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# Appeal Decision

Inquiry held on 15 & 17 July 2013

Site visit made on 16 July 2013

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

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

**Decision date: 12 August 2013**

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**Appeal Ref: APP/N2345/A/13/2193377**

**Land to the north of Lightfoot Lane, Higher Bartle, Preston**

- 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 Redrow Homes (Lancashire) Ltd against Preston City Council.
  - The application, Ref. 06/2012/0822, is dated 3 August 2012.
  - The development proposed is the erection of up to 330 dwellings with all matters reserved, save for eastern access.
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## General Background

1. The application was in outline with all matters reserved for subsequent approval except for access provision onto Lightfoot Lane to the south of the appeal site<sup>1</sup>.
2. The Council failed to determine the application within the prescribed period, leading to this appeal. However, following the lodging of the appeal the application was reported to the Council's relevant committee. Members resolved that had the committee been in a position to determine the application it would have refused permission for a number of reasons. Nonetheless, since then the Council has proactively engaged with the appellant to seek solutions to the perceived problems of the scheme which gave rise to the putative reasons for refusal. Consequently, before the start of the Inquiry, a Statement of Common Ground on Design Issues indicated that there were no longer any areas of disagreement between the appellant and the Council on the basic design concept of the proposal. This was in light of additional provided information and a revision to an illustrative Masterplan showing how the development could integrate more effectively with future phases of housing. This overcame the putative reason for refusal on design principles and concept.
3. At the opening of the Inquiry the Council indicated that the ongoing discussions with the appellant had been so successful that the appellant had addressed the Council's remaining issues of concern. The Council was now satisfied that, subject to appropriate conditions and the obligations within the appellant's proffered Unilateral Undertaking (UU) under the provisions of Section 106 (S106) of the Town and Country Planning Act 1990 (as amended), the proposed scheme was acceptable and that there were no outstanding areas of disagreement. This was confirmed within an Addendum to the Statement of

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<sup>1</sup> The appellant refers to this as the eastern access to distinguish it from the probable additional access link to Tabley Lane to the west.

Common Ground between the Council and the appellant, handed in at the Inquiry. As such, the Council did not intend presenting any evidence or cross-examining the appellant's witnesses. However, there remained concerns and opposition from a number of local residents, mostly represented by the Lightfoot Lane Area Residents' Association (LLARA), and from Woodplumpton Parish Council, voiced both in writing and at the Inquiry.

4. The proposal was subject to Environmental Impact Assessment. In determining this appeal I have had regard to the environmental information supplied within the Environmental Statement (ES) accompanying the application together with all other environmental information supplied.

### **Decision**

5. The appeal is allowed and planning permission is granted for the erection of up to 330 dwellings with all matters reserved, save for eastern access, at land to the north of Lightfoot Lane, Higher Bartle, Preston in accordance with the terms of the application, Ref. 06/2012/0822, dated 3 August 2012, subject to the conditions set out in the attached Schedule.

### **Main Issues**

6. Against the above background I consider the main issues in this case are:
  - The impact of the scheme coming forward in advance of the adoption of the Council's Publication Local Plan<sup>2</sup> and the absence of a Masterplan for the area to ensure the comprehensive and phased delivery of development in the North West Preston Strategic Location (NWPSL), with particular reference to impact on the local and strategic highway network.
  - Whether the proposal constitutes sustainable development within the context of guidance within the National Planning Policy Framework (the Framework).

### **Reasons**

#### *Masterplanning*

7. The development plan for the area comprises the Central Lancashire Core Strategy (CLCS), adopted in 2012, and certain saved policies of the 2004 Preston Local Plan. The appeal site falls within the NWPSL identified in Policy 1 of the CLCS as an area where growth and investment will be focussed. The NWPSL is predicted to deliver some 2,500 dwelling over the plan period to 2026. The site is also promoted for housing through the emerging Publication Local Plan, although this is unlikely to be adopted until 2014. Whilst 'greenfield', the appeal site does not comprise the best and most versatile agricultural land and there would be no conflict with CLCS Policy 31 which aims to protect this.
8. As the site could provide up to 330 dwellings, 30% of which would be affordable, it would make an important contribution to meeting housing needs identified in the CLCS at a time when the Council acknowledges that it does not have a five-year supply of deliverable housing sites. The Council accepts that the principle of residential development on the site is not, and has not been, an issue. What has exercised it is not whether the site should be released for

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<sup>2</sup> Previously referred to as the Site Allocations and Development Management Policies Development Plan Document

housing but when and how it would integrate effectively with the rest of the NWPSL without placing an excessive burden on existing infrastructure, especially the highway network; could additional traffic be accommodated without unacceptable impacts in terms of capacity or the need for much wider strategic infrastructure improvements to support further development?

9. The Central Lancashire Highways and Transportation Masterplan (CLHTM) of March 2013 represents Lancashire County Council's (as local highway authority) considered position of the infrastructure needed to support the delivery of Central Lancashire's development strategy. One of the major road schemes put forward is the Preston Western Distributor (PWD) which would link the M55 motorway to the north with the A583/A584 to the west of Preston. The Masterplan states that the relationship of this distributor road to the NWPSL will be critical to ensuring that this new road is fully and properly used by local commuting traffic.
10. Given that there are several separate housing developments within the NWPSL that have planning permission or are coming forward, the Masterplan promotes the need for a local east-west distributor road through the area to link with the PWD. This would help to ensure ready and convenient access to and from the PWD for local and long-distance journeys in order to deter both through and locally-generated traffic from using already congested routes to the east towards the A6, Preston city centre and Junction 1 of the M55. The line of this east-west link is shown indicatively within the CLHTM.
11. Separate to the above, a Masterplan for north-west Preston (NWPM) is being prepared by the City and County Councils, with consultation on three options for the masterplanning of the whole of the NWPSL having commenced immediately prior to the opening of the Inquiry. The purpose of this Masterplan are, amongst other matters, to: provide a vision for development in the area in accordance with the core principles of the Framework; provide a clear phasing approach to infrastructure provision, including that referred to in the CLHTM; and to confirm and develop the design of an indicative internal road layout for the local distributor (spine road) linking the PWD and other principal routes. Following consultation the Masterplan is likely to be adopted before the end of 2013.
12. All of the draft options for the NWPM show the alignment of the suggested spine road in the same location, predominantly to the north of the appeal site. In the event that the final route of the spine road is determined to pass through the appeal site the appellant accepts that as layout is a reserved matter this would need to take full account of this route. If this were to be the case the appellant would construct that part of the spine road contained in the site. In this regard, the Council and the appellant have agreed that a condition should be attached to an outline planning permission precluding the submission of an application for approval of reserved matters before the adoption of the NWPM as a Supplementary Planning Document<sup>3</sup>. This would ensure that any reserved matter application reflects the provisions of the NWPM. There is further agreement that the draft masterplan options do not propose any community infrastructure development within the site and that, overall, with the imposition of the above suggested condition, allowing the proposal now

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

would not prejudice the preparation of the NWPM. Whilst little weight should attach to the NMPM because of its early stage of preparation, I have no reason to disagree with this assessment.

13. A further previous principal concern of the Council, and one shared by local objectors, is the impact of the development on the existing transport network arising from additional traffic generated by the development and whether this can be adequately managed in the interim period before the implementation of the PWD and any associated east-west spine road.
14. Significant progress has been made on a City Deal for Preston and Lancashire such that its final approval by Government is believed to be imminent. The thrust of the City Deal is a substantial Infrastructure Delivery Programme and Investment Fund which would accelerate the delivery of supporting infrastructure and, in turn, housing and commercial development in the area. The Deal concentrates on a number of key sites, including north-west Preston. It would provide funding certainty to bring forward substantial additional road infrastructure through a combination of central and local Government funding and developer contributions. A key part of the City Deal is that both housing and associated infrastructure are delivered sooner than might otherwise be the case and this would mean that the PWD should be in place by 2019/20.
15. The Examiner's final report on the Central Lancashire Community Infrastructure Levy (CIL) Charging Schedule has been received and the Charging Schedule is due to come into effect in September 2013. The CIL would help to fund the PWD and a new railway station. Through the proffered UU the appellant agrees to pay £5,500 per market dwelling towards infrastructure provision or, if the CIL is introduced, the relevant CIL charge. The provision of the PWD and the associated spine road through the NWPSL would be critical elements in catering for traffic generated by the appeal site development as well as other sites within the area. But what of implications in the interim?
16. There were initial concerns about the impact of additional traffic from the scheme on the A6/M55 Junction 1 interchange, to the east of the appeal site. However, improvement works to this junction are ongoing and are due for completion before the end of 2013. These works go beyond the signalisation of the existing roundabout proposed as a concomitant of the large-scale residential planning permissions at Haydock Grange and Cottam Hall. As a result of a successful bid for Government 'pinch-point' funding the works also include the widening of the circulating carriageway of the roundabout and its approaches, and the provision of facilities for cyclists.
17. Modelling of traffic impact has been undertaken and has been tested by the Highways Agency. There is agreement that with the ongoing improvements this junction would still operate satisfactorily in the assessment year of 2023 taking account of increased traffic from the appeal proposal together with other committed developments at Cottam Hall, Haydock Grange, Lime Chase and Whittingham Hospital. The impact arising from the present appeal proposal could be accommodated on the trunk road network with no material queues or delays occurring in 2023 and therefore the Highways Agency does not object to the proposal. However, assuming that all currently committed developments are built-out and that other sites within the NWPSL come on stream, the Council indicates that capacity at this junction would be insufficient to meet the projected traffic flows by 2019. Therefore the PWD and associated

infrastructure would be needed to accommodate further development. But this is in line with the Council's phasing of housing land set out in its Publication Local Plan<sup>4</sup> and the timescale set out in the City Deal.

18. In addition to the above, the appellant has agreed to fund other off-site highway works that would be necessary as a result of the proposal<sup>5</sup>. These include various junction improvements and signalisation, facilities for cyclists and pedestrians, and traffic calming on Lightfoot Lane. The securing of these measures can be achieved by the imposition of an appropriate condition which would also tie the works to the phasing of the development. I am satisfied that with these works in place the scheme would be unlikely to result in any significant worsening of congestion on the local highway network prior to the wider infrastructure provision needed to serve the area. Any residual cumulative impacts would certainly not be severe, which the Framework indicates is the test to be applied if development is to be refused.
19. The scheme's impact on highway safety by reason of the increase in vehicular traffic that would result is of concern to many locals. This is particularly in respect of potential additional traffic using Lightfoot Lane and access from the site onto this road and then onto Tom Benson Way, and impact on pedestrians and cyclists. LLARA and Woodplumpton Parish Council have voiced fears about the safe use of the junction of Lightfoot Lane and Tom Benson Way having regard to likely increased traffic and bearing in mind the road traffic accident record there, mostly involving shunts. However, the detailed constructional design of the eastern site access onto Lightfoot Lane and alterations to the junction with Tom Benson Way and their implementation would be covered by conditions. Suggested amendments to this junction, which could introduce a right-turning lane along Tom Benson Way, would in my view be likely to satisfactorily cater for any increased manoeuvring at this junction.
20. From the evidence provided, it is unlikely that the level of increased vehicular use of Lightfoot Lane westwards from the site access resulting from the proposal would be such that this would lead to material safety concerns on what is effectively a currently by-passed road fronted by residential development. This is bearing in mind traffic calming measures that would be put in place and the alternative links to the wider highway network that would exist. These would include a likely western access onto Tabley Lane, probably at a roundabout junction that would also serve the permitted residential scheme at Haydock Grange, and linkage to the suggested east-west spine road.
21. Whilst such concerns are understandable, neither the Council nor the local highway authority has expressed objections on this front. This similarly applies to concerns raised regarding traffic flow southwards along Tabley Lane and the close proximity of junctions and crossings that would exist. I am satisfied that, through the control which would exist by the attachment of appropriate conditions and as a result of the implementation of the wider infrastructure proposals, the appeal scheme would not be likely to result in any significant compromising of highway safety and that detailed design would ensure compliance with accepted standards.

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<sup>4</sup> Whilst suggesting that the phasing of development in this area should progress east to west in broad terms, this draft plan recognises that sites, including the appeal site, could deliver housing in the short-term.

<sup>5</sup> These would be provided via a S278 agreement under the Highways Act 1980 (as amended).

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

#### *Sustainable development*

24. The Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development giving rise to the planning system needing to perform an economic, social and environmental role.
25. In terms of its locational characteristics, as part of the NWPSL the site has already been considered acceptable in principle as suitable for housing within the CLCS. The Core Strategy Revised Sustainability Appraisal confirms its excellent public transport links, with frequent bus services operating in close proximity. The UU would secure the ability for bus services to pass through the site. It would also secure the agreement and implementation of a Travel Plan to identify, deliver and encourage sustainable travel patterns to and from the development. This would include walking and cycling, the presence of the Preston Guild Wheel cycle route providing connection to the surrounding area and other parts of the city. The UU, or alternatively the CIL, would, as already noted above, secure appropriate contributions to the necessary wider transportation infrastructure.
26. The site has reasonable access to a range of services and the Revised Sustainability Appraisal suggests that the NWPSL has particularly good access to employment areas, basic retail needs and healthcare facilities. Further facilities are likely to be forthcoming with the building out of other sites within the NWPSL. There would be merit in a more comprehensive approach to identify facilities and services that would benefit the wider area and which a masterplan would help to address. Nonetheless, the illustrative masterplan for the appeal site indicates space for a community centre, should this be deemed to be appropriate and necessary, and the absence of provision of other facilities within the site is not a fundamental drawback of the scheme<sup>6</sup>.
27. The scheme would contribute to economic growth in the Central Lancashire sub-area by contributing to housing delivery, at a time when there is a shortfall in the Council's five-year supply of deliverable housing sites and a particular shortfall in affordable housing provision. In this regard it would accord with

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<sup>6</sup> The three initial options within the consultation draft of the NWPM include a 'district centre' to the immediate north-east of the appeal site around Sandy Lane and adjacent to the area shown on the appeal site's illustrative masterplan for a community building.

principal thrusts of the Framework of securing economic growth and boosting significantly the supply of housing.

28. There is agreement between the appellant and the Council that the scheme would not have any significant adverse impact on landscape and that the effects on ecology and nature conservation can be successfully mitigated. Proposed conditions would, amongst other matters, ensure the provision of ecological buffer zones alongside retained ponds and a ditch and an ecological management plan would need to be agreed and implemented. The development would be tied to the recommendations and mitigation measures set out within the ES and the parameters of the appellant's revised illustrative masterplan for the site.
29. The scheme would accord with CLCS Policies 17 and 24, regarding design and recreation facilities, by providing adequate landscaping and open space as an integral part of the development. The site is capable of being adequately drained both in terms of foul and surface water, is in the lowest category of flood risk and, with appropriate attenuation, development would not lead to an increased risk of flooding. The Council would have control over the details of the development through the need for the subsequent approval of reserved matters. This would enable it to ensure a high standard of design capable of providing a development of appropriate appearance and character with acceptable living conditions for its future occupiers, whilst safeguarding the living conditions of those already resident in the area. A suggested condition would ensure that the dwellings were built to Level 4 of the Code for Sustainable Homes, in accordance with CLCS Policy 27, thereby making a small contribution to combating the effect of climate change by reducing carbon emissions.
30. From the foregoing, I conclude that, subject to the imposition of appropriate conditions and the provisions of the UU, the proposal would represent a sustainable form of development. Given that the Council now accepts this proposition it has not drawn attention to any development plan policies with which the scheme would conflict and in my view there would be compliance with the thrust of guidance within the Framework.

### *Conclusion*

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

### *Conditions and UU*

32. A list of suggested conditions considered reasonable and necessary to make the proposed development acceptable was discussed and agreed between the

Council and the appellant at the Inquiry. I have considered these conditions in light of advice within Circular 11/95 *The Use of Conditions in Planning Permissions*.

33. In addition to the usual conditions relating to the need for submission of details of the matters reserved for subsequent approval, conditions are required relating to the timing of these submissions and the implementation of development. As this is a large site and development is likely to proceed in phases, a condition is necessary relating to phasing, in the interests of proper planning and to ensure a satisfactory development. Given this, and as referred to above, in light of the likely eventual adoption of the NWPM, condition No. 2 precludes the submission of reserved matters until after the Masterplan's adoption. This would seek to ensure that the details of the scheme tie in with the Masterplan whilst at the same time not unacceptably holding back the development.
34. For the avoidance of doubt, a condition is necessary specifying the plans to which this permission relates. To ensure that the scheme would be acceptable in terms of its impact on the local environment and in respect of residential amenity a condition is required tying the development to the recommendations and mitigation measures within the ES and the parameters of the Design Statement of Common Ground, including the revised illustrative site masterplan. Also, to protect wildlife and habitat, conditions are necessary requiring the submission and agreement of a Habitat Management Plan, the agreement of street lighting details, the timing of works in relation to the bird nesting season and agreement of a scheme for the provision and management of buffer zones alongside retained ponds and a ditch. For the same reason and in the interests of visual amenity, a condition is necessary ensuring the protection of trees and hedgerows.
35. To protect the living conditions of existing nearby residents and to ensure highway safety and convenience, I shall impose the suggested condition requiring the agreement of a Construction Method Statement and Environmental Management Plan. Similarly, to protect the living conditions of future occupiers of the development from possible noise disturbance from the nearby M55 motorway, a condition is required relating to the agreement of measures for sound insulation for the proposed dwellings.
36. Although a condition has been suggested requiring the submission and agreement of details of landscaping, since landscaping is a reserved matter I do not consider this to be strictly necessary. However, I shall impose the suggested condition which would ensure the implementation of landscaping and the need for the replacement of any soft landscaping that dies or becomes diseased, to ensure a satisfactory appearance. For the same reason conditions are necessary relating to the agreement of finished floor levels and the agreement of samples of external materials. In the interests of highway safety and the free flow of traffic, conditions are necessary relating to the protection of visibility splays, the detailed construction of what the appellant calls the eastern access onto Lightfoot Lane, the agreement and implementation of off-site highway works, which include various junction improvements, and details of on-site parking.
37. A condition is required to ensure the recording of any archaeological interest within the site, as is a condition which would ensure the assessment and remediation of any contamination that might be encountered during site

preparation or development works. To ensure the site is satisfactorily drained and to reduce the risk of flooding and pollution, conditions are necessary relating to both foul and surface water drainage. In the interests of reducing reliance on non-renewable energy resources a condition is required that would ensure the dwellings within the development achieve Level 4 of the Code for Sustainable Homes. Finally, to ensure that there is satisfactory provision for waste and recycling, a condition is needed requiring agreement of these facilities at the reserved matters stage.

38. The UU would secure the provision and phasing of the affordable housing element within the site. It would also secure the provision of open space and play space and a mechanism for the future management of these. As noted above, it would also secure contributions towards delivering highway and public transport improvements identified by the CLHTM, namely the PWD and the construction of a new Parkway railway station in the Cottam area to provide rail-based park-and-ride to the wider region. The UU would also deliver a public transport contribution towards the cost of a subsidised bus service and the provision and implementation of a Travel Plan. A financial contribution would be secured towards the cost of extending and improving the existing Ingol Health Centre. I am satisfied that all these obligations are compliant with Regulation 122 of CIL in that they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to it.

*P J Asquith*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT

David Holgate QC instructed by Samantha Ryan, Turley Associates

He called:

David Roberts IEng FIHE FCIHT Director, SCP, Transportation Planners and Infrastructure Designers

Samantha Ryan BA(Hons) MRTPI Planning Director, Turley Associates

### FOR THE LOCAL PLANNING AUTHORITY

Jonathan Easton, of Counsel<sup>7</sup> instructed by the Legal Department, Preston City Council

### INTERESTED PARTIES/PERSONS

David Welton Lightfoot Lane Area Residents' Association

Julie Buttle Clerk to Woodplumpton Parish Council

Cllr Ken Hudson Preston City Council (Preston Rural North ward)

Malcolm Phillips Local resident

Susan Fox Interested person

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

1. Addendum to Statement of Common Ground between the Council and appellant
2. Position Statement on behalf of the Council
3. Report on the Examination of the Draft Community Infrastructure Levy Charging Schedules of Chorley Borough Council, Preston City Council and South Ribble Borough Council
4. Cabinet Report of 8 July 2013 on the Preston and Lancashire City Deal
5. Consultation document on a Masterplan for Northwest Preston
6. Statement of Common Ground between the Highways Agency and SCP relating to highway and transportation issues

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<sup>7</sup> He did not formally call any witnesses

7. Schedule of conditions agreed between the appellant and the Council, with earlier iterations
8. Copy of the LLARA letter of 18 February 2013 to Preston City Council
9. Summary opening submissions on behalf of the appellant
10. E-mail trail regarding education contributions
11. Drafts of Unilateral Undertaking
12. Woodplumpton Parish Council statement and undated copy letter from the Parish Council to Preston City Council
13. Statement from Susan Fox
14. Statement from Malcolm Phillips
15. Signed Unilateral Undertaking, Deed of Appointment and Power of Attorney (received after the close of the Inquiry)

## **Schedule of conditions**

### *Reserved Matters*

1. Details of the western vehicular access, layout, scale, appearance and landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development is commenced. The reserved matters application(s) shall be submitted in accordance with the phasing schedule approved pursuant to condition 6 below. Thereafter the development shall only be carried out in accordance with the details as approved.

### *Timescale to submit Reserved Matters applications*

2. Applications for approval of the reserved matters in respect of phase 1 as agreed pursuant to condition 6 of this permission shall be made to the local planning authority within two years from the date of this permission, and not later than five years for subsequent phases save that no reserved matters application shall be submitted before the earlier of the two following dates: (i) the adoption by the local planning authority of the North West Preston Masterplan; or (ii) 31st December 2013. Thereafter the development shall only be carried out in accordance with the details as approved.

### *Timescale for commencement of works*

3. Phase 1 of the development agreed pursuant to condition 6 of this permission shall begin not later than 2 years from the date of this permission or the expiration of two years from the date of approval of the last of the reserved matters for that phase whichever is the later. Subsequent phases agreed pursuant to condition 6 shall be commenced no later than two years from the date of approval of the last of the reserved matters for that phase.

### *Approved plans*

4. The development hereby approved shall only be implemented in accordance with the approved plans comprising:
  - (i) Location plan, scale 1:2500: drawing no: RED/LL/LP01 received on 31 October 2012;
  - (ii) Plan of the eastern access onto Lightfoot Lane: Drawing No. SCP/12003/004.

### *Compliance with Submitted Details*

5. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out within the submitted Environmental Statement dated October 2012 and the parameters set out in the Design Statement of Common Ground and associated appendices, including the illustrative masterplan at Fig 2.2 of that document, dated 7 July 2013.

### *Phasing Condition*

6. Full details of the phasing of the construction of the development hereby approved including, but not limited to, a site layout plan identifying the proposed number of dwellings in each phase, the provision of internal roads, footpaths, cycleways and public open space for each phase, and temporary highway and pedestrian routeings, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the phasing details approved under this condition unless otherwise agreed in writing by the local planning authority.

### *Programme of Archaeological work*

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

### *Implementation of landscaping*

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

### *Protection of retained trees, hedgerows and woodland areas*

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

### *Details of existing and proposed ground levels*

10. No development shall take place in relation to any phase of the development until full details of finished site levels and finished floor levels of buildings within the relevant phase have been submitted to and approved in writing by the local planning authority in respect of that phase. The development shall be carried out in accordance with the approved details.

*Sample materials*

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

*Car and cycle parking*

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

*Noise Mitigation Scheme*

- 13.Prior to commencement of development in relation to any phase, a scheme of sound insulation and/or ventilation shall be submitted to and approved in writing by the local planning authority in accordance with the approved phasing details. The approved scheme shall be implemented and completed in full before the dwellings within the relevant phase are first occupied and shall be retained at all times thereafter.

*Contaminated Land Scheme*

- 14.If during site preparation or development works contamination is encountered or is suspected in areas where it had not been anticipated then a scheme for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the local planning authority prior to all but urgent remediation works necessary to secure the area. The remediation scheme shall be carried out in accordance with the approved details.

*Construction Method Statement and Environmental Management Plan*

- 15.No development shall commence until a Construction Method Statement and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved Method Statement and Management Plan shall be adhered to throughout the construction period and shall provide for:
- i. hours of working and access
  - ii. details of construction traffic phasing
  - iii. the parking of vehicles of site operatives and visitors
  - iv. loading and unloading of plant and materials
  - v. storage of plant and materials used in constructing the development
  - vi. the erection and maintenance of security hoardings
  - vii. wheel washing facilities

- viii. measures to control the emission of dust, dirt, noise, vibration and light during construction
- ix. a scheme for recycling/disposing of waste resulting from construction works
- x. hours of construction
- xi. details of any piling

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

#### *Highways – proposed access details*

16. The development hereby permitted shall not commence until construction details of the proposed eastern access including all associated works within the public highway, as set out on drawing No. SCP/12003/004, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details and no dwelling hereby permitted shall be occupied until the access has been constructed in accordance with the approved details.

#### *Visibility Splays*

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

#### *Highways – off-site highways works*

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

The said off-site highways works shall be constructed in accordance with the approved design details and shall be completed in accordance with the approved phasing plan. No dwellings in each phase shall be occupied until the relevant off-site highways works have been completed for that phase. The works shall comprise:

- a) improvement of the roundabout junction of Tag Lane and Tom Benson Way to be carried out within the existing limits of highway adoption in accordance with drawing No. SCP/12/003/003;
- b) the provision of a Toucan Crossing on Tom Benson Way to the north of the roundabout junction of Tag Lane and Tom Benson Way;
- c) Signalisation of the Hoyles Lane/Tabley Lane junction in accordance with drawing No. SCP/12003/002. These works shall include footway improvements and appropriate Toucan facilities for pedestrians and cyclists;

- d) Traffic calming on Lightfoot Lane between Tabley Lane and Tom Benson Way (B6241); these works shall including narrowing/priority operation and footway/cycleway provision;
- e) Junction improvements to the Lightfoot Lane/Tom Benson Way junction in accordance with drawing No. SCP/12003/F01; to include a Toucan Crossing over Tom Benson Way in the vicinity of the said junction.

### *Sustainable Drainage*

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

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

### *Foul Drainage*

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

### *Ecological buffer zone*

21.No development shall take place until a scheme for the provision and management of buffer zones alongside the ponds to be retained and ditch D6 in accordance with Section 5 of the Ecological Survey and Assessment by ERAP Ltd Ref: 2012\_010, dated October 2012, has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing by the local

planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.

#### *Code for Sustainable Homes*

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

#### *Waste and recycling*

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

#### *Nesting birds*

24. No clearance of trees, shrubs or hedgerows in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a nesting bird survey has been submitted to and approved in writing by the local planning authority to establish whether the site is used for bird nesting. Should the survey reveal the presence of any nesting species then no development shall take place within those areas identified as being used for nesting during the period specified above.

#### *Lighting Scheme*

25. No phase of development shall commence until a scheme detailing all external street lighting equipment in that phase has been submitted to and approved in writing by the local planning authority. The external street lighting for each phase shall be implemented only in accordance with the approved details for that phase and retained thereafter.

#### *Habitat Management Plan*

26. Prior to the commencement of the development a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The said plan shall follow the principles and parameters in the ERAP Ecological Survey and Assessment, dated October 2012. The development shall be carried out only in accordance with the approved Habitat Management Plan.