



Appeal Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 18 September 2020

Appeal Ref: APP/E2340/W/20/3250622

land at Skipton Road, Barnoldswick BB18 6HQ

- 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 Future Habitat Ltd against the decision of Pendle Borough Council.
- The application Ref 19/0815/OUT, dated 11 October 2019, was refused by notice dated 7 February 2020.
- The development proposed is outline application for residential development of 1.48ha (access only).

Decision

1. The appeal is allowed and planning permission is granted for residential development of 1.48ha (access only) at land at Skipton Road, Barnoldswick BB18 6HQ in accordance with the terms of the application, Ref 19/0815/OUT, dated 7 February 2020, subject to the conditions set out in the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by Future Habitat Ltd against Pendle Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline form with all matters reserved for future consideration other than access, which is to be considered at this stage. Other than the proposed access arrangements shown thereon, I have treated the 'Indicative Site Layout' and 'Indicative Landscape Strategy' drawings as such, and I have determined the appeal accordingly. I have also adopted a slightly revised development description in the interests of precision and in doing so I am satisfied that no party would be disadvantaged by this approach.
4. The appellant has submitted a signed and dated Unilateral Undertaking (UU) prepared under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU sets out the appellant's undertaking in relation to affordable housing provision and the procedures for occupancy eligibility and nomination procedures. It is noted that the proportion of affordable housing to be secured by way of the UU is stated therein as being 10% of the total number of houses, not the 5% as considered by the Council. The Council has had the opportunity to comment upon the submitted UU and its content but has not done so and I have determined the appeal accordingly.

Main Issues

5. The main issues are:

- Whether or not the proposed development would preserve or enhance the setting of a number of designated and non-designated heritage assets associated with the Leeds and Liverpool Canal; and
- The effect on the landscape character and quality of the area.

Reasons

Leeds and Liverpool canal – designated heritage assets

6. The appeal site lies on an open hillside and comprises the southern-most part of a larger field that slopes down from Skipton Road to the east towards Coates Lane and, beyond a stone wall, the Leeds and Liverpool Canal (LLC) to the west. The site's southern boundary is formed by the residential garden plots of properties on Meadow Way and Green Bank, Barnoldswick. The northern boundary of the appeal site is open and undefined, the site forming part of a larger field that extends northwards over the shoulder of rising land and down towards the LLC as it meanders through Greenberfield Locks.
7. Along the stretch of the LLC near to the appeal site are a number of grade II listed buildings and structures. The nearest of these, Bridge No. 156 (Coates Lane Bridge), is a single arched stone bridge which carries Coates Lane over the LLC. The bridge is visible from various points in both directions along Coates Lane / Greenberfield Lane due to its slightly elevated position relative to surrounding landform, and in glimpses from Skipton Road where its distinctive white arch stands out against the darker hues of its surroundings. The bridge's slightly elevated position provides views back towards the appeal site.
8. Bridge No. 156, together with Lock 44, Bridge No. 157 and Lock 43 form a distinct grouping of listed buildings on a short stretch of the LLC. In addition, Lock 42 further to the north and Haystacks Bridge, whose stone arch has been filled in as part of an earlier re-routing of this section of the canal and which now lies off the current canal's alignment, are all grade II listed and complete the grouping of canal-related grade II listed buildings.
9. Together, these assets form a distinct group around the highest point of the canal's reach which provide a social, cultural, leisure and recreational resource as well as having a strong functional, visual and historical association with the LLC. I concur with the appellant's assessment of their collective significant and value as being greater than the sum of the parts in terms of understanding the role and place of the canal network in the growth and development Northern industrial towns and their surrounding countryside.
10. There would be no direct physical impact upon any of these listed buildings and structures as a result of the proposed development, the appeal site now much reduced from that previously considered at appeal. Nor would the proposed development of the appeal site impinge upon views between the heritage assets. However, I agreed that the setting of these listed buildings along this stretch of the canal, both individually and taken together, is central to the assessment of the proposal.

11. The proximity of this series of canal features and landmarks to each other creates a clearly identifiable group with shared historic, cultural and recreational significance. Not only do they share this common and linked significance, the landscape in which they are experienced adds to the individual and group value of the assets. The pastoral landscape surrounding this stretch of the canal corridor creates a tranquil setting in which the assets can be experienced and enjoyed, and which harks back to a different era.
12. The appeal site is not too far distant from Bridge No. 156. Indeed, it is clearly visible from the elevated bridge and its approaches, particularly the southern approach. Unlike a previous appeal scheme¹, the site's northerly extent is heavily curtailed in comparison. Bridge No. 156 would still be experienced primarily in the context of its canal setting and the pastoral landscape that surrounds it. The residential development proposed in this instance would extend the settlement's built form towards the bridge and its elevated approach but would retain a substantial and significant stand-off from it.
13. The existing built extent of the settlement is already clearly visible from this viewpoint. Although its extent doglegs around a frontage property on Coates Lane, the existing garden boundaries provide an abrupt and unsympathetic transition between town and country, lacking either the stone walls or trees and hedgerows typical of the surrounding countryside. Although the details of the appeal site's proposed layout remain indicative at this time, the indicative landscaping strategy shows how the site could be laid out within the broad parameter of access being taken from Skipton Road.
14. I am satisfied that a substantial and robust landscaping scheme could achieve a strong and defensible to the site's northern and western edges that would be in keeping with the pastoral setting of the wider surrounding countryside. Moreover, it would also have the potential in the medium to longer term establish a softer, more pastoral rural edge to Barnoldswick than currently exists, thereby providing a more effective visual buffer between the more recent built up extent of the settlement and the rural setting of Bridge No. 156, and other nearby canal-related structures.
15. Both Haystacks Bridge and Bridge No. 157 also offer slightly elevated positions above the canal itself. As a consequence of that degree of relative elevation, both also offer views towards Barnoldswick in the general direction of the appeal site. However, because both of these assets are more distant in relation to the appeal site than Bridge No. 156, other landscape features and landform are of greater consequence in the relationship between the site and these assets. Most significantly, a shoulder of rising and falling land creates a perceptible ridge which runs from Skipton Road down towards Coates Lane. Whilst of little consequence in terms of the physical and visual relationship between the site and Bridge No. 156, the ridge is an effective and noticeable feature that limits the inter-relationship between the site and the latter two bridges.
16. Previously¹, the Inspector noted that the earlier appeal scheme would erode and diminish the designated assets' rural setting before the canal reaches Barnoldswick. In the case of assets nearest that site, particularly but not restricted to Bridge No. 156, it was concluded that the effect would be a

¹ APP/E2340/W/18/3209573

considerable urbanisation of the setting of those assets and the encroachment of development into the setting in which they are experienced.

17. The reduced extent of the current proposal would significantly and materially alter this balance. The more limited outward spread of the site from the Meadow Way development, together with intervening structures and vegetation and, importantly, landform and the shoulder of land noted above, are such that the proposed development would not be so directly visible from, or so influential upon the setting of, these two bridges. So too, with regard to the closest set of locks (Lock No. 44) which, because of their position relative to the rising land between them and the appeal site, do not enjoy direct line of sight to the appeal site. Nor is it likely that the rooftops of the proposed development would be glimpsed from here in the sense that they might, in the short term at least, be visible from either Haystacks Bridge or Bridge No. 157.
18. That is not to say however that the significance of the setting of all three bridges or Lock No. 44 would not be harmed by the proposed development. It is broadly held that the construction of the canal was a significant impetus for the development of Barnoldswick into an industrial town and so there is a degree of synergy between the development of the settlement and the canal. However, the setting of these buildings and structures within this stretch of the LLC is, despite its popularity as a leisure and recreation destination, nevertheless a tranquil and rural scene. The proposed development would impinge in views towards these assets, and the LLC more generally, from elevated positions on Skipton Road and from the existing edges of Barnoldswick. Although not as extensive as the previous proposal, the current scheme would nevertheless extend towards the assets when viewed from adjacent to the site on Skipton Road, and would visually intrude into their foreground and setting in elevated views. The degree of harm would vary between the three bridges and the closest lock, the greatest being to the setting of Bridge No. 156. However, in all cases, that harm would not be any greater than less than substantial.
19. Greenberfield Farmhouse is also listed but lies a short distance away from the canal itself. It does however look out over open pasture towards the canal and, beyond, to the appeal site. The proposed development would not impinge upon important views of Greenberfield Farmhouse from the canal towpath or Coates Lane and it would still be viewed and experienced in an open pastoral setting. The modern agricultural buildings behind neither impinge upon this view or, in turn, the outlook from it towards the canal.
20. The Council contend that the proposed residential development of the appeal site would diminish the open rural setting upon which the Farmhouse look out. The site is visible on the open, sloping hillside from Greenberfield Farmhouse. Whilst the proposed development would extend the existing built extent of Barnoldswick in a northerly direction, I am not persuaded that it would cause harm to the open, rural setting in which Greenberfield Farmhouse is set and looks out upon.
21. The proposed development would directly adjoin the existing Meadow Way development and existing frontage properties on Meadow Way beyond the entrance point into that estate. The indicative site layout demonstrates how housing could be set well back from Coates Lane, whilst the indicative landscape strategy plan shows how a generous landscaped area combining

substantial and robust planting and open space would both maintain openness of outlook and robust planting to sympathetically reflect the rural open countryside surroundings beyond the town. In reaching this particular conclusion, I am also mindful of the Council's own Building Conservation Officer's advice which concluded that the farmhouse's open rural setting would be preserved due to its distance from the appeal site.

22. Policy ENV1 of the Pendle Local Plan states that the historic environment and heritage assets of the Borough, and their settings, will be conserved and enhanced in a manner appropriate to their significance. Particular note is made of those which make a particular contribution to the local character and distinctiveness of the Borough, of which the LLC, the canal corridor and associated assets such as locks, bridges and warehouses. For the reasons I have set out above, and for the purposes of paragraph 196 of the Framework, the proposal would result in less than substantial harm to the significance of the setting of Bridge No. 156, and the locks complex when viewing it across the appeal site from Skipton Road.
23. The statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that special regard shall be had to the desirability of preserving a listed building or its setting. The Framework states that when considering the impact of a proposed development on the significance of an asset, great weight should be given to the asset's conservation. Any harm to the significance of the asset arising from development within its setting should require clear and convincing justification. Where that harm is less than substantial, that harm should be weighed against the public benefits of the proposal, which I return to below.

Leeds and Liverpool canal – non-designated heritage assets

24. In addition to the designated heritage assets described above, there are other buildings which are agreed by both parties to constitute non-designated heritage assets within the Greenberfield Locks area. Thus, the sluice / outlet house, the lock-keepers cottage and the water gauge are all fundamentally associated within the locks and bridges that make up the wider Greenberfield Locks area. I agree, and also concur with both parties in their assessment of the collective value of this particular stretch of the LLC as a non-designated heritage asset.
25. As much of this stretch of the LLC is set below the prevailing rising ground levels, particularly below the rising ground towards the south of Lock No. 44, the central and northern elements of this stretch are distinctly rural in their character. Longer views over the undulating countryside are available in a northerly direction, marking this stretch of canal as the highest point of the LLC within the Council's administrative area and the LLC corridor as making a particular contribution to the local character and distinctiveness of Pendle².
26. Despite the apparent popularity of the Greenberfield Locks as a leisure and recreation asset for pedestrians, cyclists and car-borne and water-borne the area retains a tranquil nature in a quiet rural setting. The existing built extent of Barnoldswick is, at its most visible, glimpsed from the elevated positions of the bridges, whilst there would be a degree of inter-visibility between the proposed development and the sluice / outlet house and the lock-keepers

² Policy ENV1 Pendle Local Plan Pt 1: Core Strategy

cottages, but at ground level along the canal corridor the town's presence is largely unfelt and unseen. The canal is experienced within a rural landscape of open fields, trees, hedgerows and stone walls, with the associated canal infrastructure providing context.

27. Beyond Bridge No. 156, the nature and character of the canal's corridor changes more noticeably. From the canal and its towpath being below the rising ground levels north of Bridge No. 156, it emerges from under Bridge No. 156 at the prevailing ground level of land to the east and west. Here, Barnoldswick becomes a more significant influence on the canal's setting, particularly as it continues to the south towards the town.
28. The open field opposite the canal at this point, within a part of which lies the appeal site, provides a link to the open fields and sloping land which characterises the land around the main canal basin at Lock No. 44 but residential development on Meadow Way and frontage development on Coates Lane very much influences the character of this stretch of the canal. Although the appeal site shares a boundary with Coates Lane, the indicative landscape strategy suggests a layout and planting scheme which would provide a pleasant buffer between the existing built extent of Barnoldswick and the open countryside beyond.
29. More importantly, it would also provide a visual buffer between proposed dwellings and Coates Lane. The indicative layout satisfactorily demonstrates how the quantum of development proposed could be laid out so as to achieve a soft edge to the proposal that would complement the open fields and traditional field boundaries along the canal in a manner that the existing abrupt edge of the settlement fails to achieve. And, unlike the previous scheme with its more expansive site area, the proposal would ensure a substantial and significant degree of physical and visual separation between the cluster of non-designated and designated heritage assets wound the lock-keepers cottage.
30. However, the proposal would nevertheless alter the relationship between parts of the canal corridor on this approach to Barnoldswick, particularly that stretch south of Bridge No.156 where the appeal site meets Coates Lane. Although the indicative landscape strategy demonstrates how the proposed development could preserve the open rural setting of land beyond Meadow Way, the very nature of the proposal is such that this open nature would, to a degree, be compromised. As the LLC is appreciated as a continuous entity at this point, Thus, for the reasons I have set out, the limited width of the site's Coates Lane frontage and the indicative layouts and landscape strategies are sufficient to persuade me that any harm to the significance of the setting of the canal corridor and other non-designated heritage assets would be less than substantial.
31. The Framework states that the effect of a proposal upon the significance of a non-designated heritage asset should be taken into account in the determination of applications. It requires that a balanced judgement will be required, having regard to the significance of the asset and the scale of any harm to, or loss of, the asset. Having concluded that harm would arise, albeit less than substantial, I will return to the balanced judgement of this matter below.

Landscape character and quality

32. The appeal site lies within a large, rolling and elevated (above Coates Lane) pastoral field at the edge of Barnoldswick. The field contributes to the rural setting of this edge of Barnoldswick as well as to the tranquil rural character of the area through which this part of the LLC runs. As such, views are taken across and from it towards the open countryside, drumlin fields and distant hills beyond, which together lie within the Gargrave Drumlin³ and Lancashire Valleys⁴ landscape areas.
33. The appeal site forms a small wedge bounded by the tree and hedge lined Skipton Road to the east, the stone wall lined Coates Lane with the LLC beyond to the west and garden boundaries of properties on Meadow Way to the south. The northern extent of the site is unmarked, the site forming a small but continuous part of the wider pastoral field described above.
34. Unlike the previous appeal scheme, the current appeal site forms only a small portion of that field; that portion being most closely associated visually and physically with existing built development. Whilst the site currently displays the same characteristics of the larger field within which it lies, its character as a rural fringe site is heavily influenced by adjacent residential development where existing residential property boundaries form an abrupt edge to the settlement. For the most part, this edge is straight, but the land around a frontage property on Coates Lane extends beyond those of Meadow Way properties, extending along Coates Lane beyond the entrance to Meadow Way.
35. Residential development would inevitably alter the open, rural-fringe character of the appeal site, resulting in a loss of openness within the appeal site. However, the indicative layout and landscape strategies show how the proposal could integrate a robust planting and landscaping scheme which would create a verdant buffer to the northern and western edges of the site.
36. The loss of openness of the appeal site itself would clearly be noticeable. However, although the site contributes to a rolling, open rural setting to the edge of Barnoldswick and the LLC, the site itself is close to, and heavily influenced by, existing residential development. The indicative landscape strategy shows that a scheme incorporating a robust landscaping buffer could be delivered which would, over time, provide a substantial verdant screen to both existing and proposed residential development from the LLC corridor and in a manner in keeping with the trees and hedges of field boundaries in the surrounding open countryside.
37. The landscaping strategy suggests a comprehensive and robust landscape buffer to the site's northern and western perimeters. Whilst I have noted the previous Inspector's concerns regarding the effectiveness of the planting in mitigating the scheme's visual impact, I am satisfied that the current proposal's more limited scale and extent would render concerns over the potential effectiveness of the landscaping as being of only marginal concern.
38. The form of the appeal site and its relationship with existing built development on Coates Lane and Meadow Way is such that the indicative landscape strategy would over time create a pleasant and verdant visual buffer between this part of Barnoldswick and the countryside beyond. I do not consider the indicative

³ Lancashire Landscape Strategy

⁴ National Character Area 35: Lancashire Valleys Landscape

landscape strategy to be, as the Council suggest, an acknowledgement of detrimental landscape impact, but rather an indication of how such a strategy can respond to the surrounding landscape.

39. The proposal would result in the loss of openness and the rural open nature of the appeal site. However, the extent of the site is sufficiently limited and closely related to existing built development on Meadow Way and Coates Lane so as to be seen in that context as much as the wider countryside. The proposal would not compromise the intrinsic character and fundamentally pastoral nature of the wider surrounding area. Any harm to the character and quality of the LLC corridor landscape or the setting of the designated heritage assets within it would be less than substantial and I consider the matter of public benefits below. However, with regard to the effect of the proposal on landscape character, appearance and quality, whilst there would be local harm of a limited nature to the appeal site itself, the site is sufficiently well related to, and seen in the context of, the existing built up area of Barnoldswick so as to avoid harm to these aspects of the surrounding landscape.
40. The proposal would result in the loss of a section of roadside hedgerow on Skipton Road in order to create the access into the site. The Skipton Road entrance into Barnoldswick is pleasant, the wide grass verges, hedgerows and trees making for an attractive approach. The creation of the access would cause local disruption to the prevailing character of this approach to the town but there would not be wider impacts upon landscape character or quality as a result of this element of the scheme.
41. For the reasons I have set out, I am satisfied that the proposal would safeguard the landscape character of the area, having regard to the Lancashire Landscape Assessment and the character types within the Borough. There would be no conflict with the provisions of PLP policy ENV1 as it relates to landscapes.

Planning Balance

42. PLP policy LIV1 is supportive of proposals for housing development outside but close to a settlement boundary which make a positive contribution to the Council's five year supply of housing land. Although it would not make as significant a contribution to housing land supply as the earlier larger appeal proposal, the Council accept it is no longer able to demonstrate a five year housing land supply and in that context the proposal would align with PLP policy LIV1's aim of significant and early delivery of housing.
43. However, PLP policy ENV1 states that all development should 'make a positive contribution to the protection, enhancement, conservation and interpretation of [the Borough's] natural and historic environment'. The proposed residential development would, for the reasons that I have identified, result in less than substantial harm to the significance of the setting of a number of listed buildings and structures
44. Where less than substantial harm to designated heritage assets arise, the Framework states that this harm should be weighed against the public benefits of the proposal. In terms of non-designated assets, a balanced judgement is required having regard to the scale of any harm and the significance of the asset. However, any harm must be given considerable importance and weight

in the balancing exercise. The Guidance⁵ sets out what is meant by the term 'public benefits', stating that they should flow from the development, could be anything that delivers economic, social or environmental objectives described in the Framework and must be of benefit to the public at large, not just private benefits.

45. The main parties are agreed that the Council cannot currently demonstrate a 5-year housing land supply. The application has been made in outline form with all matters other than access reserved, but the quantum of development is described as being up to a maximum of 30 dwellings. A development of this nature and within those scale parameters would contribute towards housing supply within the Borough where it is agreed that a shortfall presently exists. As such, the proposal would also contribute towards the Government's stated objective⁶ of significantly boosting the supply of homes. In contributing towards meeting the housing needs of the Borough and a national-stated objective to boost the supply of homes, this is a public benefit to which I give significant weight.
46. In addition, the proposal would also provide affordable housing at a level above that required by PLP policy LIV4, secured by way of a Unilateral Undertaking (UU), to which the Council do not object. Thus, I am satisfied that the UU satisfies the statutory tests set out in the Community Infrastructure Regulations and paragraph 56 of the Framework, and in accordance with PLP policy LIV4 and I have therefore taken its provisions into account in reaching my decision. As such provision is intended by PLP policy LIV4 to provide affordable housing to meet the housing needs of the Borough, this is also a public benefit to which I also give significant weight.
47. Although the Council have sought to downplay other public benefits as being merely those normally associated with housing developments, I am satisfied that those identified in the officer report to the West Craven Committee nevertheless fall within the broad criteria of the public benefits described in the Guidance. Thus, the provision of a mix of house types and sizes, the provision of open space, tree planting and landscaping (as indicated on the indicative landscape strategy⁷), a Sustainable Urban Drainage scheme, income from Council tax and the economic and social benefits arising from employment opportunities for local trades and businesses during and after the construction period, including within the supply chain, are all public benefits to which I give moderate weight.

Conditions

48. I have considered the Council's suggested conditions in light of the Framework and the Guidance. Where I have altered the wording of conditions, or replaced conditions, I have done so in the interests of precision and accuracy. Numbers in parentheses refer to the Council's suggested condition numbering set out as part of their Statement of Case.
49. I agree that conditions regarding reserved matters should be applied but I have substituted those suggested for alternative versions with more standard wording. Such an approach would not prejudice the interests of either main

⁵ Paragraph: 020 Reference ID:18a-020-20190723

⁶ Paragraph 59 National Planning Policy Framework

⁷ Drwg No: 05-Indicative Landscape Strategy – Clendon Architecture

party. A phasing condition (6) is a reasonable requirement given the outline nature of the proposal, whilst a plan condition regarding the access arrangements (7) is also necessary for the same reasons.

50. Surface water drainage conditions (9 and 10) are necessary in the interests of flood risk control, whilst a contamination condition (8) is necessary in order to ensure that the site is free from contamination. A range of highways related conditions (12, 14, 15, 16 and 17) are necessary in the interests of highway safety whilst conditions regarding ecology mitigation (11), tree and hedge protection (20) and archaeology (18) are reasonable and necessary to protect those respective interests.
51. A condition setting out hours of operation (13) is necessary in the interests of residential amenity and the living conditions of occupiers of nearby properties. I have however altered the wording of this condition to bring it into line with the standard approach to such matters. In doing so I am satisfied that no party would be disadvantaged. A condition regarding installation of electric vehicle charging points is necessary and reasonable in the interests of providing sustainable travel options.
52. The appellant has submitted a Unilateral Undertaking (UU) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) which sets out arrangements for the provision of affordable housing. As such, I have not imposed a suggested condition which seeks submission of a planning obligation under section 106 of the Act (4). Whilst such an approach would be unlikely to be appropriate in any event, the condition states that the obligation would secure education contributions which the Council's officer report confirms were not requested. I have not therefore imposed the suggested condition nor have I imposed the affordable housing condition (5) as it would duplicate provisions set out within the UU.

Conclusion

53. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale [remove as appropriate depending on what is being reserved], (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years from the date of this permission.
- 3) The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.
- 4) An application for approval of the reserved matters (namely the appearance, landscaping, layout and scale of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans:

CAL020417 0 & A3399-01- Rev C.
- 6) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 5% of housing units/bed spaces;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 7) Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in

each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

- 8) The access shall be so constructed in accordance with drawing A3399-01 Rev C unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of any other works on site and thereafter be permanently retained.
- 9) Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
 - a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

- 10) No development shall commence unless and until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);

- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 40% allowance for climate change and a 10% allowance for urban creep. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 6.8l/s;
 - c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
 - d) Confirmation of how surface water is to be managed within the non-drained areas of the site, i.e. gardens and public open space;
 - e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
 - f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
 - g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.
- 11) No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.
- 12) The recommendations outlined in the Ecology Survey compiled by Quant Environmental dated September, 2017 for the canal, hedgerows and trees shall be carried out in full before any development commences on the site.
- 13) No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
 - h) Location and details of site compounds

- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- j) Noise-monitoring to be carried out for the construction period.
- k) Parking area(s) for construction traffic and personnel
- l) Details of the provision and use of wheel washing on the site
- m) Site security

For the duration of the construction period construction HGV traffic movements shall be via the site access off Skipton Road with the use of Meadow Way or Coates Lane not permitted.

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

- 14) No construction work shall be carried out on the site outside the hours of 08:00 and 17:00 on weekdays and 08:00 - 12:00 on Saturdays and shall not take place at any time of Sundays or on Bank or Public Holidays.
- 15) No development shall commence unless and until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.
- 16) No development shall commence unless and until a scheme for the off-site highway works to facilitate the development have been submitted to and approved by the Local Planning Authority including but not limited to:
 - relocation of 30mph signage, associated road marking signs and street lighting;
 - new footway on the north-west side of Skipton road between the site access and Valley Drive; and
 - upgrade of the NB bus stop on Skipton road and new footway on south east side of Skipton Road between Ghyll Lane and the SB bus stop including tactile paving and dropped crossings.

The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

- 17) The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing

by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

- 18) No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the development phases (including the provision of the emergency access link), drainage, street lighting and standards for estate streets to be completed. Details of the proposed arrangements for future management and maintenance will be submitted until an agreement is entered in with the Highway Authority or a private management company has been established.
- 19) No development shall take place until the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.
- 20) Prior to first occupation each dwelling shall have an electric vehicle charging point.
- 21) Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work, or tree and hedge removal shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.