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# Appeal Decision

Inquiry held on 25 and 26 June 2013

Site visits made on 27 and 28 June 2013

**by Karen L Ridge LLB (Hons) MTPL**

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

**Decision date: 13 August 2013**

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**Appeal Ref: APP/N2345/A/13/2192362**

**Land off Forest Grove, Barton, Preston, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Hollins Strategic Land LLP against Preston City Council.
  - The application Ref. 06/2012/0823, is dated 25 October 2012.
  - The development proposed is outline planning permission for the erection of up to 65 no. dwellings (all matters reserved other than access).
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## Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 65 no. dwellings (all matters reserved other than access) on land off Forest Grove, Barton, Preston, Lancashire in accordance with the terms of the application, Ref. 06/2012/0823, dated 25 October 2012, subject to the conditions set out in the schedule at the end of this decision.

## Preliminary Matters

2. The application was made in outline with all matters, except access, reserved for subsequent approval. An indicative layout was submitted with the planning application which led to this appeal. This plan was for illustrative purposes only.
3. The appeal is against a failure to determine the planning application within the prescribed time and it was lodged on 31 October 2012. The Council's Planning Committee considered the application on 4 March 2013. The Council resolved that, had it been able to, it would have refused to grant planning permission for the development for reasons, which, for the sake of brevity, I shall summarise as follows:
  - (i) the development would lead to a disproportionate expansion to a rural village which would not constitute sustainable development;
  - (ii) a clear and robust need for affordable housing within the village of Barton has not been demonstrated and therefore there are no exceptional reasons for permitting growth at a location at the lowest end of the hierarchy for locating growth;
  - (iii) the development would lead to the substantial loss of a tract of open countryside at the edge of the rural village which would significantly detract from the rural character of the village and surrounding rural landscape;

- (iv) the development would generate additional traffic which would pass through the Broughton Crossroads junction and have an unacceptable and adverse impact on traffic conditions generally and highway safety in particular; and
- (v) the submitted application has not adequately demonstrated that the site could accommodate the amount of development proposed, with an appropriate density, scale and distribution, so as not to unacceptably harm the character and appearance of the countryside and the living conditions of existing, neighbouring occupiers.

*The second putative reason for refusal*

4. The planning application originally included the provision of 30 affordable housing units, together with 35 market housing units. This equated to an affordable housing provision of 46%, some 11% more than is generally required by policy 7 of the Council's Core Strategy (CS) which seeks to achieve 35% affordable housing provision on residential proposals within rural areas. The case originally advanced by the appellant was that there was a localised need for affordable housing within the parish of Barton.
5. The Council was not satisfied that a localised need for affordable housing, over and above the general need for 35% affordable housing provision, had been satisfactorily demonstrated. This gave rise to the second putative reason for refusal. After the opening of the Inquiry, the appellant confirmed that it did not wish to pursue its arguments regarding a localised and particular need for affordable housing within Barton. On this basis the proposal was amended to provide 23 units of affordable housing which accords with the policy aspirations within CS policy 7. The Council raised no objection to this amendment. I am satisfied that the amendment to the proposal is relatively minor and that no prejudice would be caused if I were to proceed to consider the proposal on the basis of 35% affordable housing provision.
6. The re-alignment of the appellant's case resulted in the appellant withdrawing the evidence submitted by Dr Michael Bullock of Arc4 consultants. They had previously been commissioned to prepare a housing needs study for the Barton Parish. In preparing for the appeal the Council had instructed Mr Martin Browne, director of Outside Consultants, to respond to the housing needs assessment and evidence of Dr Bullock. Following the withdrawal of Dr Bullock's evidence, the Council's advocate confirmed that no weight should be placed on the evidence of Mr Browne. I confirm therefore that I have paid no regard to the evidence of either Dr Bullock or Mr Browne in my determination of this appeal.

*The fourth putative reason for refusal*

7. Throughout the appeal process there have been ongoing discussions between officers from Lancashire County Council (the relevant Highways Authority) and the appellant's highways consultants. These discussions were fruitful in that the Highways Authority indicated that it would withdraw its objections on highways grounds on the understanding that certain contributions to highways improvements would be secured which would address those concerns. The contributions include a financial payment towards the funding shortfall needed to deliver the Broughton Bypass, a major infrastructure project programmed to alleviate the traffic bottlenecks which occur at the Broughton Crossroads

- junction. The contributions also include the upgrading of an existing public right of way and funding for a travel plan associated with the development.
8. The Council confirmed that, subject to a legal agreement to secure the above contributions, it was satisfied that such provision would address its highways objections. On this basis the Council withdrew the objection contained within the fourth putative reason for refusal and the main parties agreed that there was no need for formal evidence to be given by their respective highways experts.
  9. Notwithstanding the agreement between the main parties on highway matters, there were a significant number of objections made by local residents and other third parties in relation to the effect of the proposal on the highway network. These objections related not only to the impact on the Broughton Crossroads junction but also on other junctions in the vicinity of the site. I also have to satisfy myself as to the effect of the proposal on the highway network. I therefore asked that the two highways experts from each of the main parties attend on the second day of the Inquiry to answer my questions and the questions of objectors to the proposal.

*The fifth putative reason for refusal*

10. In an attempt to address the fifth putative reason for refusal, the appellant submitted a revised plan showing a different indicative layout and distribution of houses within the site. The revised plan<sup>1</sup> was prepared during the appeal process and the appellant undertook its own consultation exercise on the plans. Unfortunately, the responses to the consultation exercise were directed to the Planning Inspectorate after the deadline for third party representations. Consequently, and as is usual, the letters were returned by the Planning Inspectorate to the senders.
11. Some of the consultation responses in relation to the revised layout are appended to the evidence of Mr Sedgwick. In addition, a large number of objections were received at application stage, some of which related to the original layout. I shall of course take all of these representations into account in my decision making.
12. The revised layout sought to overcome the Council's concerns by reducing the vertical scale of development on the periphery of the development, reducing densities in certain parts of the site and by reducing forecourt parking. The Council indicated that, whilst it still harboured some concerns about certain aspects of the revised layout, it was content that, in principle, the amount of development proposed could be satisfactorily accommodated on the site. The Council consequently withdrew its fifth putative reason for refusal.
13. The application is in outline, so matters of layout and scale are reserved for future consideration. The revised plan is merely indicative of what could be achieved on the site. In the event that the appeal was to be allowed and outline permission granted, these matters would be subject to fresh consultation in any event. I am therefore satisfied that accepting the revised, indicative plan would not prejudice the interests of any parties, including those whose letters were returned by the Planning Inspectorate. I shall proceed on the basis of the revised layout plan.

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<sup>1</sup> Drawing number 2013/23/01 dated April 2013.

### *Unilateral Undertaking*

14. At the end of the Inquiry, a draft Unilateral Undertaking, made pursuant to the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) was submitted. The undertaking was in its final form and the Council had seen and had the opportunity to comment upon it. Consequently I agreed to allow a period of time, following closure of the Inquiry, to enable the appellant to submit the executed undertaking. An executed Unilateral Undertaking, dated 28 June 2013, was duly received and I shall take its contents into account in my determination. The undertaking secures the provision of the highways contributions set out above, as well as the provision of 35% affordable housing and an education contribution. I shall return to these provisions later in my decision letter.

### *The site visit*

15. Before the commencement of the Inquiry, and whilst it was running, I undertook unaccompanied site visits. At the end of the Inquiry, a site visit was scheduled for Thursday 27 June 2012. I was accompanied by the main parties and local residents on that visit. At the beginning of the visit, third parties expressed their concerns that local teachers had undertaken a day of industrial action and the local schools were closed, which meant that the traffic situation was not representative of a normal school day. To allay these concerns, I agreed to undertake a further unaccompanied site visit to assess the traffic situation. I duly carried out this visit during the morning peak hour the following day.
16. Finally, a local resident, Tricia Whiteside, attended the first day of the Inquiry but was unable to attend after the luncheon adjournment to make her oral representations. I agreed to allow her to submit a written representation to the Inquiry. This representation, dated 26 June 2013, was duly received and copied to both main parties. The appellant was afforded the opportunity to make comments on the document.

### **Main Issues**

17. Having regard to all of the above, I consider that the main issues between the main parties are as follows:
- (i) whether the proposal for housing would be in an acceptable location, having regard to development plan and national policies; and
  - (ii) the effect of the proposal on the character and appearance of the surrounding area.
18. I have noted above the concerns of third parties regarding highway issues and, notwithstanding the agreement between the main parties, I shall also examine this matter as a main issue.

### **Reasons**

#### ***The location of development***

19. Development plan policies: The Regional Spatial Strategy for the North West was revoked in May 2013. Consequently the development plan for the area in which the appeal site is situated comprises the Central Lancashire Core

Strategy (CS) and saved policies from the Preston Local Plan (LP) adopted in 2004. The CS was prepared jointly by three central Lancashire authorities and adopted in 2012, after the publication of the new National Planning Policy Framework (the Framework). I have no reason to suppose that the policies referred to in this decision are other than compliant with the Framework.

20. CS policy 1 sets out a settlement hierarchy for the central Lancashire sub-region. The policy seeks to direct growth to defined urban areas, key service centres and named strategic sites. Other local service centres are identified to cater for some growth, and limited growth will be acceptable in some defined local service centres.
21. The appeal site lies at the edge of Barton village. Paragraph (f) of CS policy 1 stipulates that in smaller villages, substantially built up frontages and Major Developed Sites, development will typically be small scale and limited to infilling and other proposals to meet local need, *'unless there are exceptional reasons for larger scale redevelopment schemes'*. The proposal is not small scale and the appellant does not claim that it constitutes infilling. Instead, the company seeks to rely on the exceptional reasons clause of CS policy 1 (f). There is no assistance in the explanatory text as to what may constitute *'exceptional reasons'* or *'larger redevelopment schemes'* and I consider that the words should be given their natural and ordinary meaning.
22. The Council and third parties make the point that the site is a greenfield site and therefore the appeal proposal cannot be a redevelopment scheme. This argument has some merit; the word *'redevelopment'* has been inserted into the text of the policy, which would otherwise just refer to larger scale schemes. I agree that the proposal before me, on a greenfield site, is not a redevelopment scheme in the ordinary sense of the word as it is used in a planning context. The scheme therefore does not fall within the ambit of the exceptional reasons clause of CS policy 1 (f). I have noted the Inspector's conclusions in the New Longton appeal decision<sup>2</sup>, referred to by the appellant. Whilst I have made different findings in relation to the application of CS policy 1, it does not appear that the point regarding *'redevelopment'* was taken in that appeal. Accordingly, I have made my determination having regard to the representations and evidence before me in this case.
23. The appellant relied on a number of factors in support of the contention that there are exceptional reasons to justify the proposal. I have concluded that the appeal scheme is not a redevelopment and, for this reason, it falls outside the scope of paragraph (f) in any event. However, I shall still examine these other factors, since they are material considerations to be weighed in the overall planning balance. One of the factors was the lack of a five year housing land supply. More particularly, the appellant has cited the problem of net outward migration from the Preston area. Reliance is also placed on the presumption in favour of sustainable development set out at paragraph 49 in the Framework in support of housing applications, and on the general need for affordable housing. I shall return to all these matters in due course.
24. LP policy DC10 dates back to 2004 and provides, amongst other things, that development in the rural village of Barton will only be permitted in certain circumstances. It stipulates that the development of sites which adjoin, but are outside the Settlement Development Boundary, will be allowed only in

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<sup>2</sup> Reference: APP/F2360/A/12/2168530.

- special circumstances to meet a specifically identified local need which could not be sited within the boundary. In all cases, the policy states that the existing character and appearance of the village, and the amenities of nearby residents, should not be harmed.
25. On the LP Proposals Map the site is depicted as falling within open countryside, as set out in policy DC2. However, for various reasons, policy DC2 is not a saved policy. The site is also outside the settlement development boundary of Barton as it is depicted within the emerging Preston Site Allocations and Development Management Policies DPD (the Site Allocations Plan, or SAP). For planning purposes, the site is evidently outside the settlement boundary and within the open countryside. I shall proceed on this basis.
26. Policy EN1 of the SAP seeks to limit development in the open countryside. SAP policy HS4 is essentially a rural exceptions policy which allows new housing in locations adjoining identified villages only in exceptional cases for affordable housing where there is an identified need. The Preferred Options Paper in relation to the SAP has been published and the consultation period has recently ended, with formal publication of the draft SAP anticipated in late July 2013. However, I note that there are outstanding objections to policy HS4 which, the Council accept, must limit the weight which can be attributed to it.
27. Housing land supply position: CS policy 4 sets out housing delivery targets for each of the three Lancashire authorities, Preston, Chorley and South Ribble. In the case of Preston, the annual requirement is 507 dwellings for the plan period 2010 to 2026. The policy also sets out a need to make up a prior under-provision of 702 dwellings over the remainder of the plan period.
28. The Council estimates that, as at 3 December 2012<sup>3</sup>, it had a 3.52 year supply of available housing land (with a 5% buffer). For six of the last ten years the Council has failed to meet its annual housing target. Tellingly, for the last five years the Council has failed to meet its annual target and, in the last few years, it has significantly underperformed. Under cross-examination, the Council's witness<sup>4</sup> accepted that this could objectively be construed to represent a persistent under delivery. Paragraph 47 of the Framework confirms that, in the case of a persistent under delivery, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.
29. The Inspector conducting the examination into the CS indicated that he did not consider there had been a record of persistent under delivery and that a 5% buffer was appropriate. However he made these comments in the context of under delivery for a period of three years. In my judgment, under delivery for a longer period of five years, and of the order here, starts to look like a persistent under performance. On that basis, I agree that a 20% buffer would be more appropriate and therefore the supply of 3.52 years is further reduced.
30. The Council does not have a five-year supply of housing land. In such circumstances, paragraph 49 of the Framework directs that relevant policies for the supply of housing should not be considered up to date. At the Inquiry, it was conceded, on behalf of the Council, that CS policy 1 is a policy concerned with the supply of housing and it must be therefore be considered out of date.

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<sup>3</sup> Council's report to committee on the Connemara proposal.

<sup>4</sup> David Manley XX Martin Putsey.

This policy is a generic policy seeking to direct the location of **all** development and I agree that it must be considered to be a policy concerned with the supply of housing land. For similar reasons, I agree with the appellant that LP policy DC10 is also concerned with housing land supply and falls to be considered as out of date. Even if DC10 is not directly concerned with housing land supply, the policy is somewhat dated in any event, given that it was intended to address previous Structure Plan requirements from 1991 to 2006.

31. For the above reasons, I conclude that the proposal is not in conformity with CS policy 1 and emerging SAP policy EN1. Given that the appellant has relinquished its claim that the proposal would meet a local need for affordable housing, the proposal is also contrary to LP policy DC10 which only permits development outside settlement boundaries where there is such a need. The proposal would, therefore, cause harm to policy objectives which seek to direct new development to the most sustainable locations. The weight given to this harm is reduced, to some extent, by the relevant policies being out of date by virtue of the lack of the five year housing land supply.

### **Character and appearance**

#### *Effect on the character and appearance of the landscape*

32. The appeal site is a roughly square-shaped field of grazing land of around 2.7 hectares located on the eastern outskirts of Barton village. It is bounded by existing residential development on its northern and western sides. Two of the houses adjoining the field have received planning permission to extend their gardens beyond the established line of rear boundaries. A public footpath (no. 22) runs adjacent to its southern boundary, providing a link between the wider village, from the newer estate at the end of Jepps Avenue, and the open countryside to the east.
33. CS policy 13 deals generally with the rural economy and is supportive of economic and social improvement for rural areas. It states, however, that in all cases proposals will be required to conserve and, where possible, enhance the character and quality of the landscape. CS policy 21 requires new development to respect landscape character areas. LP policies DC10 and DC11 expect development in the rural villages not to harm the existing character and appearance of the village. Policy D18 requires proposals in rural areas to be in scale and in keeping with the features of the landscape. These policy objectives are to be taken forward in SAP policies AD2 and EN1. In particular, emerging policy EN1 recognises the need to protect areas of open countryside from unacceptable development harmful to its character.
34. One of the overarching principles within the Framework is that of recognising the intrinsic character and beauty of the countryside. The site is characterised in the Landscape Strategy for Lancashire as 'undulating lowland farming' which is a general assessment as to the various landscape character areas within the county. Of itself, the appeal site exhibits an attractive rural quality, given its undulating nature and a central section with a depression containing a pond and scattered trees. The presence of a strong tree belt framing the eastern boundary, and the footpath and hedgerow on the southern boundary, add to the bucolic scene. Development of the site in the manner proposed would result in the permanent loss of this attractive field.

35. The appeal scheme would undoubtedly result in a significant transformation of the field. This change would be mainly visible from vantage points from the surrounding residential properties and from along the length of footpath which runs adjacent to it. Public footpath 22 travels from the A6, through the churchyard and through the adjoining residential estate and runs along the southern boundary of the appeal site before connecting to the open countryside beyond. The footpath is experienced differently dependant on the direction of travel along it. On arriving at the south-western corner of the site, and travelling along the public footpath in an easterly direction, the field signals the beginning of the wider open countryside. The houses on Jepps Lane are generally behind the viewer and the houses along the northern site boundary are seen across the field and play a more limited role. From these viewpoints, the field is experienced and perceived as an opening into the wider countryside. With the development in place, the sense of walking into open countryside when approaching from the west would be delayed until the walker reaches the south-eastern corner of the site.
36. When walking along the footpath in a westerly direction, the field is largely screened in views from vantage points in the open countryside to the east. It is only upon entering the length of footpath at the south-eastern corner of the site that the field comes into view at close quarters. In these views, the field is seen as a single field, somewhat divorced from the wider open countryside by the established planting on two sides and visible against a strong backdrop of residential and other development. The houses which back onto the site generally have low level boundary treatments, allowing residents to enjoy the open aspect to the rear. This has resulted in corresponding views into the gardens, with all of the attendant domestic paraphernalia and outbuildings, resulting in a strong sense of domestication along both northern and western site boundaries. On the eastern approach the development would be screened, to a large extent, by the planting within the woodland walk and the houses would only come fully into view on reaching this south-eastern corner. The most significant changes would be seen in public views of the site from this relatively short length of footpath which comprises a small part of the much larger footpath network to the east of the site.
37. The development would also be seen along the length of the Forest Grove cul-de-sac and from its junction with Jepps Lane. From these limited vantage points there would be the sense of development in more depth, rather than the finger of development at present. There would be more limited, longer distance views, mainly of rooflines, from the open countryside to the east. In terms of the effect of the development upon the rural landscape, I conclude that there would be some harm due to the loss of an attractive open field and some harm to the character and appearance of the landscape and open countryside.

*Effect on the character and appearance of the village*

38. Barton is a rural village with historic origins. Its linear nature is largely attributable to the ribbon development along the A6 Garstang Road, a main transport corridor which runs on a north-south axis. However, this linear nature is generally only perceived when travelling along Garstang Road. When one turns off the main road into the surrounding roads, the sense of a linear settlement is gone. The housing immediately to the north and west of the



appeal site comprises estate development dating from the 1960s, and extended in subsequent decades.

39. The proposal would result in an increased sense of suburbanisation, particularly when seen by occupiers of the existing houses which currently enjoy an open aspect. However this estate development would not necessarily be out of character with the existing estate development which already exists. Rather, I consider that it would represent an extension to it.
40. In longer distance views to the east of the site, the church spire is currently visible within a backdrop which includes the rooftops of houses as well as the hotel buildings. Due to the undulating nature of the land, the church spire comes into and out of views on the eastern approach both along public footpath and when travelling along Jepps Lane beyond the Forest Grove junction. The development would be unlikely to interrupt views of the spire from the public footpath, since it would sit to the east. From other limited vantage points, the spire may become more obscured by houses on the site in the middle distance but I do not consider that this would be significant or materially harmful to the character of the village.
41. Overall the effect of the development on the character of the village would primarily be felt in near distance views, because of the existing established planting to the two boundaries separating the site from the wider countryside. In middle and longer distance views, from vantage points to the east, the development would be screened to a great extent by this planting, which would be retained and incorporated within a woodland walk.
42. Whilst the new houses would increase the depth of development along the eastern side of the A6, they would only extend as far east as the existing housing on Forest Grove. I also agree with the appellant that the proposal would, to a large extent, represent a rounding-off of the existing settlement. The appeal field sits at the corner of two sides of built development and the other two sides are well screened, resulting in a sense of separation of the field from the wider countryside.
43. The Council has calculated that the proposal would result in an extension to the built development in the village of some 7% and a 14% increase in the number of dwellings. However, the development would sit well with existing development in terms of its integration into the village, appearing as a logical extension to the settlement. As such, I do not consider that the proposal would represent a disproportionate addition to the settlement. For all of the above reasons I conclude, on balance, that the proposal would not cause material harm the rural character of the village.
44. Whilst I have found that the proposal would not cause material harm to the rural character and appearance of the village, it would result in the loss of an open field with some harm to the character and appearance of the open countryside. In this respect it would be contrary to CS policies 13 and 21 and emerging policy objectives in the SAP in policies AD2 and EN1.

### ***Highway considerations***

45. Vehicular access to the development would be taken from the head of the Forest Grove cul-de-sac, which in turn connects to Jepps Lane. The appellant submitted a Transport Assessment with the planning application. This assessment sets out the highway implications of the proposal for an opening

- year of 2014, and a future year of 2024. The Council's concerns related to the effect of the development on the Broughton Crossroads, a crossroads junction on the A6, some 2.8 kilometres south of the Jepps Lane junction.
46. Broughton Crossroads is a very busy junction, controlled by traffic lights and operating well above capacity. To a large extent, traffic conditions at this junction are dependent on the operation of the A6/M55 roundabout some 900 metres south of it. At peak times, vehicles travelling south to the M55 roundabout, queue back to such an extent that the operation of the Broughton Crossroads junction is impaired, because the southbound queue constrains the ability of vehicles to emerge from the Broughton Crossroads junction.
47. Conditions at the crossroads were examined in detail during an appeal in relation to a proposal on Whittingham Road, Longridge<sup>5</sup> which was determined on 8 August 2012. The appeal Inspector in that case concluded that conditions at the Broughton Crossroads were extreme, that committed development which would affect the crossroads was destined to make the situation far worse, and that the highway objection in that case constituted a compelling reason for preventing development at that time. The significant committed development referred to by my Inspector colleague includes two sites in Longridge which have planning permissions for 110 homes and a large strategic site on a former hospital in Whittingham, which will deliver 650 dwellings.
48. Since that previous appeal decision, changes have been made to the operation of the Broughton Crossroads traffic lights. These were anticipated by the appeal Inspector. In addition, there are significant transport improvements planned in the form of the Broughton Bypass, which encompasses improvements to the A6/M55 roundabout and the signalling of that junction to increase capacity and reduce tailbacks. The scheduled improvement works at the A6/M55 roundabout are substantially underway and are due for completion towards the end of this year. This potential improvement was acknowledged by the previous Inspector but, at the time of the previous appeal, he found that it was unlikely to materialise for several years. Completion of this scheme will go a long way to alleviating the existing extreme conditions at the Broughton Crossroads.
49. Some 70% of the cost of the bypass is anticipated to be made by the developers of the Whittingham Hospital site. Recently, the Highways Authority has been in negotiation with the Homes and Communities Agency, responsible for developing the Whittingham Hospital site, and the Authority is confident that the monies will be released towards the bypass which will be delivered by 2016-2017. I understand that Lancashire County Council, as Highways Authority, are committed to delivery of the scheme, which is in their Central Lancashire Highways and Transport Masterplan. I am informed that the funds are in place to deliver the northern section of the bypass which, it is projected, will be completed in 2015/2016.
50. The situation today is materially different from that which existed twelve months ago. The M55 roundabout junction improvements are within a few months of completion and will materially improve the situation at the Broughton Crossroads. There is greater certainty about the delivery and timeframe of delivery of the Broughton Bypass. It is on this basis that the

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<sup>5</sup> Appeal reference: APP/N2345/A/12/2169598.

Council, on the advice of the Highways Authority, withdrew its objections, subject to a financial contribution towards the cost of the bypass.

51. The development would result in additional traffic generation through the crossroads junction, which is already operating above capacity. However, the improvements to the M55 roundabout junction would be completed before the houses on the appeal site would be occupied. In addition, the bypass, which is projected to significantly improve the situation, is scheduled to be completed within the next 3 years. Having regard to all of these factors, and to all of the evidence which I have read and heard, I am satisfied that, subject to the appropriate contribution, and in light of the programmed improvements, the proposal would not have a materially detrimental effect on the operation of the Broughton Crossroads junction or on highway safety at that junction.
52. Local residents also expressed concerns about the safety of the Jepps Lane junction with the A6, which has a ghost island priority junction. At this point, the A6 is a straight road and there is good visibility in both directions. The Highway Authority's and appellant's experts agree that there are no highway capacity issues in the vicinity of the site. The Transport Assessment was aimed primarily at assessing the trip generation of the development and examining its effect upon the Broughton Crossroads. However, the evidence is available to assess the potential effect on the junction at Jepps Lane and the A6.
53. There was disagreement over trip rates. Therefore, I shall adopt a precautionary approach and use the Council's higher trip rates for the busiest time, the morning peak, which is the period which local residents were most concerned about. The Council's expert estimated that between 29 and 35 vehicles would leave the site during the AM peak hour<sup>6</sup>. Some discount should be applied to this figure on the basis that 23 of the units would be affordable units, with potentially lower rates of car ownership. I also accept that a further discount should be applied, to account for behavioural changes likely to be brought about by the implementation of the proposed Travel Plan.
54. It is to be anticipated that the vast majority of traffic coming from the development in the morning peak would pass through the Jepps Lane junction to the A6. Applying the Council's trip rates before any discount, this would equate to an average of, at most, one additional car passing through the junction every two minutes during the morning peak hour. However, the figure is likely to be materially less than this, for the reasons I have already explained.
55. With the development in place, I accept that there could be queuing at some times during the morning peak hour when vehicles are more bunched, for example close to 09.00 hours when some parents have dropped their children off at school and are travelling onwards. On my final unaccompanied site visit, I observed limited queuing of up to nine vehicles at this junction at around 09.00 hours. Even then, the flow of traffic on the main road was such that each driver approaching the junction from the minor road was able to quickly manoeuvre onto the main carriageway. Generally, vehicles only had to wait a few minutes before arriving at the head of any small queue which had developed.

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<sup>6</sup> Table 7, Appendices to Neil Stevens: LCC NW Preston Trip Rates 29 out and Observed vehicle trip extrapolation rates of 35 out.

56. The A6/Jepps Lane junction has no capacity issues at present and there is nothing to suggest that it could not cope with the additional traffic generated by the proposal. Based on all the evidence and the observations during my site visits, I am satisfied that the development proposed would not have a materially harmful effect upon the operation of this junction, or on highway safety at this junction. I further note that the Highways Authority raised no objection in terms of the effect of the development on this junction.
57. Residents were also concerned about any increase in traffic through the junction of Forest Grove with Jepps Lane. All of the development traffic would have to pass through this junction, which currently serves 18 properties on Forest Grove and Mosslea Drive. The Highway Authority engineer confirmed that the visibility splays at the end of Forest Grove are within the recommended standards set out in Manual for Streets and Manual for Streets 2. To the east of Jepps Lane, the national speed limit applies, but it has recently been reduced to 20 miles per hour on the Jepps Lane approach to the built-up area. Residents expressed concern that drivers travelling west from the derestricted stretch of Jepps Lane, and into the 20 mph zone, would be decelerating and still travelling above the speed limit. This would be a matter for enforcement of the speed limit on this part of Jepps Lane. In addition, the scheme proposal includes traffic calming measures along Jepps Lane.
58. On my accompanied site visit, I examined the visibility splays in both directions and I am satisfied that the existing conditions at this junction are good, they are within recommended standards. Consequently, there is no reason to believe that the additional traffic could not be safely accommodated on the local road network. Taking all of the above into consideration, I conclude that the proposal, subject to the contributions which would be secured by the unilateral undertaking, would not have a materially harmful effect on the operation of the highway network or on highway safety. As such the proposal is in conformity with policy T19 of the LP which seeks to ensure the development does not compromise road safety or the efficient and convenient movement of highway users.

### **Other Matters**

59. Net outward migration: the Framework encourages local planning authorities to plan for a mix of housing based on current and future demographic trends and to deliver a wide choice of high quality homes. The appellant contends that there is currently something of an imbalance in terms of the type of housing which has the benefit of extant permissions. For its part, the Council accepts that there are a large number of planning permissions for flats in the city centre and on other big sites and that there is a general need for more family houses.
60. The Strategic Housing Market Assessment 2009 (SHMA) predicted a 4% increase in Preston's 2007 population over the ten year period to 2017. At the time of that report, records showed that there had been a significant net outward migration from Preston, compared with the neighbouring authorities of Chorley and South Ribble. This was in the face of a far greater number of inward commuters coming into Preston than commute into South Ribble or

Chorley which, the report concludes, indicates that Preston is the source of employment for the catchment area<sup>7</sup>.

61. The SHMA confirms that the issue of a restricted city living market and lifestyle offer in Preston is having a negative effect on graduate retention, and the lack of large housing is contributing to family households moving into South Ribble in particular. I note that the distance from Preston to the nearest parts of South Ribble are not great, however the report's conclusion clearly point to a limited offer in terms of the Preston housing market which is in turn resulting in the failure to retain some residents. The appellant contends that development on the site, in terms of up to 45 market housing units and 23 units of affordable housing, would assist in redressing the balance and reversing the trend for outward migration. This could also result in more sustainable patterns of travel if the site were to result in the retention of Preston workers living within the Preston area. This is a logical assumption and it is a factor which weighs in support of the proposal.
62. General requirement for affordable housing: policy 7 of the CS seeks to ensure that there is sufficient provision of affordable housing by achieving a target of 35% affordable housing from schemes in rural areas. The explanatory text to this policy confirms that the Central Lancashire SHMA identified an annual average shortfall of 1780 dwellings per year across the sub-region to 2014 and some 397 in Preston<sup>8</sup>. It further notes that the successful delivery of affordable housing requires it to be close to shops and services so as to reduce travel costs. In rural areas in particular, the CS recognises that it is desirable to house local people in their own village.
63. The appeal scheme would meet the general requirements for 35% provision and result in some 23 units of affordable housing in a settlement where there is a high percentage of owner occupation and one which the Council accepts has no affordable units. It would therefore result in a greater range of housing on offer, and a more mixed community, in line with policy objectives in the Framework. In making these comments I make it clear that I have placed no reliance on the withdrawn claims of a localised need for affordable housing. Instead, I am referring to the general, acknowledged Borough wide need for affordable housing.
64. The presumption in favour of sustainable development: the Framework confirms that there are three dimensions to sustainable development: economic, social and environmental.
65. Barton is a small settlement with some facilities which include a primary school, two public houses, a hotel, a brasserie, a hot food take-away, a church, a village hall and sports pitches. The nearest convenience shops are located in Broughton and Bilsborrow, between 2 and 3 kilometres away. Main food shopping requirements would have to be met in the larger centres of Preston or Garstang and are likely to be by car. There are no GP or dentistry facilities within Barton. I also note that there are only very limited employment opportunities within Barton. Residents are, therefore, most likely to have to travel to work. However, I also bear in mind the pattern of net outward migration from Preston and inward commuting to Preston for work purposes.

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<sup>7</sup> SHMA 2009 paragraph 3.5.6.

<sup>8</sup> This figure was put forward by England and Lyle consultants acting on behalf of Mr and Mrs Munnery.

66. Bus services run along the A6 corridor on a half hourly basis during the daytime on weekdays and Saturdays, and less frequently at other times. There are existing bus stops on the A6 Garstang Road which can be accessed via the public footpath and from Jepps Lane. The package of measures within the Unilateral Undertaking includes upgrades to the footpath to make it more attractive to pedestrians. Whilst there is a query about upgrading a section of the footpath which runs through a public house car park, there does not appear to be any impediment to upgrading all other sections of the footpath, which would link the development to the A6. The A6 also has a cycle lane along the majority of its length towards Broughton, some 2.5 kilometres away.
67. It is intended that the package of measures included in the Travel Plan will include a free bus pass for 13 weeks and the provision of bicycles to encourage cycling. I am satisfied that the level of funding available to support the Travel Plan and the appointment of a travel plan co-ordinator could have some success in changing the patterns of behaviour of residents on first moving onto the site.
68. The appeal site was included for consideration in the Issues and Options Paper of the SAP. However, the Council confirms that this did not confer any sort of planning status, given that the Issues and Options Paper included all sites which were put forward at that point. The site was not taken forward to the next stage on sustainability grounds. During the course of the Inquiry, the Council helpfully produced a plan depicting all of the sites under consideration at Issues and Options stage, together with the sustainability assessment (SA) bandings of such sites. The SA had 5 bands, A to E, ranging from most sustainable (A) to least sustainable (E). All of the sites under consideration appeared to fall within the middle bands B to D.
69. The appeal site fell within band D on the plan. On examination of the draft proposals map, it appears that most, if not all, of the sites in bands B and C have been carried forward, together with some of the larger sites in band D. This provides some sense of the sustainability of the appeal site relative to other sites which have been taken forward.
70. Having regard to all of the above information, and to the particular location and characteristics of the appeal site, I consider that the site is moderately well served in terms of the range of services and facilities within Barton and its accessibility to services. I also bear in mind the other factors in terms of the current net outward migration and inward commuting for employment purposes. I acknowledge that in some cases, provision of housing on the site may lead to more sustainable patterns of travel by providing the opportunity of a home within a comparatively close distance to Preston for those who work in Preston.
71. Sustainable development includes a range of factors and the development of the site would bring with it certain benefits which would contribute to a social and economic role. In terms of the economic role, it would provide construction work and bring new inhabitants to the village, which would support the local facilities.
72. The appeal proposal includes other social benefits, in the shape of the provision of a woodland walk, the upgrading of a public footpath and the provision of a local play area which would contribute to play facilities within the village. I note that the success of affordable housing is, to some extent, reliant on easy

access to services. However, in this case, the proposal would bring affordable housing to a settlement which does not currently have any such housing. There would be a further benefit, therefore, in improving the tenure mix and provide an opportunity for younger members of this village community to take their first steps on the housing ladder. All of these matters assist in the performance of a social role by supporting the village community.

73. In terms of the environmental role, I note that it is proposed that the houses will meet the Code for Sustainable Homes Level which will assist with environmental sustainability objectives. The development would, however, result in the loss of a green field site and some consequential harm to the rural landscape. Balanced against this, the proposal would bring the social and environmental benefits which I have outlined. Whilst I consider this to be finely balanced case, when I have regard to all of the above factors and the three dimensions to sustainable development, I am satisfied that the proposal, in its totality, would amount to sustainable development. As such, the presumption in paragraph 14 of the Framework applies.
74. Other objections: Local residents and Barton Parish Council have raised other objections to the proposal. An agricultural land classification report submitted by the appellant grades the site as land within grade 3b, which is moderate quality agricultural land. I have seen no other evidence which causes me to question this and am satisfied that the proposal would not lead to the loss of the best and most versatile agricultural land.
75. The site is in flood zone 1, with a low probability of flooding. However, it is above 1 hectare so a flood risk assessment (FRA) was submitted with the planning application. The report acknowledges that there is a potential groundwater flooding risk in the northern sector of the site, but records that increasing the ground levels of these localised areas would alleviate any likely groundwater flooding issues. The application is in outline and therefore contains no details of run-off rates, although it is acknowledged that, on a conservative estimate, some 70% of the site would comprise impermeable surfacing which would increase surface water run off.
76. The FRA goes on to state that, if the surface water run off is managed correctly, through sustainable drainage systems, then there would be no increased flood risk to the development or to surrounding properties. Notwithstanding the ground conditions in the northern quarter, there is nothing before me to suggest that the measures recommended in the FRA would not have the desired effect. In this regard, I note that the Environment Agency raised no objection to the proposal on the basis that surface water run-off from the development would be no greater than the run-off from the existing greenfield site. This would take account of existing conditions, including any surface water drainage from existing land. Subject to a condition to secure these measures, I conclude that the proposal would be acceptable in terms of flood risk.
77. Local residents also raised concerns about the loss of wildlife habitat. The appellant submitted an Ecological Survey and Assessment with the planning application. This assessment confirmed that there are no protected species living on the site. It further concluded that there are significant opportunities for the conservation and enhancement of existing biodiversity, through measures including the retention and improvement to the wooded belt and the

wet hollow. All of the recommendations within the report could be secured by condition in the event that permission is granted.

78. Other third parties have commented that local schools are oversubscribed. The appellant's Unilateral Undertaking makes provision for the payment of an education contribution in accordance with the County Council's 'Planning Obligations in Lancashire Methodology'. I am satisfied that this contribution, together with the financial contributions to the Broughton Bypass and the affordable housing provision, is necessary to make the development acceptable. It is directly related to the development and reasonably related in scale and kind. As such the obligations pass the tests set out in the Framework and satisfy the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). I shall therefore take them into account in my final determination.

79. The fifth putative reason for refusal: at the outset I confirmed that I would examine the proposal in light of the revised layout plan. The Council had confirmed that, in broad terms, the revised plan was sufficient to persuade it that the proposed quantum of development could be accommodated on site without harm to the living conditions of adjoining neighbours.

80. On my site visit I assessed the proposed layout with regard to existing residents. I had some reservations about the proximity and orientation of a couple of the units (plots 16 and 17) to existing houses, these are matters which could be examined in more detail at reserved matters stage. On the whole I considered that the layout was acceptable and I am satisfied that, in principle, this amount of development could be accommodated on the site without any deleterious effect on the living conditions of adjoining occupiers.

### **Overall conclusions**

81. I have concluded that the proposal would be contrary to the development plan in terms of its location and the effect on the rural landscape and open countryside. However, policies for the supply of housing land are not up to date and therefore I am going to attribute moderate weight to the harm to policy objectives in relation to the location of development. I also attribute some weight to the moderate harm to the rural landscape.

82. I have concluded that, on balance, the proposal would represent sustainable development when all three dimensions referred to in the Framework are considered. At the heart of the Framework is a presumption in favour of sustainable development. In circumstances where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies as a whole.

83. The Council does not have a five year housing land supply. Indeed, it has a significant shortfall in that its land supply position is worse than the 3.52 years first projected. This is a factor which adds some weight in support of the development. The publication version of the SAP is due in the near future, after publication it will be subject to examination and, all being well, subsequent adoption. It is likely that there will be an interval of time before further land is released for housing via this process. In the meantime there is



a significant shortfall and allowing the appeal would result in the provision of much needed family market housing and affordable housing.

84. It could also assist in reversing the trend for net outward migration from Preston, potentially making journeys to work shorter for some residents. There appear to be no impediments to delivery of the site in the short term, which means that the site would make a timely contribution to the shortfall. In addition, development of the site would bring forward the additional benefits which I have previously set out. These include an upgrade of the public footpath, providing the woodland walk and provision of a local children's play area.
85. Overall, when the factors in support of development are weighed against the factors against, I conclude that the adverse effects of allowing the development do not significantly and demonstrably outweigh the benefits. I conclude on balance therefore, that the appeal should be allowed. I have seen the Wincanton appeal decision<sup>9</sup> referred to by one objector and the Craig Neish decision<sup>10</sup> referred to by the Council but these decisions turned on different factors and do not set a precedent for my decision.

### Conditions

86. The Council suggested a number of conditions which were discussed at the Inquiry. I have considered all of the conditions in light of the advice within Circular 11/95: The Use of Conditions in Planning Permissions. Using the same numeration adopted by the Council I make the following comments.
87. In the interests of good planning it is necessary to impose conditions setting out time limits for development and to relate development to the submitted plans (1, 2, 3). As was agreed at the Inquiry the date for application for approval of the reserved matters was shortened to two years to reflect the need for housing to come forward quickly. I have also, as was agreed, imposed a condition requiring implementation of the landscaping scheme. The proposal has been deemed acceptable on the basis of the details contained within the Design and Access Statement and the revised site layout plan and it is necessary to ensure that the reserved matters submission is consistent with these details. I have retained the word 'broadly' in the condition since I consider it would be beneficial to give the Council some latitude in approving the reserved matters submission (4) in light of my earlier comments in paragraph 80.
88. Given the variation in the levels on the site it is necessary to enable the Council to exert control over site levels and finished floor levels (18). To ensure a satisfactory appearance it is also necessary to ensure that boundary treatments are approved (19). To ensure a mixed community it is necessary to require details of the distribution of affordable dwellings on the site (20).
89. Access is not a reserved matter and outline permission is given on condition that vehicular access is from Forest Grove only (7). Conditions are also necessary to ensure the specification and timing of access roads (10 and 11). To ensure successful integration of the site into the village it is necessary to require cycle and pedestrian access points to Holmeswood Crescent (8). Given the size of the site it was agreed that a phasing plan is also necessary (9).

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<sup>9</sup> Reference APP/R3325/A/12/2170082.

<sup>10</sup> Land adjacent to Craig Neish, Goosnargh, reference APP/N2345/A/12/2178303.

90. As part of the package of transport measures it is necessary to require traffic calming measures on Jepps Lane and the pedestrian refuges on the A6 and the implementation of a Travel Plan (12 and 14). I have amended the condition to ensure that these measures are in place prior to occupation of the 50<sup>th</sup> dwelling so condition (13) is not necessary. It is also necessary to ensure that the parking associated with each dwelling is available prior to occupation (15). I have already referred to the need to ensure drainage is secured on sustainable principles and shall impose the suggested conditions (16 and 23). Similarly a condition controlling the disposal of foul water is also required (17).
91. I agree that it is necessary to require details of a landscape management plan for the public areas within the development (21). The necessity for a construction management plan was discussed in detail at the Inquiry (22). I have imposed the suggested condition but inserted the details of lorry routing and sheeting of construction vehicles within a separate Grampian condition. To protect existing occupiers I have also inserted a requirement for temporary boundary treatments during the construction period. I agree that a condition requiring the scheme to achieve Code Level 4 under the Code for Sustainable Homes (24). Finally I also agree that the recommendations contained within the ecological report should also be secured by condition as well as a scheme for the protection of trees (25 and 26).
92. I do not consider that design statements are needed at reserved matters stage given that one has already been submitted. I shall not therefore impose suggested condition (5). Similarly, condition (6) requires details of the external appearance of materials which is a reserved matter. This condition is unnecessary.

*Karen L Ridge*

INSPECTOR



## DOCUMENTS SUBMITTED DURING THE COURSE OF THE INQUIRY

- 1 Notice of appearances on behalf of the Council.
- 2 Addendum to the Highways Statement of Common Ground, submitted by the Council and appellant.
- 3 Signed statement of Common Ground (planning matters), submitted by the Council and appellant.
- 4 List of conditions, submitted by the Council.
- 5 Speaking notes of Martin Putsey, submitted by the Council.
- 6 Speaking note of Janet Filbin, submitted by the Council.
- 7 Appellant's opening notes.
- 8 Opening Points on behalf of Preston City Council.
- 9 Sites for Preston Sustainability Appraisal (Site allocations and development management policies DPD)- May 2012, submitted by the Council.
- 10 Strategic Housing Market Assessment 2009- Final Report of Outside Consultants, submitted by the appellant.
- 11 Committee Report Connemara Lightfoot, Green Lane, Fulwood, submitted by the Council.
- 12 Strategic Housing Market Assessments Practice Guidance Version 2, submitted by the Council.
- 13 Closing Points on behalf of Preston City Council.
- 14 Appellant's Closing Submissions.

## PLANS SUBMITTED DURING THE COURSE OF THE INQUIRY

- A Plan depicting the locations of public footpaths in the vicinity of the appeal site, submitted by the Council
- B Plan depicting site suggestions referred to in the Sustainability Appraisal showing the location of all sites considered within various bands, submitted by the Council.
- C Sheet 1 of 2: Drawing CHA1E0253-100-01: Broughton Roundabout Preston, general plan roundabout, submitted by the Highways Authority.
- D Sheet 2 of 2: Drawing CHA1E0253-100-01: Broughton Roundabout Preston, general plan roundabout- Garstang Road (A6) junction approach, submitted by the Highways Authority.

#### SCHEDULE OF CONDITIONS ATTACHED TO PLANNING PERMISSION

- 1) The approval relates to drawing numbers: sa 4335/01 (1:1250 location plan), SK21218-001 and SK21218-002.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.
- 4) The development hereby permitted shall begin not later than whichever is the later of the following dates:
  - (a) the expiration of three years from the date of this permission; or
  - (b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
- 6) The Reserved Matters submission shall be in accordance with the parameters of scale for the development and broadly in accordance with other considerations as set out in the amended Design and Access Statement (reference sa/ms/4335/DAS), dated April 2013.
- 7) The Reserved Matters submission shall include details of existing and proposed site levels throughout the site and finished floor levels of all dwellings. The development shall thereafter only be carried out in accordance with the approved levels.
- 8) The Reserved Matters submission shall include a phasing plan/strategy for the development of the site, including the provision of public open space, landscaping, children's play area and the infrastructure associated with the development (including access roads) and the delivery of affordable housing within each phase of the construction of the approved dwellings. The development shall thereafter only be carried out in accordance with the approved phasing plan/strategy unless any variation to the approved plan/strategy is first approved in writing by the Local Planning Authority.
- 9) The Reserved Matters submission shall include details of all boundary treatment to be carried out on all the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied

- and the boundary treatment relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation.
- 10) The Reserved Matters submission shall identify the location and distribution of the affordable housing, demonstrating a broadly even distribution of the affordable housing provision throughout the development.
  - 11) Vehicular access to the development shall be from Forest Grove only, in accordance with approved plan SK21218-001.
  - 12) Prior to any development being commenced, details of the design, construction, specification, lighting and drainage of all access roads to adoptable highway standards within the development site shall be submitted to and first approved in writing by the Local Planning Authority.
  - 13) The access roads shall be completed to a minimum of base course level prior to the construction of each phase of development and shall be fully completed in accordance with the approved details contained within condition 9 in accordance with the agreed phasing plan/strategy required by condition 8.
  - 14) Prior to any dwelling being first occupied, a cycle and pedestrian access from the site to Holmeswood Crescent shall be constructed, drained, surfaced and made available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority, unless any variation to the timescale for completion of the cycle and pedestrian access is otherwise first agreed in writing by the Local Planning Authority. The cycle and pedestrian access shall thereafter remain available for use at all times in the future.
  - 15) No development shall be commenced until a scheme of off-site works of highway improvement has first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of two pedestrian refuge crossings on Garstang Road (A6) and traffic calming measures on Jepps Lane and Forest Grove as indicated on drawing number SK21218-002. The approved scheme shall be completed in full prior to occupation of the 50<sup>th</sup> dwelling on the site.
  - 16) No development shall be commenced until a revised Travel Plan ('the Full Travel Plan') has been submitted to and approved by the Local Planning Authority. The Full Travel Plan shall include details of the appointment of a Travel Plan Co-ordinator, measures in relation to bus passes for residents, the provision of bicycles for residents and full details of a timescale for implementation of the approved measures and auditing and monitoring arrangements. The Full Travel Plan and any subsequently approved Travel Plan(s) shall be implemented within the timescales set out in the approved plan and shall be audited, and updated, at intervals no longer than 18 months following the submission of the revised Full Travel Plan.
  - 17) No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The car parking spaces

associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.

- 18) No development shall be commenced until a surface water drainage scheme for the site, which shall be based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological conditions of the site and include timescales for the scheme's implementation and completion, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and completed within each phase of development prior to any dwelling within that phase being first occupied. The completed approved surface water drainage scheme shall thereafter be retained at all times in the future.
- 19) Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the Local Planning Authority in accordance with the recommendations of the Phase 1 Geo-Environmental Site Assessment report (prepared by Resource and Environmental Consultants Limited, dated October 2012). Any recommendations contained within the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the Local Planning Authority.
- 20) No development shall be commenced unless and until a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full and completed within each phase of development prior to any dwelling within that phase being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.
- 21) Prior to the commencement of development, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules (including replacement of equipment and replacement planting) for all landscape areas, play areas and public open space, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in the first planting season following first occupation of any of the dwellings or the completion of the development, whichever is the sooner.
- 22) Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of the following:-
  - a. details of temporary boundary treatments/hoardings to be erected on all boundaries and retained throughout the construction period of each particular phase of development
  - b. details of site access proposals
  - c. a Traffic Management Plan
  - d. construction vehicle parking and workers parking
  - e. operative access
  - f. off-street parking provision for the delivery of plant and materials

- g. wheel washing facilities
- h. signage arrangements
- i. the temporary closing of any street/access
- j. hours of construction and deliveries
- k. publicity arrangements and a permanent contact / Traffic Manager once development works commences to deal with all queries and authorised by the developer / contractors to act on their behalf
- l. dust suppression measures
- m. construction routes within the site
- n. compound locations
- o. means to prevent mud being deposited on the highway
- p. a scheme of measures to be employed to minimise the noise impact on neighbouring residents.

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

- 23) No development shall commence until a scheme setting out the routing of all construction traffic and sheeting of construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
- 24) The dwellings hereby approved shall achieve a minimum level four sustainability rating under the Code for Sustainable Homes. Prior to the commencement of development a design stage report for the development either as a whole or in phases shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved design stage report(s) and a post construction review report shall be submitted to the Local Planning Authority for each phase or individual property prior to any dwelling with that phase being first occupied.
- 25) The development shall not be carried out other than in complete accordance with all the recommendations for ecological mitigation contained within section 5 of the Ecological Survey and Assessment submitted with this application, prepared by ERAP Limited (Consultant Ecologists), dated August 2012, unless any variation to this is otherwise first agreed in writing by the Local Planning Authority.
- 26) Prior to the commencement of development a plan showing all trees and hedgerows on the site which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. No development shall be commenced unless and until a scheme for the means of protecting trees and hedges which are to be retained within the site and to protect those immediately adjacent to the site in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to or during the development works, has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials to be deposited so as to cause damage or injury to the root structure of the



retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any demolition or site clearance work and thereafter retained during building operations until the completion of the development.

END OF CONDITIONS

Richborough Estates