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# Appeal Decision

Inquiry held on 30 July 2013

Site visit made on 31 July 2013

**by P J Asquith MA(Hons) MA MRTPI**

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

**Decision date: 19 August 2013**

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**Appeal Ref: APP/N2345/A/13/2192099**

**Connemara, Lightfoot Green Lane, Preston, PR4 0AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Michael Mullarkey against the decision of Preston City Council.
  - The application Ref. 06/2012/0094, dated 3 February 2012, was refused by notice dated 3 December 2012.
  - The development proposed is described as an outline planning application for 125 residential units with associated access, landscaping and open space.
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## General Background

1. The application was in outline with all matters reserved for subsequent approval except for access. Although the application was accompanied by an illustrative masterplan and a concept plan I have treated these as being for illustrative purposes only.
2. The appeal site of some 4.5ha comprises a large detached dwelling and garden with associated private stables and horse paddocks. It is not disputed by the Council that the site is, in principle, suitable for residential development. In refusing permission the Council's principal concern was not whether the site should be released for housing but when. This was bearing in mind what it considered to be the provision of infrastructure necessary to deliver the development sustainably and how traffic generated by the development might impact on the local transport network.
3. Discussions with the appellant prior to the Inquiry allowed the Council to arrive at a position whereby its concerns regarding infrastructure provision and the timing of development could be overcome through the provisions of an agreement under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) and the imposition of necessary and relevant conditions. This was a position endorsed by the Council's Planning Committee. As such, an agreed Statement of Common Ground confirms that, subject to the S106 agreement and a raft of conditions, there are no longer any matters in dispute between the Council and the appellant. Consequently, at the Inquiry the Council did not formally present evidence through its witnesses nor cross-examine the appellant's witnesses.

## Decision

4. The appeal is allowed and planning permission is granted for the development of 125 residential units with associated access, landscaping and open space at Connemara, Lightfoot Green Lane, Preston, PR4 0AP, in accordance with the terms of the application, Ref. 06/2012/0094, dated 3 February 2012, subject to the conditions set out in the attached schedule.

## Main Issues

5. In light of the Council's original reasons for refusal, other representations received and the above background, I consider the main issues in this case to be:
  - The impact of the scheme coming forward in advance of the adoption of the Council's Publication Local Plan<sup>1</sup> and the absence of a Masterplan for the area to ensure the comprehensive and phased delivery of development in the North West Preston Strategic Location (NWPSL), with particular reference to impact on the local and strategic highway network.
  - Whether the proposal constitutes sustainable development within the context of guidance within the National Planning Policy Framework (the Framework).

## Reasons

### *Masterplanning and highway impact*

6. The development plan for the area comprises the Central Lancashire Core Strategy (CLCS), adopted in 2012, and certain saved policies of the 2004 Preston Local Plan. The appeal site falls within the NWPSL identified in Policy 1 of the CLCS as an area where growth and investment will be focussed. The NWPSL is predicted to deliver some 2,500 dwelling over the plan period to 2026.
7. The Council acknowledges that it does not have a five-year supply of deliverable housing sites. Residential development on the appeal site would make a contribution to this supply at a time when a key Government aim espoused within the Framework is to boost significantly the supply of housing. Moreover, of the proposed 125 dwellings to be provided, 30% would be affordable units in line with Policy 7 of the CLCS.
8. The site is also promoted for housing through the emerging Publication Local Plan, although this is unlikely to be adopted until 2014, is currently at a relatively early stage and therefore the weight to be accorded it is limited. However, Policy MD2 of this draft plan indicates that the Council will work with Lancashire County Council (as highway authority) and others on a comprehensive plan to deliver the additional transport infrastructure required to enable the development of the NWPSL. It further states that until this comprehensive plan is in place new proposals within this area which would give rise to increased road congestion will be resisted. An initial concern of the Council, as put forward in its reasons for refusal, was the impact of the traffic the proposal would be likely to generate on the existing highway network.

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<sup>1</sup> Previously referred to as the Site Allocations and Development Management Policies Development Plan Document

9. The Central Lancashire Highways and Transportation Masterplan (CLHTM) of March 2013 represents the County Council's considered position of the infrastructure needed to support the delivery of Central Lancashire's development strategy. One of the major road schemes put forward is the Preston Western Distributor (PWD) which would link the M55 motorway to the north with the A583/A584 to the west of Preston. The Masterplan states that the relationship of this distributor road to the NWPSL will be critical to ensuring that this new road is fully and properly used by local commuting traffic.
10. The CLHTM promotes the need for a local east-west distributor road through the NWPSL to link with the PWD. This is on the basis that there are several separate housing developments having planning permission or are coming forward within this area and that a link road would help to ensure ready and convenient access to and from the PWD for both local and long-distance journeys. This would deter both through and locally-generated traffic from using already congested routes to the east towards the A6, Preston city centre and Junction 1 of the M55.
11. Separate to the above, a Masterplan for north-west Preston (NWPM) is being prepared by the City and County Councils. Consultation on three options for the masterplanning of the whole of the NWPSL commenced in mid-July. The purposes of this Masterplan are, amongst other matters, to: provide a vision for development in the area in accordance with the core principles of the Framework; provide a clear phasing approach to infrastructure provision, including that referred to in the CLHTM; and to confirm and develop the design of an indicative internal road layout for the local distributor (spine road) linking the PWD and other principal routes. Following consultation the masterplan is scheduled for adoption in December 2013. I have no reason to disagree with the Council's view that the NWPM's aim of providing a vision for the development of this part of Preston accords with the Framework core principles.
12. Whilst the CLHTM indicatively showed the line of the spine road passing through the appeal site, the three initial options for consultation within the NWPM each show the line of this road linking to Lightfoot Lane to the west of the appeal site rather than passing through it. It was confirmed by the Council at the Inquiry that it would not be the intention for the spine road to pass through the appeal site<sup>2</sup>. Through the mechanism of the S106 agreement the appellant has agreed to make a contribution of £400,000 towards the provision of the spine road, a matter I address in more detail below. Furthermore, there is no suggestion that the appeal site should be earmarked for the provision of any major community infrastructure. A condition is suggested that would prevent the submission of any reserved matters application prior to the adoption of the NWPM as a Supplementary Planning Document<sup>3</sup>. On this basis, allowing the proposal now would not be likely to prejudice the preparation of the NWPM.
13. Having regard to the timing of delivery of the PWD and the associated east-west spine road, it is clear that final Government approval of a City Deal for

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<sup>2</sup> It was also indicated by the Council that there was an error in the Options 2 and 3 plans of the consultation document showing the appeal site as being an indicative area of green infrastructure. These should have shown, as with Option 1, the majority of the site as residential and in respect of which, as noted in paragraph 2 above, the Council accepts the principle.

<sup>3</sup> The condition would include a 'long-stop' date of 31 December 2013 for the submission of reserved matters so that development would not be held up if there were to be delays in the adoption of the NWPM.

Preston and Lancashire is imminent. The thrust of the City Deal is a substantial Infrastructure Delivery Programme and Investment Fund which would accelerate the delivery of supporting infrastructure and, in turn, housing and commercial development in the area. The Deal concentrates on a number of key sites, including north-west Preston. It would provide funding certainty to bring forward substantial additional road infrastructure through a combination of central and local government funding and developer contributions. A key part of the City Deal is that both housing and associated infrastructure are delivered sooner than might otherwise be the case and this would mean that the PWD should be in place by 2019/20.

14. The Examiner's final report on the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule has been received and the Charging Schedule is due to come into effect in September 2013. The CIL would help to fund the PWD and a new railway station. The provision of the PWD and the associated spine road through the NWPSL would be important elements in mitigating the impact of traffic generated by the appeal site development, as well as other sites within the area. The S106 agreement would secure a contribution to the funding of the PWR at the equivalent of the requisite CIL rate.
15. A further Council concern related to the impact of additional traffic generated by the scheme on the operation of the strategic road network at the A6/M55 Junction 1 interchange to the east. However, improvement works to this junction are underway, secured by existing development commitments, and are expected to be completed by the end of 2013. As a result of Government 'pinch point' funding the works also include increasing the capacity of the junction. Not only will the works improve highway capacity but they are likely to ease congestion on the surrounding highway network of the Tom Benson Way/Lightfoot Lane/Eastway corridor. The effect of these works would be to ease congestion during the early years of the proposed development such that traffic generated by it would not have any significant impacts. However, assuming that all currently committed developments are built-out and that other sites within the NWPSL come on stream, the Council indicates that capacity at this junction would be insufficient to meet the projected traffic flows by 2019. Therefore the PWD and associated infrastructure would be needed to accommodate further development. But this is in line with the Council's phasing of housing land set out in its Publication Local Plan.
16. In addition to the above, the proposal puts forward other highway improvements to mitigate the impact of traffic generated by the scheme. These include a revised arrangement for the junction of Lightfoot Green Lane and Lightfoot Lane to include a right-turning lane into Lightfoot Green Lane, the provision of a footway on the eastern side of this latter road and the widening of the footway and relocation of a bus stop and shelter on the north side of Lightfoot Lane. These works and the site junction arrangement with Lightfoot Green Lane could be secured by the imposition of appropriate conditions. I have noted expressed concerns from objectors regarding the increased use that would be made of Lightfoot Green Lane, and perceived inadequacies of the appellant's initial Transport Assessment. Nonetheless, in light of the proposed highway works and agreed infrastructure contributions neither the Council nor the local highway authority now object to the scheme on the basis of highway impacts. I concur.

17. I therefore conclude on this issue that, subject to the provisions of the S106 agreement and the imposition of appropriate conditions, the proposal would not prejudice the comprehensive and phased delivery of development in the NWPSL. There would be compliance with the development plan in that there would be no conflict with CLCS Policy 2. This seeks to ensure the coordination of development and infrastructure provision.
18. Nor would the scheme be counter to saved LP Policy T19 which requires, amongst other matters, that road safety and the efficient and convenient movement of all highway users is not prejudiced. Although, as noted above, the weight to be accorded to it is limited because of the present stage of preparation, there would also be no material conflict with the emerging Publication Local Plan in terms of the phasing of development. This is on the basis of the proposed contributions to infrastructure provision and suggested conditions, including that which would see the holding back of any reserved matters applications until after the adoption of the NWPM.

#### *Sustainable Development*

19. Having regard to its locational characteristics the site, as part of the NWPSL, has already been considered acceptable in principle within the CLCS as suitable for housing. The site is within what are suggested as acceptable walking distances<sup>4</sup> of a considerable range of facilities and services. It is likely that all dwellings would be within 400m of bus stops within Lightfoot Lane and, through the S106 agreement, the appellant has offered to financially contribute towards upgrading the frequency of the No. 4 bus service passing along Lightfoot Lane and linking to the centre of Preston. The site is also close to the Preston Guild Wheel cycle route, providing connection to the surrounding area and other parts of the city. The S106 would provide financial contributions towards the provision of a cycle link along Lightfoot Lane and one between Boys Lane and St Anthony's Drive, to the south of the site, helping to provide a better cycle route connection towards the city centre. Similarly, there would be a commitment to securing and implementing a Travel Plan to identify, deliver and encourage sustainable travel patterns to and from the site.
20. The scheme would contribute to economic growth within the area by contributing to housing delivery at a time when there is a shortfall in the Council's five-year supply of deliverable housing sites. As already noted, it would realise a sizeable contribution of affordable housing.
21. There is no disagreement between the Council and appellant that, subject to the imposition of appropriate conditions, the site can be satisfactorily developed in terms of impact on landscape, trees and ecology and that it can be adequately serviced and drained. Acceptable living conditions for future occupants could be provided having regard to matters such as noise from motorway traffic on the adjacent M55 and noise and vibration from use of the west coast mainline railway passing directly to the east. The Council would have control over the details of the development through the need for the subsequent approval of all reserved matters save for the access. This would enable it to ensure a high standard of design capable of providing a development of appropriate appearance and character, with suitable levels of open space the future maintenance and management of which would be secured through the S106 agreement. A suggested condition would ensure that

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<sup>4</sup> The Institution of Highways and Transportation, 'Providing Journeys on Foot'.

the dwellings were built to Level 4 of the Code for Sustainable Homes, in accordance with CLCS Policy 27, thereby making a small contribution to combating the effect of climate change by reducing carbon emissions.

22. Subject to these and other conditions discussed below and the provisions of the S106 agreement, including those relating to infrastructure contributions, I am satisfied that the proposal would represent a sustainable form of development. The Council accepts this to be the case and my attention has not been drawn to any development plan policies with which it would conflict in this regard. The scheme would accord with the thrust of Framework guidance which indicates that the presumption in favour of sustainable development is the golden thread running through both plan-making and decision-taking.

#### *S106 agreement and conditions*

23. As noted above, there is an executed S106 agreement between the appellant and the Council. This would secure: the provision of the 30% affordable housing element within the scheme; the provision and management of open space within the site; the agreement and operation of a Travel Plan; and financial contributions towards the improvement of the frequency of buses passing the site and the provision of cycle links. The agreement would provide a financial contribution towards the provision of the PWD, together with a contribution towards the delivery of the east-west spine road.
24. At the Inquiry representations on behalf of two different prospective developers of land elsewhere within the NWPSL questioned whether the proposed contribution to the spine road would be compliant with the terms of the CIL Regulations, clearly with a view to protecting their clients' positions in the future consideration of their proposals. Whilst the PWD is within the draft regulation 123 list and the CIL is scheduled to come into force in September 2013, the spine road is not included in this list. It is argued that this road should be included and that its financing should be through CIL and not through additional contributions via S106 obligations; the spine road should be seen as a strategic piece of highway infrastructure. There are several different developments that would make up the NWPSL and pooled contributions through S106 obligations would be likely to exceed the five that could be permitted under the CIL regime.
25. Furthermore, it is argued such a contribution would represent an additional burden on developers over and above any necessary CIL contribution, could impact on viability and there is no sound basis to judge the appropriateness of the payment sought.
26. However, in my view it is by no means certain that more than five separate developments would contribute to the spine road provision through S106 obligations since it is likely that some developers could be required to directly provide sections of the spine road which would pass through their sites. The County Council, as highway authority, has in my view made a realistic effort to arrive at a calculation of a reasoned contribution per dwelling likely to come forward as part of the NWPSL based on various assumptions and cost estimates. It is also clear that the rate of CIL to be applied within this area has been pitched at a level which is less than the theoretical maximum that appraisals considered possible, leaving a reasonable balance within which other contributions necessary in connection with specific development proposals could be sought. The CIL Charging Schedule is not yet in force. The

appellant considers its approach to be reasonable and appropriate in the circumstances and it has freely and willingly entered into the S106 agreement. I am satisfied that this obligation in respect of the contribution to the spine road together with the other obligations within the S106 agreement is CIL-compliant. They are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to it.

27. A list of suggested conditions considered reasonable and necessary to make the proposed development acceptable was agreed between the Council and the appellant prior to the Inquiry. I have considered these conditions in light of advice within Circular 11/95 *The Use of Conditions in Planning Permissions*.
28. In addition to the usual conditions relating to the need for submission of details of the matters reserved for subsequent approval, conditions are required relating to the timing of these submissions and the implementation of development. In light of the likely eventual adoption of the NWPM and as already referred to above, a condition is necessary which precludes the submission of reserved matters until after the Masterplan's adoption. This would seek to ensure that the details of the scheme tie in with the Masterplan whilst at the same time not unacceptably holding back the development.
29. For the avoidance of doubt, a condition is necessary specifying the plans to which this permission relates. As access is not a reserved matter and as details of a proposed access onto Lightfoot Green Lane have been provided, I consider it is necessary to specify this plan. Also, to protect wildlife and habitat, conditions are necessary requiring the submission and agreement of a Habitat Management Plan, the timing of works in relation to the bird nesting season and surveying for the presence of bats. For the same reason and in the interests of visual amenity, a condition is necessary ensuring the protection of trees and hedgerows.
30. To protect the living conditions of existing nearby residents and to ensure highway safety and convenience, I shall impose the suggested condition requiring the agreement of a Construction Method Statement and Environmental Management Plan. Similarly, to protect the living conditions of future occupiers of the development from possible noise disturbance from the adjacent M55 motorway and mainline railway, a condition is required to agree and implement a noise mitigation strategy.
31. Although a condition has been suggested requiring the submission and agreement of details of landscaping, since landscaping is a reserved matter I do not consider this to be strictly necessary. However, I shall impose the suggested condition which would ensure the implementation of landscaping and the need for the replacement of any soft landscaping that dies or becomes diseased, to ensure a satisfactory appearance. For the same reason conditions are necessary relating to the agreement of finished floor levels and the agreement of samples of external materials. In the interests of highway safety and the free flow of traffic, conditions are necessary relating to the protection of visibility splays, the detailed construction of the proposed access onto Lightfoot Green Lane, the agreement and implementation of off-site highway works, and details of on-site parking.
32. A condition is required to ensure the recording of any archaeological interest within the site, as is a condition which would ensure the assessment and

remediation of any contamination that might be encountered. To ensure the site is satisfactorily drained and to reduce the risk of flooding and pollution, conditions are necessary relating to both foul and surface water drainage. In the former case although this suggests connection to a point a considerable distance from the site the wording of the condition is sufficiently flexible to allow agreement of an alternative means of connection should this be feasible. To assist in reducing reliance on non-renewable energy resources a condition is required that would ensure the dwellings within the development achieve Level 4 of the Code for Sustainable Homes. Finally, to ensure that there is satisfactory provision for waste and recycling, a condition is needed requiring agreement of these facilities at the reserved matters stage.

### *Conclusion*

33. I conclude overall, having regard to the two main issues identified, that the proposal would be compliant with the thrust of development plan policies and with guidance within the Framework aimed at the achievement of sustainable development. Allowing the proposal on the appeal site now would not unacceptably compromise comprehensive development within the wider area. There are no material considerations which would significantly and demonstrably outweigh the benefits of the scheme. These benefits include contributing to addressing the shortfall of deliverable housing land, providing a requisite proportion of affordable housing and contributing to necessary infrastructure provision. As such, the development is acceptable. I have taken account of all other matters raised but none is sufficient to outweigh this conclusion.

*P J Asquith*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT

Roger Lancaster, of Counsel<sup>5</sup>

instructed by Cassidy + Ashton

### FOR THE LOCAL PLANNING AUTHORITY

Jonathan Easton, of Counsel

instructed by the Legal  
Department, Preston City  
Council

### INTERESTED PARTIES

Paul Sedgwick

Sedgwick Associates on behalf  
of Hollins Strategic Land LLP

## **DOCUMENTS** (handed in at the Inquiry)

1. Position Statement on behalf of the Council
2. Opening submissions on behalf of the appellant
3. Missing proof of evidence from Natalie Beardsworth
4. Missing proof of evidence and appendices from Michael Molyneux
5. Addendum – Cost estimate for the east-west spine road (Lancashire County Council)
6. Draft S106 Agreement (two iterations)
7. Strategic Masterplan – Three initial options
8. Plan showing sections of cycle links to which S106 contributions would be made
9. Letter of 30 July 2013 with appended copy letter of 26 July 2013 from Indigo Planning Limited on behalf of Commercial Estates Group
10. Note from Mr Molyneux on S106 and CIL with copies of the Community Infrastructure Levy Viability Evidence for Draft Consultation Stage and Report on the Examination of the Draft Community Infrastructure Levy Charging Schedules of Chorley Borough Council, Preston City Council and South Ribble Borough Council
11. Signed S106 Agreement (submitted following the close of the Inquiry)

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<sup>5</sup> Neither Mr Lancaster, nor Mr Easton for the local planning authority, formally called witnesses.

## **Schedule of Conditions**

### *Reserved Matters*

1. Details of layout, scale, appearance and landscaping (hereinafter called 'the reserved matters') in respect of the development shall be submitted to and approved in writing by the local planning authority before any development is commenced. Thereafter the development shall only be carried out in accordance with the details as approved.

### *Timescale to submit Reserved Matters applications*

2. Applications for approval of the reserved matters shall be made to the local planning authority within two years from the date of this permission, save that no reserved matters application shall be submitted before the earlier of the two following dates: (i) the adoption by the local planning authority of the North West Masterplan; or (ii) 31 December 2013. Thereafter the development shall only be carried out in accordance with the details as approved.

### *Timescale for commencement of works*

3. The development shall begin not later than two years from the date of this permission or the expiration of two years from the date of approval of the last of the reserved matters whichever is the later.

### *Approved plans*

4. The development hereby approved shall only be implemented in accordance with the approved plans comprising:
  - (i) Location plan, drawing no. L01, Rev C, dated Feb 2011.
  - (ii) Proposed Connemara Site Access, ref. NW/CAP/LIGHT.1.05.dwg, dated 25 July 2013.

### *Programme of archaeological work*

5. No development shall take place until the appellant, or their agents or successors in title, has/have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority.

### *Implementation of landscaping*

6. All planting, seeding or turfing comprised in any approved details of landscaping for any phase of the development shall be carried out in the first planting and seeding seasons following first occupation of the buildings in the relevant phase or the completion of that phase whichever is the sooner. Any trees or plants which, within a five-year period from completion of that phase, die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of a similar size and species unless the local planning authority gives written approval to any variation.

*Protection of retained trees and hedgerows*

7. No retained tree or hedgerow shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of occupation of the development or any phase of the development, whichever is the later, other than in accordance with any subsequently approved plans and particulars, without the prior written approval of the local planning authority. The retained trees and hedgerows shall be protected during construction through the installation of protective fencing in accordance with a scheme to be submitted to and agreed in writing by the local planning authority for each phase prior to the commencement of development in that phase. The protective fencing shall be implemented in accordance with the approved scheme.

*Details of existing and proposed ground levels*

8. No development shall take place until full details of finished site levels and finished floor levels of buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Sample materials*

9. No development shall commence until samples of the external materials to be used in the construction of the approved dwellings, associated buildings and external areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved samples.

*Car and cycle parking*

10. No dwelling shall be occupied until a scheme detailing all associated car, bicycle and motorcycle parking has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and the facilities thereafter retained for car, bicycle and/or motorcycle parking.

*Noise mitigation*

11. The development shall be carried out only in accordance with the recommendations of the Environmental Noise Study by Red Acoustics (report ref; R0464-REP01-DRG, dated 14 October 2011). A noise mitigation strategy shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any dwelling and shall be implemented in accordance with timescales specified in the approved strategy.

*Contaminated land scheme*

12. No development shall commence until:
  - a) A site investigation and associated risk assessment has been designed for the site using information obtained from the

Preliminary Risk Assessment (Phase 1 Desk Study) dated February 2012 (ref. CL1911) and has been submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site and shall be undertaken in accordance with those approved details.

- b) A Method Statement and Remediation Strategy, based on the information obtained from a) above has been submitted to and approved in writing by the local planning authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in b) above, and to a timescale which shall be agreed in writing by the local planning authority. If during development contamination not previously identified is found to be present at the site then no further development (unless urgent remediation works necessary to secure the area or those otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

#### *Construction Method Statement and Environmental Management Plan*

13. No development shall commence until a Construction Method Statement and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved Method Statement and Management Plan shall be adhered to throughout the construction period and shall provide for:

- i. hours of working and access
- ii. details of construction traffic phasing
- iii. the parking of vehicles of site operatives and visitors
- iv. loading and unloading of plant and materials
- v. storage of plant and materials used in constructing the development
- vi. the erection and maintenance of security hoardings
- vii. wheel washing facilities
- viii. measures to control the emission of dust, dirt, noise, vibration and light during construction
- ix. a scheme for recycling/disposing of waste resulting from construction works
- x. hours of construction

- xi. details of any piling

The development shall thereafter only be carried out in accordance with the details approved.

*Highways – proposed access details*

14. The development hereby permitted shall not commence until construction details of the proposed access onto Lightfoot Green Lane, including all associated works within the public highway, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details and no dwelling hereby permitted shall be occupied until the access has been constructed in accordance with the approved details.

*Visibility splays*

15. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs that exceed one metre in height above the road level of any visibility splay, including private driveways.

*Highways – off-site highway works*

16. No works, other than the construction of the site access required by condition 14, or investigative work, shall take place until a fully detailed design and implementation plan for the construction of the required off-site highways improvements has first been submitted to and approved in writing by the local planning authority.

The said off-site highways works shall be constructed in accordance with the approved design details and completed in accordance with the approved implementation plan. The works shall comprise:

- a) Widening on the south side of the Lightfoot Green Lane/Lightfoot Lane junction to provide a right turn lane on Lightfoot Lane into Lightfoot Green Lane and shall include the provision of a joint use footway at the southern edge of the site and relocation of the bus stop and shelter on the north side of Lightfoot Lane which exists approximately 10m east of the Lightfoot Green Lane/Lightfoot Lane junction, in accordance with drawing No. LGL1, dated 23 July 2013; and
- b) 3m wide shared-use footway along the east side of Lightfoot Green Lane in accordance with drawing No. NW/CAP/LIGHT.1/05, dated 25 July 2013.

*Sustainable drainage*

17. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning

authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- (ii) include a timetable for its implementation; and
- (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

#### *Foul drainage*

18. The development hereby permitted shall not commence until a scheme for the disposal of foul water, including details of any off-site works for the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and subsequently maintained in accordance with the timing arrangements within the approved scheme. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the foul sewer network at either manhole reference 9101 on the existing 900mm combined sewer or manhole reference 0001 on the existing 1200mm combined sewer, both of which are located at grid reference 350986, 431102.

#### *Code for Sustainable Homes*

19. The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling in any phase shall be occupied until a final Code Certificate has been issued for that dwelling certifying that Code Level 4 has been achieved for that dwelling.

#### *Waste and recycling*

20. Applications for the approval of reserved matters shall include details of space and facilities in the development for waste and recycling storage and collection. The facilities shall be provided in accordance with the approved details and permanently retained for that purpose thereafter.

#### *Nesting birds*

21. Measures for the avoidance of impacts on nesting birds as outlined in paragraphs 4.10-4.11 of the Ecological Phase 1 Survey Report by Bowland Ecology, dated October 2011, shall be implemented in full in accordance with the timescales set out therein. A scheme for replacement nesting bird habitat (including vegetation and nest boxes with details of their siting and timescales for implementation) shall be submitted to and approved in writing by the local planning authority and shall be subsequently implemented and maintained in accordance with the approved details and timescales.

### *Roosting bats*

22. Prior to any demolition or construction works affecting the existing dwelling and other buildings and trees within the site a survey of the existing dwelling and other buildings and a survey of existing trees with the potential to support roosting bats shall be carried out to establish the presence or absence of roosting bats. If the presence of bat roosts is confirmed, no works shall proceed without the prior acquisition of a licence from Natural England. If the presence of bat roosts is not confirmed the development shall be carried out in accordance with the recommendations of paragraph 4.14 of the Ecological Phase 1 Survey Report by Bowland Ecology, dated October 2011. A scheme for replacement bat roosting opportunities (including timescales for implementation) shall be submitted to and approved in writing by the local planning authority and shall be subsequently implemented and maintained in accordance with the approved details and timescales.

### *Habitat Management Plan*

23. Prior to the commencement of development a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The said plan shall demonstrate retention (or adequate replacement with appropriate species) of scattered trees and hedgerows, maintenance and enhancement of bird nesting and foraging habitat, bat foraging habitat, maintenance and enhancement of habitat connectivity and shall follow the recommendations set out in section 4 of the Ecological Phase 1 Survey Report by Bowland Ecology, dated October 2011. The development shall be carried out only in accordance with the approved Habitat Management Plan.