional consideration. I am satisfied that the compliance could be improved by the use of planning conditions and that some of the failures to meet the criteria are due to the constraints of the site, partly due to being close to motorways, or requirements of Council policies, such as parking standards. Furthermore, the design is one factor that has to be balanced against the need for housing and the allocation of the site for residential development.
21. Although the proposal would make use of a rural area, the site has been allocated for residential development, includes agricultural buildings and is included within the boundary of the urban area in the CLCS. Therefore, having regard to the above factors, I conclude on this main issue that the proposal would not have an adverse effect on the character and appearance of the surrounding area and would accord with SRLP Policy G17, as the layout, design and landscaping would be of a high quality and would provide an interesting visual environment which would respect the character of the site and local area.

### ***Living Conditions***

22. The Council's second reason for refusal is regarding the health and well-being of the future residents of the proposed dwellings due to unacceptable levels of noise and air pollution, particularly at those dwellings that would be nearest to the M61 Motorway. With regard to noise, an environmental noise survey was carried out to determine the existing noise climate from the M61 Motorway to enable the calibration of a noise model based on the Calculation for Road Traffic Noise guidance.
23. At the Inquiry, the appellant's noise expert acknowledged that the 24 hour periods in February when the noise readings were taken at two locations close to the Motorway may well have been during a half term school holiday. However, the expert explained that these readings were only used to calibrate the noise impact model and traffic flow data based on counts taken was used to calculate noise levels in the model. Therefore, I find no evidence to show that the accuracy of the model used to predict noise levels has been compromised by the use of noise readings taken during the school half term holidays.
24. The model has been used to predict facade noise levels based on the proposed site layout plan to evaluate the impact on gardens and public open space. The

- survey was updated during the determination of the application following liaison with the Council's Environmental Health Officers (EHOs). The survey report concludes that, with the recommended mitigation in place which would include acoustic glazing and ventilation, the internal noise levels within the habitable rooms of all of the proposed dwellings would be below the recommended maximum levels defined in BS8233:2014.
25. The Council has accepted that there is no policy, guidance or industry standard relating to assessing noise levels in public open spaces. The appellant has suggested that the noise levels at the proposed public open space are predicted to be comparable with those that are currently experienced at the nearby Withy Grove Park. Whilst the Council has referred to proposals by Highways England to erect a noise barrier alongside the M6 Motorway adjacent to Withy Grove Park, I have insufficient details to attach any significant weight to it in my determination of this appeal. Nevertheless, I find that the noise levels that have been predicted at the proposed public open space would not prevent it from being suitable for recreational use, given that Withy Grove Park has been providing acceptable recreational amenity space for some time.
26. With regard to private open space, the Council has agreed with the appellant that the proposed mitigation has minimised the areas of garden spaces that would exceed the 55 dB target. The mitigation measures for external environments, recommended in the survey report, include a mixture of fencing, brick walls and a barrier along the adjacent motorway. However, the report identifies that some of the plots would experience external noise levels within gardens in excess of 55 dB but none would exceed 60 dB, even allowing for the stated tolerance of plus or minus 2 dB.
27. The recommendations for external noise levels are taken from the World Health Organisation (WHO) guidelines which state: *'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.'* This has been assessed as being equivalent to a Lowest Observed Adverse Effect Level (LOAEL). The appellant has agreed that 8 of the proposed properties have been assessed as experiencing sound levels equivalent to a Significant Observed Adverse Effect Level (SOAEL) in part of their gardens, which would be greater than 55 dB. Even though 3 dB is the smallest change in noise level that can be detected by normal human hearing, the sound levels would still be above the recommended levels.
28. The Council's EHOs have not raised an objection on the grounds of noise, subject to the imposition of planning conditions. BS8233:2014 allows exceedances of 55 dB in areas, such as city centres or urban areas adjoining the transport network, and the appeal site could be included as one of these exceptions. The 2018 Framework refers to the Defra Noise Policy Statement for England in footnote 60 to paragraph 180, which in paragraph 2.22 concedes that there is no single objective noise based measure that can define a SOAEL. Therefore, it is a matter of judgment whether or not the noise levels in the gardens and public open spaces would be acceptable. On this basis, I find that the proposed mitigation has avoided noise giving rise to significant impacts on health and the quality of life, in accordance with paragraph 180(a) of the 2018 Framework.

29. In terms of air quality, the Council's EHOs have not contested the conclusions of an Air Quality Assessment (AQA), by Redmore Environmental, September 2017, or those of a Supplementary Note, February 2018. The AQA used standard dispersion modelling and predicted that mean annual NO<sub>2</sub> concentrations at all the proposed dwellings and one hour mean NO<sub>2</sub> concentrations at all locations across the site, including all areas of public open space, would be below the relevant air quality objectives. The appellant's evidence also demonstrates that the same would apply to levels of PM<sub>10</sub>.
30. The AQA also considered the potential for air quality impacts as a result of road traffic exhaust emissions associated with vehicles travelling to and from the site, and a review of pollutant levels across the development site. It has predicted that potential air quality impacts associated with traffic would be negligible in accordance with the Institute of Air Quality Management guidance and has determined the overall significance of effect as 'not significant'. It has concluded that the development would not result in an exceedance of the national air quality objective.
31. The Council has expressed concern that no on-site monitoring of air quality has been carried out at the appeal site and Defra predictions for air quality at the site show background levels to be higher than at Station Road, which is a designated Air Quality Management Area. However, I am satisfied that the method for calculating the predicted air pollution levels is in accordance with the recognised standard procedure and the results show that the objective levels would not be exceeded on the site. As such I find that there is no evidence before me to show that there would be any material risk to the health and well-being of future residents due to air quality.
32. Based on the above, I conclude on this main issue that the proposal would provide acceptable living conditions for future residents of the proposed dwellings.

### ***Mixed Communities***

33. The proposed development would offer 43 affordable homes, equating to 22.5% of the total number of units. Whilst it would be fewer than the target of 30% set in CLCS Policy 7(a), the Council has agreed that the site and development considerations justify the reduced percentage and the affordable housing mix that would include two and three bedroom homes available for affordable rent (60%) and shared ownership (40%) would meet housing need. Great Places Housing Group has been identified as the intended registered provider to acquire the affordable units. The affordable housing would be secured by the executed S106 Agreement. The Council's only concern with the affordable housing appears to me to be regarding the proposed location in clusters within the site.
34. The Central Lancashire Affordable Housing Supplementary Planning Document (SPD) refers in Section F to the design of affordable housing. This includes the need for affordable housing to be 'tenure blind', which the Council has accepted would be achieved in the proposed development, as well as 'pepper-potting', which it suggests is defined as the dispersal of affordable housing units within residential development to promote mixed communities and minimise social exclusion. There is no definition of 'pepper potting' in the 2018 Framework, the CLCS or the SRLP and it is not clear as to what degree of dispersal of the units would be required to meet the SPD definition.

35. I have not be provided with any substantive evidence, such as studies or surveys, to show that 'pepper potting' is a more effective means of integrating affordable housing within market housing so as to minimise social exclusion than clusters of 'tenure blind' affordable housing, similar to that proposed. The affordable units would be split into 4 separate clusters. One cluster would consist of 8 units on the northern boundary, facing public open space and another would be 9 units on the western boundary. A further cluster of 22 mainly terraced units would be in a row that would face the eastern boundary and would be some of the nearest dwellings to the M61 Motorway, but there would also be 14 market houses within that row and all would benefit from an outlook across green space and some of the predicted quietest rear gardens on the development. The remaining cluster would be 4 semi-detached units centrally located. As such, I am satisfied that the proposed clusters would be adequately integrated within the market housing to ensure that an inclusive and mixed community would be created by the proposed development.
36. Taking account of the evidence provided, I find that the proposed affordable housing would meet the sustainable community and social inclusion objectives of the SPD. I therefore conclude on this main issue that the proposal would assist in the creation of inclusive and mixed communities and would accord with the relevant national and local policies in this regard, including CLCS Policy 7, as it would make provision for sufficient affordable and special housing to meet local needs.

#### ***Other Matters***

37. The views of local residents opposing the development were represented at the Inquiry by Brindle Road Action Group (BRAG) and the Campaign for the Protection of Rural England (CPRE). Most of their concerns are those that have been given in the reasons for refusal, which I have dealt with under the main issues above. In addition, their safety concerns regarding the relatively narrow width of part of the existing footway on the same side of Brindle Road as the entrance to the development should be able to be addressed by much of that footway being improved under the development and the remaining section of that footway being able to be avoided by the use of a new pedestrian crossing facility. This would assist with the provision of a safer pedestrian access to Withy Grove Park, which would also be able to be accessed from the proposed development via a footpath link through Cottage Gardens, avoiding the need to use the substandard footway.
38. I have noted the concerns expressed about the cumulative impact of traffic generated by all of the proposed new development in the area, including this appeal development, and in particular on congestion and highway safety in the vicinity of the railway level crossing. However, LCC as the local highway authority has not objected to the proposal, subject to conditions, and has confirmed that it considers a traffic signal solution near the level crossing, as suggested by Network Rail, would not be acceptable. I agree that such a proposal would result in an increase in queuing and congestion. Furthermore, LCC has confirmed that the current situation without the signals has a relatively good safety record, even though some drivers have been known to by-pass queues when the barriers have been lowered, which I observed at my unaccompanied site visit.

39. The roads in the area of the appeal site have a relatively good accident record and there is nothing before me to show that they would not be able to cope with the additional traffic that would be generated by the proposed developments. Therefore, based on the evidence before me, including the analysis that has been carried out at the Brindle Road/Bank Head Lane junction, I am satisfied that the proposed mitigation in the form of additional signage and road markings would ensure that there would not be a severe residual cumulative impact on the road network or an unacceptable impact on highway safety. Further measures could be introduced later if a problem arises.

### **Planning Balance**

40. In arriving at the most appropriate planning balance to apply to the appeal proposal, I have considered whether the development plan policies that are most important in determining this appeal are to be considered out-of-date, for the purposes of paragraph 11 of the 2018 Framework. In terms of the evidence submitted on the 5 year housing land supply, the Council has put forward a revised housing requirement against its local housing need of 209 dwellings per annum (dpa), based on paragraph 73 of the 2018 Framework. However, I am not satisfied that it represents a true reflection of the Borough's housing requirements.
41. Firstly, the figure suggested by the Council would be significantly lower than a 'plan based' housing requirement of 785 dpa which has been arrived at through the CLCS full objectively assessed need. Although the policies are more than 5 years old, this housing requirement was endorsed by the three Central Lancashire Authorities, that include the South Ribble Borough Council, in a signed Memorandum of Understanding, dated September 2017. As such, the appellant has argued that the strategic policies have been reviewed and not found to require updating, in accordance with footnote 37 to paragraph 73 of the 2018 Framework, but I am not convinced that this represents a review of the policies.
42. Secondly, the reduced figure would not reflect the Government's objective given in paragraph 59 of the 2018 Framework to significantly boost the supply of homes. Nor would it assist in fulfilling the Council's 'City Deal' obligations.
43. Thirdly, the local housing need should be used to inform strategic policies, as indicated in paragraph 60 of the 2018 Framework. Before it is used as a basis for calculating the 5 year housing land supply, it should be agreed by the two neighbouring authorities that are included in the housing management area to address the overall requirements of the area, a relevant buffer should be applied and the backlog should be addressed. This exercise has not been carried out by the Council. It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure, as it is an elaborate process involving many parties who are not present at or involved in the Section 78 appeal<sup>1</sup>.
44. Finally, Government guidance<sup>2</sup> indicates that the new methodology for assessing the housing needs is incomplete and so it would be premature to

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<sup>1</sup> Court of Appeal Judgment in *Hunston v SSCLG [2013] EWCA Civ 1610*

<sup>2</sup> Housing and economic development needs assessments Guidance, updated 24 July 2018

make and rely upon such an assessment. For these 4 reasons, I find that the housing requirement figure suggested by the Council at the Inquiry should not be used for calculating the 5 year housing land supply in this appeal. Therefore, in the absence of any realistic alternative figure, I have taken the requirement as being the CLCS led figure of 785 dpa. The Council has indicated that, on this basis, it can demonstrate a 5.01 year supply of deliverable housing sites.

45. In examining whether the Council's housing supply is sufficient to meet the 5 year requirement, I have considered the larger sites relied upon by the Council, having regard to the definition of 'deliverable' given on page 66 of the 2018 Framework. In this respect, no clear evidence has been provided that homes on the Vernon Carus Site would not be deliverable in the 5 year period, as it benefits from full planning permission, even though it has been allocated for many years and Bovis are seeking to dispose of the site. I have been provided with limited evidence to support the trajectories allowed for by the Council or suggested by the appellant on the Moss Lane Test Track and Pickering's Farm sites. However, the Council did not dispute the appellant's claim that the Construction Management Plan assumes a start date of July 2018 which has not been met. On this basis, I accept the appellant's arguments that there would be a slippage to the delivery of housing on this site that would be sufficient to take the Council's calculated supply of deliverable housing sites below 5 years.
46. On the basis of the Council having failed to demonstrate that it has a 5 year supply of deliverable housing sites, paragraph 11(d) of the 2018 Framework is relevant to the determination of this appeal, in accordance with footnote 7. In this respect the benefits of the proposal have not been contested by the Council. These include the provision of much needed affordable housing, with a Registered Social Provider in place; and the provision of market housing that would contribute towards, and has been included in, the Council's 5 year housing supply and would help the Council deliver part of its requirement towards the City Deal housing target. In addition, the proposal would provide economic benefits during construction and as a result of additional local expenditure from the future residents; and social and environmental benefits as a result of the removal of a poultry farm that is adjacent to residential properties, the provision of noise mitigation measures that would also benefit existing local residents and improvements to Withy Grove Park that is used by the local community.
47. The proposal would accord with CLCS Policy 17, as I have found that its design would take account of the character and appearance of the local area and the amenities of occupiers of the proposed development would not be adversely affected by neighbouring uses. The site forms part of a wider site that has been allocated in the development plan for residential development and the evidence before me shows that the proposal would accord with the development plan as a whole. In the above circumstances, I conclude that any adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2018 Framework.

### ***Planning Conditions***

48. I have considered the conditions that have been agreed between the Council and appellant should the appeal be allowed, following discussions at the

Inquiry. Given the need for the development to contribute to the 5 year housing supply, a condition providing that it must begin within a timescale shorter than the relevant default period<sup>3</sup> is necessary to ensure that development is carried out expediently. This is in accordance with paragraph 76 of the 2018 Framework, as there is no evidence that it would threaten the deliverability or viability of the development. A condition referring to the plans<sup>4</sup> is necessary to provide certainty.

49. Conditions regarding materials<sup>5</sup>, the control of invasive species of plant<sup>6</sup>, the removal of the temporary sales area at an appropriate time<sup>7</sup>, and the protection of trees<sup>8</sup> are necessary to ensure that there is no unacceptable harm to the character and appearance of the area. A condition requiring adherence to a Construction Environmental Management Plan<sup>9</sup> is necessary for reasons of safety and amenity. Conditions to control the hours of working<sup>10</sup> and piling activities<sup>11</sup> during construction are necessary to protect the living conditions of local residents. A condition to secure a Remediation Strategy<sup>12</sup> to prevent pollution is in the interests of health and safety.
50. Conditions to ensure the provision<sup>13</sup> and maintenance<sup>14</sup> of acoustic mitigation measures are necessary in the interests of health and residential amenity. Conditions to secure electric vehicle recharge points<sup>15</sup> and energy efficiency and renewable energy measures<sup>16</sup> are necessary for environmental and climate change reasons. A condition requiring the implementation of a Travel Plan<sup>17</sup> is necessary to encourage the use of sustainable means of transport. Conditions to secure sustainable drainage<sup>18</sup> and the management of the drainage system<sup>19</sup> on the site are in the interests of preventing a risk from flooding and to ensure that the environment is protected from water pollution.
51. A condition to control the treatment of the existing PRoW on the site<sup>20</sup> is necessary for reasons of crime prevention and the protection of residential amenity. A condition requiring the implementation of an approved Landscape and Ecological Management Plan<sup>21</sup> is in the interests of biodiversity and nature conservation. A condition requiring the implementation of a scheme to control vehicular access to the emergency access<sup>22</sup> is for highway safety reasons. Conditions regarding bats and reptiles<sup>23</sup> and nesting birds<sup>24</sup> are to ensure the protection of the natural environment, including those species protected under the Wildlife and Countryside Act 1981.

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<sup>3</sup> Condition 1

<sup>4</sup> Condition 2

<sup>5</sup> Condition 3

<sup>6</sup> Condition 9

<sup>7</sup> Condition 15

<sup>8</sup> Condition 20

<sup>9</sup> Condition 4

<sup>10</sup> Condition 5

<sup>11</sup> Condition 16

<sup>12</sup> Condition 6

<sup>13</sup> Condition 7

<sup>14</sup> Condition 8

<sup>15</sup> Condition 10

<sup>16</sup> Condition 25

<sup>17</sup> Condition 11

<sup>18</sup> Condition 12

<sup>19</sup> Conditions 13 and 14

<sup>20</sup> Condition 17

<sup>21</sup> Condition 18

<sup>22</sup> Condition 19

<sup>23</sup> Condition 21

<sup>24</sup> Condition 22

52. A condition regarding new landscaping<sup>25</sup> is necessary in the interests of visual amenity. A condition to secure a programme of archaeological work<sup>26</sup> is in the interests of the history of the site. Conditions to ensure the provision of on-site and off-site highway works<sup>27</sup>, safeguard the visibility splays<sup>28</sup> and secure the future maintenance of the streets on the site<sup>29</sup> are necessary for reasons of highway safety and convenience.
53. The Council has not provided sufficient substantive evidence to demonstrate that a condition to secure vehicular access to the remainder of 'Site S' lying to the west of the appeal site is reasonable or necessary, given that that adjacent site would have its own separate access and it does not benefit from planning permission.
54. I have amended the suggested conditions and combined some of them where I consider it to be an improvement. I am satisfied that all the conditions that I have included are reasonable and necessary and reflect the advice in the national Planning Practice Guidance.

***Overall Conclusion***

55. For the reasons given above and having regard to all relevant matters raised, I conclude that the appeal should succeed.

*M J Whitehead*

INSPECTOR

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<sup>25</sup> Condition 23

<sup>26</sup> Condition 24

<sup>27</sup> Conditions 26 and 27

<sup>28</sup> Condition 28

<sup>29</sup> Condition 29

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter	of Counsel, instructed by Dave Whelan, Legal Services Manager, South Ribble Borough Council
He called	
Councillor Barrie Yates	Borough Councillor for Samlesbury and Walton Ward
Councillor Mike Nelson	Borough Councillor for Walton-le-Dale West Ward
Zoe Harding AssocRTPI	Planning Policy Officer, South Ribble Borough Council
Claire Bradley MRTPI	Managing Director, Kirkwells Ltd
Michael Wellock MRTPI	Managing Director, Kirkwells Ltd

### FOR THE APPELLANT:

David Manley	QC, instructed by Samantha Ryan, Turley
He called	
Timothy Russell	Croft Transport Solutions
BSc(Hons) MIHT	
Simon Webster	Red Acoustics
BEng(Hons) MIOA	
Jethro Redmore BEng	Redmore Environmental
MSc CEnv MIAQM	
MIEnvSc PIEMA	
Samantha Anne Ryan	Turley
BA(Hons) MRTPI	

### FOR THE RULE 6 PARTY: Persimmon Homes (Lancashire) Ltd

Paul Tucker	QC, instructed by Jon Suckley, GVA How Planning
He called	
Mark Devenish CEng	SCP Transportation Planning
MCIHT	

### INTERESTED PERSONS:

Matthew Lennie	Brindle Road Action Group
Elliott Stiling	Brindle Road Action Group
Matthew Jones	Brindle Road Action Group
Peter Carter	Brindle Road Action Group
Jackie Copley MRTPI MA	Campaign for the Protection of Rural England
BA(Hons) PgCert	

## DOCUMENTS

- 1. Application Documents**
- 1.1 Application forms and certificates
- 1.2 Location Plan (MCK Associates Drawing No 15-081 SL01 Rev A)
- 1.3 Existing Site Plan (with topo) (MCK Associates Drawing No 15-081 TP01)
- 1.4 Proposed Site Layout (MCK Associates Drawing No 15-081 PL01 Rev AF)
- 1.5 Brindle Road, Bamber Bridge Housetype Range (February 2018)
- 1.6 Elevational Treatments (MCK Associates Drawing No 15-081 ET01 Rev B)
- 1.7 Hard Surfacing (MCK Associates drawing no. 15-081 HS01 Rev A)
- 1.8 Boundary Treatments (MCK Associates Drawing No 15-081 BT01 Rev B)
- 1.9 Refuse Plan (MCK Associates Drawing No 15-081 RP01 Rev A)
- 1.10 2.5m Closed Boarded Fence (Acoustic) (Bellway Drawing No BH/MAN/SD/FD014 Rev C)
- 1.11 Cross Sections Sheet 3 of 3 (Avie Consulting Drawing No P2427-15-03 Rev B)
- 1.12 Temporary Sales Area (MCK Associates Drawing No 15-081 SA01 Rev E)
- 1.13 Site Access and Emergency Access Visibility Plan (Croft Transport Solutions Drawing No 1401-F01 Rev F)
- 1.14 Proposed Off-Site Highway Safety Improvements at Brindle Road / Bank Head Lane Junction (Croft Transport Solutions Drawing No 1401-02)
- 1.15 Indicative Sections through Stephendale Avenue (MCK Drawing no. 15-081 SC01 Rev A)
- 1.16 Streetscenes (MCK Associates Drawing No 15-081 SS01 Rev B)
- 1.17 Landscape Specification LDS421(E)-LS
- 1.18 Planting Plan 1 of 3 (LDS Drawing No LDS421-01E)
- 1.19 Planting Plan 2 of 3 (LDS Drawing No LDS421-02E)
- 1.20 Planting Plan 3 of 3 (LDS Drawing No LDS421-03E)
- 1.21 Design & Access Statement prepared by MCK Associates (Rev A)
- 1.22 Planning Statement prepared by Turley (22 September 2017)
- 1.23 Statement of Community Engagement prepared by Turley (21 September 2017)
- 1.24 Addendum to Planning Statement & Statement of Community Engagement prepared by Turley (8 February 2018)
- 1.25 Affordable Housing Statement prepared by Bellway
- 1.26 Ecological Assessment prepared by TEP (Ref 6259.001 Version 4.0, February 2018)
- 1.27 Air Quality Assessment prepared by Redmore Environmental (Ref 1315r3, 22 September 2017)
- 1.28 Updated Air Quality note – Letter from Emily Pears-Ryding of Redmore Environmental to Alex Wigfield of Bellway dated 7 February 2018 (Ref 1315)
- 1.29 Transport Assessment prepared by Croft Transport Solutions (September 2017)
- 1.30 Response to LCC Comments – November 2017 prepared by Croft Transport Solutions (Ref 1401)
- 1.31 Flood Risk Assessment and Drainage Strategy Statement prepared

- 1.32 by Avie Consulting (Ref P2427 Rev 03)  
Environmental Noise Study prepared by Red Acoustics (Ref R1336-REP01-PB Rev E)
- 1.33 Technical Note – Additional Monitoring Results prepared by Red Acoustics (Ref R1336-T01A-PB)
- 1.34 Site Investigation Report prepared by Coopers (Ref 6482si, 4 April 2017) with covering letter dated 20 September 2017 (Ref 6482BEL170920L)
- 1.35 Updated Ground Investigation note – Letter from B W Hill of Coopers to Bellway Homes dated 6 February 2018 (Ref 6482BEL180206L)
- 1.36 Energy Report prepared by JSP Sustainability (February 2018)
- 1.37 Arboricultural Impact Assessment prepared by Ascerta (February 2018)
- 1.38 Crime Impact Statement prepared by A P Martin (v1.0, September 2017)
- 1.39 Archaeological Desk Based Assessment prepared by L-P: Archaeology (Ref LP2206C-DBA-v1.5)
- 1.40 Utilities Statement prepared by Bellway (September 2017)
- 1.41 Employment and Skills Statement prepared by Bellway (October 2017), including Economic Benefits Infographic prepared by Turley Economics
- 1.42 Construction and Environmental Management Plan prepared by Bellway
- 1.43 Community Infrastructure Levy – Planning Application Additional Information Requirement form (dated 8 February 2018)
- 1.44 Officer’s report to Planning Committee meeting on 7 March 2018, including late updates
- 1.45 Decision notice (7 March 2018)

## **2. Development Plan**

- 2.1 Central Lancashire Core Strategy (adopted July 2012)
- 2.2 South Ribble Local Plan (2012-2026) (adopted July 2015)

## **3. Supplementary Planning Documents**

- 3.1 Central Lancashire Affordable Housing Supplementary Planning Document (SPD1) (October 2012)
- 3.2 Central Lancashire Design Guide Housing Supplementary Planning Document (SPD5) (October 2012)
- 3.3 Central Lancashire Open Space and Playing Pitch Housing Supplementary Planning Document (August 2013)
- 3.4 Central Lancashire Biodiversity and Nature Conservation Housing Supplementary Planning Document (July 2015)

## **4. National Legislation, Policy Documents & Guidance**

- 4.1 National Planning Policy Framework (DCLG, March 2012)
- 4.2 Relevant paragraphs of National Planning Practice Guidance (DCLG, March 2014 and as amended)
- 4.3 Housing White Paper – ‘Fixing Our Broken Housing Market’ (DCLG, February 2017)
- 4.4 Planning for the right homes in the right places: consultation proposals (DCLG, September 2017)
- 4.5 Government response to the Housing White Paper consultation:

- 4.6 Fixing our broken housing market (MHCLG, March 2018)
- 4.6 Government response to the Planning for the right homes in the right places consultation (MHCLG, March 2018)
- 4.7 Consultation Draft Revised National Planning Policy Framework (MHCLG, March 2018)
- 4.8 Relevant extracts of Consultation Draft Revised National Planning Practice Guidance (MHCLG, March 2018)
- 4.9 Housing Delivery Test: draft measurement rule book (MHCLG, March 2018)
- 4.10 Noise Policy Statement for England (NPSE) (Defra, March 2010)
- 4.11 British Standard (BS) 8233:2014 'Guidance on sound insulation and noise reduction for buildings'
- 4.12 ProPG: Planning & Noise - Professional Practice Guidance on Planning & Noise: New Residential Development (ANC, IOA & CIEH, May 2017)
- 4.13 Guidelines for Community Noise (World Health Organisation, 1999)
- 4.14 Relevant extracts of Health Effect Based Noise Assessment Methods: A Review and Feasibility Study (National Physical Laboratory (NPL), September 1998) [NPL Report CMAM16]
- 4.15 Urban Design Compendium (Homes and Communities Agency, August 2000)
- 4.16 Urban Design Compendium 2 – Second Edition (Homes and Communities Agency)
- 4.17 Guidelines for Providing for Journeys on Foot (Chartered Institution of Highways and Transportation, May 2000)
- 4.18 Urban Design Lessons: Housing Layout & Neighbourhood Quality (Homes and Communities Agency, January 2014)
- 4.19 Tenure Integration in Housing Developments: A Literature Review (NHBC Foundation / Homes and Communities Agency, September 2015)
- 4.20 Green Infrastructure: An integrated approach to land use (Landscape Institute, March 2013)
- 4.21 National Planning Policy Framework (MHCLG, July 2018)
- 5. Local Plan Evidence Base, Monitoring & Related Documents**
- 5.1 Sustainability Appraisal of the Local Plan
- 5.2 Report to South Ribble Borough Council on the Examination into the Site Allocations and Development Management Policies Development Plan Document (Planning Inspectorate, 9 June 2015)
- 5.3 Housing Land Position incorporating update to Strategic Housing Land Availability Assessment: As at 31 March 2017
- 5.3a Housing Land Position incorporating update to Strategic Housing Land Availability Assessment: As at 31 March 2018
- 5.4 South Ribble Local Plan Monitoring Report Covering the period April 2016–March 2017
- 5.5 Central Lancashire Core Strategy Monitoring Report Covering the period April 2016–March 2017
- 5.6 Central Lancashire Strategic Housing Market Assessment (GL Hearn, September 2017)
- 5.7 City Deal Business & Delivery Plan – Six Monthly Monitoring Report 2017/18
- 5.8 Planning Guidance Note 1: Noise and Vibration (SRBC Environmental Health Department, April 2016)

- 5.9 City Deal Business & Delivery Plan 2017-20 (June 2017)
- 5.10 Central Lancashire Strategic Housing Market – Joint Memorandum of Understanding and Statement of Co-operation relating to the Provision of Housing Land (Chorley Council, South Ribble Borough Council and Preston City Council, September 2017)
- 5.11 Preston, South Ribble and Lancashire City Deal (2013)

**6. Statements of Common Ground**

- 6.1 Statement of Common Ground between the Appellant and South Ribble Borough Council (19 June 2018)
- 6.2 Highways Statement of Common Ground between the Appellant and Lancashire County Council (June 2018)
- 6.3 Highways Statement of Common Ground between Bellway Homes Limited (Manchester Division), Persimmon Homes and Lancashire County Council (June 2018)

**7. Additional Document**

- 7.1 Air Quality Technical Note, Redmore Environmental, 11 July 2018

**8. Documents Submitted at the Inquiry**

- 8.1 Letter, dated 31 July 2018, from Turley, submitted by the appellant on 14 August
- 8.2 Draft Unilateral Planning Obligation regarding link between the appeal site and the adjoining development site, submitted by the appellant on 14 August
- 8.3 Opening submissions on behalf of the local planning authority, submitted by the Council on 14 August
- 8.4 Opening statement on behalf of the Rule 6 Party, Persimmon Homes (Lancashire) Ltd, submitted by the Rule 6 Party on 14 August
- 8.5 Statement read at the Inquiry by Matthew Jones, submitted by Matthew Jones on 14 August
- 8.6 Statement read at the Inquiry by Jackie Copley on behalf of CPRE, submitted by Jackie Copley on 14 August
- 8.7 Statement read at the Inquiry by Elliott Stiling, submitted by Elliott Stiling on 14 August
- 8.8 Statement read by Peter Carter at the Inquiry, submitted by Peter Carter on 14 August
- 8.9 CIL Compliance Statement, submitted by the Council on 16 August
- 8.10 Lancashire County Council Highways Statement of Justification for the Planning Obligation relating to the provision of bus service funding, submitted by the Council on 16 August
- 8.11 E-mails regarding bus service funding, submitted by the Council on 16 August
- 8.12 Copy of e-mail notifying Network Rail of the Inquiry, submitted by the Council on 16 August
- 8.13 Copy of Guidance: Government Housing and Economic Development Needs Assessments, updated 24 July 2018, submitted by the appellant on 16 August
- 8.14 Planning Layout Plan Ref TGDP/BRBB/PL2 for application to develop the adjoining site to the appeal site, submitted by the Council on 16 August
- 8.15 Site Visit plan

- 8.16 Statement of Martin Topping, submitted by Martin Topping on 16 August
- 8.17 Executed S106 Agreement, dated 16 August 2018, submitted by the Council on 16 August
- 8.18 Executed S106 Unilateral Planning Obligation, submitted by the Council on 16 August
- 8.19 Closing submissions on behalf of the Council, submitted by the Council on 17 August
- 8.20 Appellant's closing notes, submitted by the appellant on 17 August
- 8.21 Council's response to appellant's application for a partial award of costs, submitted by the Council on 17 August

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 2 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan SL01 Rev A; Proposed Site Layout PL01 Rev AF; Housetype plans 2C0075 Conrad, (No Ref) Fairhaven; 40A115 Oakwood, 3WE103 Weston, 3JA098 Japonica, 4AD108 Addingham, 3ST100 Stirling, 3CE080 Cherry, 2ST062 Studley, 3CH073 Chatsworth, 3RO077 Rochester, and (No Ref) Single Detached Garage; Elevational Treatments ET01 Rev B; Hard Surfacing HS01 Rev A; Boundary Treatments BT01 Rev B; Refuse Plan RP01 Rev A; Streetscenes and Sections SS01 Rev B; 2.5m Closed Boarded Fence (Acoustic) BH/MAN/SD/FD014 Rev C; Landscape Specification LDS421(E)-LS; Planting Plan 1 of 3 LDS421-01E; Planting Plan 2 of 3 LDS421-02E; Planting Plan 3 of 3 LDS421-03E; and Site Access and Emergency Access Visibility Plan Croft Transport Solutions 1401-F01 Rev F.
- 3) No development above finished floor level of the dwellings hereby permitted shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No phase of development shall commence unless there has been submitted to and approved in writing by the local planning authority a Construction Environmental Management Plan for that phase which shall specify the provision to be made for the following matters:
  - (a) Overall strategy for managing environmental impact and waste which arise during demolition and construction;
  - (b) measures to control the emission of dust and dirt during construction, including wheel washing facilities and mechanical sweeping of the adjacent roads;
  - (c) control of noise emanating from the site during the construction period;
  - (d) designation, layout and design of construction access and egress points;
  - (e) directional signage (on and off site);
  - (f) provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
  - (g) provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
  - (h) routing agreement for construction traffic; and
  - (i) waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The construction of the development shall be carried out only in accordance with the approved Construction Environmental Management Plan relevant to that phase.
- 5) During the site preparation and construction of the development, no machinery, plant or powered tools shall be operated, no process carried out

and no deliveries taken at or dispatched from the site outside the following times:

0800 hours to 1800 hours on Mondays to Fridays; and

0830 hours to 1300 hours on Saturdays.

No activities shall take place on Sundays, Bank or Public Holidays.

- 6) The development hereby permitted shall not commence until a Remediation Strategy for the site has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall be in accordance with the submitted Site Investigation Report (Ref 6482si, dated 4 April 2017) prepared by Coopers. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The Remediation Strategy shall incorporate the approved additional measures. All remedial works shall be implemented in accordance with the approved Remediation Strategy. On completion of the development/remedial works a written confirmation in the form of a verification report shall be submitted to the local planning authority to confirm that all works have been completed in accordance with the approved Remediation Strategy. The development hereby permitted shall not be occupied until the verification report has been approved in writing by the local planning authority.
- 7) Prior to the first occupation of the development hereby permitted, the mitigation measures identified in the Environmental Noise Study (Ref. R1336-REP01-PB Revision E, dated 7 February 2018) prepared by Red Acoustics shall be installed and retained thereafter. The mitigation measures identified for each dwelling shall be erected prior to occupation of that dwelling.
- 8) Prior to the first occupation of the development hereby permitted, a maintenance plan detailing how acoustic mitigation measures not linked to individual plots will be maintained for the duration of the development shall be submitted to and approved in writing by the local planning authority. The acoustic mitigation measures shall thereafter be maintained in accordance with the approved maintenance plan.
- 9) The development hereby permitted shall not commence until a detailed method statement for the removal or long-term management/eradication of the invasive species Himalayan balsam, as identified under the Wildlife and Countryside Act 1981 has been 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; and measures to ensure that any soils brought to the site are free of the seeds, roots and/or stems of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 10) Prior to first occupation of each dwelling within the development hereby permitted an Electric Vehicle Recharge point shall be provided to serve that dwelling. This shall consist of, as a minimum, a 13 amp electrical socket located externally or in the garage in such a position that a 3 metre cable will reach the designated car parking space(s). A switch shall be provided internally to allow the power to be turned off by the resident(s) which if located externally shall be fitted with a weatherproof cover.

- 11) Prior to the first occupation of any of the development hereby permitted, a full Travel Plan shall be submitted to and approved in writing by the local planning authority. Where the local planning authority agrees a timetable for implementation of the full Travel Plan, the elements shall be implemented in accordance with the approved timetable unless otherwise agreed in writing with the local planning authority.
- 12) No development (with the exception of demolition, site preparation and remediation works) shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- (a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 2, 1 in 30 & 1 in 100 year + allowance for climate change in accordance with the Environment Agency advice 'Flood risk assessments: climate change allowances'), 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;
- (b) the implementation of Avie Consulting Ltd Brindle Road, Bamber Bridge Flood Risk Assessment and Drainage Strategy Statement No P2427 revision 03 dated September 2017 with a variable discharge rate between 36.7 l/s and 54.7 l/s achieved by the use of a single vortex flow control outfall;
- (c) flood water exceedance routes;
- (d) a timetable for implementation, including phasing as applicable;
- (e) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates; and
- (f) details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the permitted dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 13) Prior to the first occupation of any of the development hereby permitted, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The sustainable drainage management and maintenance plan shall include, as a minimum:
  - (a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company; and
  - (b) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

- 14) Prior to first occupation of each dwelling within the development hereby permitted, the sustainable drainage scheme serving that dwelling shall be completed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the sustainable drainage management and maintenance plan approved under Condition 13.
- 15) The temporary sales area, access and parking arrangements hereby permitted and shown on Drawing No. 15-081 SA01 Rev E shall be removed from the site within 5 years of the date of the show house first being brought into use and the land forming the temporary access completed as shown on drawing Ref 15-081 PL01 Rev AF within 3 months of its removal.
- 16) Prior to the commencement of any works on site, details of all piling activities, including mitigation measures to be taken, shall be submitted to and approved in writing by the local planning authority. Piling activities shall be limited to between the hours of 0800 and 1800 on Mondays to Fridays and 0830 and 1300 on Saturdays, with no activities permitted on Sundays and Bank Holidays.
- 17) Prior to the first occupation of the development hereby permitted, a scheme detailing the treatment of the existing Public Right of Way through the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the proposed surfacing materials, boundary treatments and lighting. The scheme shall be implemented in accordance with the approved details.
- 18) No development (with the exception of demolition, site preparation and remediation works) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include details of the management regime for the woodland and wildflower grassland and commit to a minimum implementation covering a 5 year establishment period. This shall include:
  - A management regime for the woodland and wildflower grassland;
  - a schedule for management of the on-site pond;
  - the installation of 10 bat roosting features on buildings/retained trees; and
  - an amphibian friendly road scheme to the highway serving plots 8 to 13 and 20 to 23.

The LEMP shall be implemented as approved.

- 19) Prior to the first occupation of the development hereby permitted, a scheme for controlling vehicular access to the site via the emergency access from Brindle Road shall be submitted to and approved in writing by the local planning authority. The emergency access shall thereafter be operated in accordance with the approved scheme.
- 20) All trees shall be planted in accordance with BS 8545 2014 and prior to the commencement of the development hereby permitted protective fencing identified within the development (Drawing No P.828.17.03 Rev A) shall be

erected in accordance with BS5837 2012 and shall remain in-situ throughout the development. An inspection programme of the protective fencing shall be established and recorded as part of the overall site monitoring. Permission for access into the Root Protection Areas (RPAs) shall be agreed in writing with the local authority prior to entry. No machinery, tools and equipment shall be stored within the RPA of any trees on site.

- 21) Prior to the demolition of the existing buildings and the soft fell of any existing trees on the site, details of the Reasonable Avoidance Measures (RAMs) for bats and reptiles/common toad that will be adopted shall be submitted to and approved in writing by the local planning authority. The approved RAMs shall be implemented during the demolition/soft fell phase of the development.
- 22) No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place during the nesting season, normally between March and August, 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.
- 23) The approved landscaping scheme (Drawing No LDS421-01E, LDS421-02E, LDS421-03E and Landscape Specification LDS421(E)-LS) shall be implemented in the first planting season following completion of the development 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. The 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 of a similar size to that originally planted.
- 24) No development shall commence until the implementation of a phased programme of archaeological work has been secured. This shall be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the local planning authority.
- 25) The energy efficiency and renewable energy measures detailed in the submitted Energy Report (Dated February 2018) prepared by JSP Sustainability Ltd shall be installed in each dwelling prior to the first occupation of that dwelling.
- 26) No part of the development hereby permitted (with the exception of demolition, site preparation and remediation works) shall commence until a scheme for the construction of all site access, emergency access and the off-site works of highway improvement has been submitted to and approved in writing by the local planning authority.

The highway works shall be constructed in accordance with the approved scheme prior to the first occupation of any part of the development hereby permitted.

The highway improvement works shall include:

- (a) New Site Access from Brindle Road – the provision of a new residential estate road access junction point from Brindle Road, together with an emergency access point (as shown on plan Ref 1401-F01 Rev F).

- (b) Bus stop improvements – the improvement of the existing east and west bound bus stops closest to the site entrance to Quality Bus Standard.
  - (c) Enhanced Heavy Goods Vehicle Weight Restrictions – the erection of 2 new advanced weight restriction signs at the junction of Kellet Lane and Tramway Lane.
  - (d) Pedestrian crossings – the provision of an uncontrolled pedestrian crossing on Brindle Road.
- 27) No part of the development hereby permitted (with the exception of demolition, site preparation and remediation works) shall commence until the approved access from Brindle Road (shown on plan Ref 1401-F01 Rev F) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.
- 28) No hedges, trees or shrubs planted within the visibility splays for the development hereby permitted shall have a height of over 1 metre above the adjacent carriageway level at any time.
- 29) The development hereby permitted shall not be occupied until details of the arrangements for future management and maintenance of the streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company established.