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**MATTER NO FIVE  
POLICIES G-CHAPTER G3  
REPRESENTATION NO 60  
ID REFERENCE 75**

## **SOUTH RIBBLE SITE ALLOCATIONS & DEVELOPMENT POLICIES SUBMISSION OF FURTHER WRITTEN INFORMATION POLICY D1 NEW HOUSING SITE ALLOCATIONS**

BE Group wish to draw attention to an appeal decision relating to a planning application in respect of a 'Safeguarded Land' site, made since our initial submission.

Appeal Ref : F2360/A/12/2178019  
Land off The Cawsey, Penwortham

The Inspector allowed an appeal and granted planning permission for the erection up to 75 dwellings on a site that is designated as G3: Safeguarded for Future Development in the Publication Version Site Allocations DPD.

The following extracts are provided from the Inspector's Appeal Decision dated 16 November 2012:

**Paragraph 6** – *'In addition, there is a reluctant acceptance by the Council that for the last 6 years there has been a continuing failure to meet the housing delivery targets required by the policy. Consistent with this, the Preferred Options Site Allocations Development Plan Document (DPD) aims to deliver a 6.2 year housing supply. As such, it is reasonable to conclude that the Framework's requirement for an extra buffer of 20% of readily available housing land should be provided. As things stand currently, and whether one takes the 5% or 20% buffer, this leaves a significant overall shortage in housing land provision, even on the Council's figures'.*

**Paragraph 9** – *'One final, but important, point is that, while the appeal site is safeguarded at the present time and has been for some years, it is not safeguarded for all time. In fact, it is accepted by the Council that it will be developed some time in the future. Thus, it is not a matter of if the site will be developed, but when'.*

**Paragraph 10** – *'Aggregating these arguments, it is clear that is the appeal scheme is sustainable, it should be released at a time of a significant shortage in the readily available housing land supply. This approach is consistent with other appeal decisions where the South Ribble Local Plan Safeguarding Policy D8 has been afforded little weight. Crucially, the building of 75 dwellings on a site not in the Preferred Options DPD to 2026, is a small figure in the overall supply calculation and its release would not have any strategic implications or require a major rethink of the allocations going forward. As such, and even though the Council is doing its best to promote its emerging Preferred Options DPD, this should not be seen as compelling reason to delay this particular site's release for housing'.*

The appeal site at The Cawsey was the subject of the same status and planning policies that South Ribble Borough Council considers are applicable to our clients' site.



As the Inspector summarises in Paragraph 21 of his appeal notice *'In summary, whereas the safeguarding of the appeal site..... this carries very little weight at a time when there are housing land and delivery shortfalls and one of the Government's stated key economic strategies is to free up housing land and encourage house building'*.

We consider this particular appeal decision challenges the fundamentals of South Ribble's Policy G3 'Safeguarded Land for Future Development' and indeed the soundness of the policy. We would argue our clients landholding at Coote Lane/Church Lane, Farington should be included as an allocated site in D1.

A copy of the Inspector's Appeal Decision is included for reference – BE Group Appendix 1.



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# Appeal Decision

Hearing on 17 October 2012

Site visits made on the same day.

**by J S Nixon BSc(Hons) DipTE CEng MICE MRPTI MCIHT**

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

**Decision date: 16 November 2012**

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**Appeal Ref: APP/F2360/A/12/2178019**

**Land of The Cawsey, Penwortham, Lancashire, PR1 9RG.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
  - The appeal is made by Messrs R and E Simpson and Ms J Simpson against the decision of South Ribble Borough Council (Borough Council).
  - The application (Ref. No:07/2012/0127/OUT) dated 7 March 2012 was refused by notice dated 11 June 2012.
  - The development proposed is for the erection of up to 75No. dwellings (access applied for).
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## Decision

1. For the reasons given below, this appeal is allowed and planning permission granted for the erection of up to 75No. dwellings (access applied for) on land off The Cawsey, Penwortham, Lancashire, PR1 9RG in accordance with the terms of the application, Ref. No: 07/2012/0127/OUT, dated 7 March 2012 and the plans submitted therewith, subject to the conditions contained in the attached schedule.

## Introduction and clarification

2. This is an outline application with all matters reserved apart from access, which falls to be considered at this stage. The application was decided in June 2012, after publication of the Government's National Planning Policy Framework document (the Framework) in March 2012. As such, the content of the Framework had been taken on board in reaching the decision and, where appropriate, covered by the main parties in their evidence. As part of the application an indicative layout was submitted and this is commented upon later in the decision.
3. Next, the reason for refusal pertaining to breeding birds is not pursued by the Council and, in light of the additional information that has been provided I see no reason to disagree and accept that concerns could be addressed by the imposition of conditions. Finally, the representations of residents have been taken into account in reaching this decision.

## **Main Issues**

4. Having regard to the evidence presented, the written representations and visits to the site and surroundings, it follows that the main issues to be decided in this appeal are first, whether there is a shortfall in the 5-year supply of readily available housing land and, if so, should the Framework's presumption in favour of sustainable development prevail, or is this outweighed by the scheme failing to accord with relevant policies in the development plan. Secondly, do the proposals provide an acceptable access to the highway network and meet the requirements of the development plan in this regard.

## **Reasons**

### *Housing land availability*

5. There is a difference in the figure reached on the land supply side between the Council and the Appellants. However, at best, the Council can only show a 4.3-year supply of readily available housing land. The Appellants come in with a figure considerably shy of this, highlighting sites where the Council has resolved to grant planning permission subject to the submission of a signed s.106 and this has remained a site's status for a significant period. There are also sites where there are other constraints to the delivery of development, such as difficulties with land ownership, site assembly, infrastructure works and realistic phasing/build out.
6. In addition, there is a reluctant acceptance by the Council that for the last 6-years there has been a continuing failure to meet the housing delivery targets required by policy. Consistent with this, the Preferred Options Site Allocations Development Plan Document (DPD) aims to deliver a 6.2-year housing supply. As such, it is reasonable to conclude that the Framework's requirement for an extra buffer of 20% of readily available housing land should be provided. As things stand currently, and whether one takes the 5% or 20% buffer, this leaves a significant overall shortage in housing land provision, even on the Council's figures.
7. Faced with this, the main plank of the Council's case on housing land supply is its move to adopt the emerging Preferred Options DPD. This is fairly well advanced, having been out for consultation and is scheduled to be ready for submission to the Secretary of State before the end of the year, with adoption sometime in late spring, early summer. As a counter to this, the Appellants point out that there are many objections to the DPD and no certainty that a sufficient supply of land will come forward as a result of the process. In addition, the DPD will not address the awaited s.106 Undertakings and other constraints on existing sites leaving a significant measure of uncertainty about delivery.
8. The Council did impose an Interim Planning Policy for Housing (IPH), which was intended to cover the period until 2010. However, this has now past and other recent appeals have afforded it little weight. As such, the Council did not advance this as a powerful argument at this appeal.

9. One final, but important, point is that, while the appeal site is safeguarded at the present time and has been for some years, it is not safeguarded for all time. In fact, it is accepted by the Council that it will be developed some time in the future. Thus, it is not a matter of if the site will be developed, but when.
10. Aggregating these arguments, it is clear that if the appeal scheme is sustainable, it should be released at a time of a significant shortage in the readily available housing land supply. This approach is consistent with other appeal decisions where the South Ribble Local Plan safeguarding Policy D8 has been afforded little weight. Crucially, the building of 75 dwellings on a site not in the Preferred Options DPD to 2026, is a small figure in the overall supply calculation and its release would not have any strategic implications or require a major rethink of the allocations going forward. As such, and even though the Council is doing its best to promote its emerging Preferred Options DPD, this should not be seen as a compelling reason to delay this particular site's release for housing.

### *Sustainability*

11. The main parties disagree over the sustainability credentials of the appeal site, with the Lancashire County Council (LCC) as the local highway authority judging the site to have a low level of accessibility, when assessed against its criteria based approach. This is challenged by the Appellants who claim moderate sustainability, even when applying the same assessment regime.
12. First and foremost, the Framework significantly widens the definition of sustainability and the new development will deliver many of the features that fall under the heads of social and economic. As for the environment, however, and particularly the site's locational sustainability i.e. being adjacent to an existing built up area and able to take advantage of any existing services and infrastructure, then, as things stand, developing this site might score modestly, but only just. On the other hand, if we seek a Bruntland scenario, whereby today's development would not impose environmental costs on future generations, we are a considerable way from achieving that. There was certainly no expectation that the development would 'consume its own smoke'. The application does not deal in many specifics and targets, other than the aim to reach Code for Sustainable Homes Level 3.
13. As for travel, there is little beyond broad principles and these are largely internally focused. A draft Travel Plan was submitted with the application, but this only covers a modest residential offer. There was nothing about the construction period, or future school, employment or leisure trips. Similarly, there were no proposals for energy generation on the site or a firm sustainable drainage protocol. When additional draft conditions that would assist were suggested they were accepted. The saving grace is that this is an outline scheme, where its sustainability measure could be up-rated as part of the submission of details, so long as appropriate conditions are attached at this stage. Such matters as design, layout and even the orientation of buildings are crucial in this context to deliver a scheme that can be judged fully sustainable in Framework terms.

14. When pressed, even LCC accepted that the site could be made far more sustainable if approached in this way and the Appellants suggested that there could be linkage with adjacent sites to deliver a more meaningful Travel/Transport Plan.
15. For my part, I harbour considerable reservations about this approach, but consider that two factors tip the scales and leaves rejection on sustainability grounds difficult to defend, a conclusion similar to that reached by Officers in their Report to the Planning Committee. The first point is that the appeal site lies in the midst of a planned growth area in the adopted South Ribble Local Plan 2000 (LP) and continued through Policy 1 of the recently adopted Core Strategy and into the emerging Preferred Options DPD. Secondly, at least one of the adjacent sites (LP Policy EMP6 site B) is earmarked for mixed use development that could clearly provide some employment and service uses close by.
16. For these reasons, to dismiss on sustainability grounds would be inconsistent with the Council's existing and emerging overarching development strategies. It must be accepted that within the growth area or nearby an adequate range of accessible services can be provided. Thus, unless there are other development plan policy objections the positive presumption should prevail. In this context, it is necessary to review the aims and objectives of the saved safeguarding LP Policy D8.

*LP Safeguarding Policy D8*

17. First and foremost, when drafted this Policy was to safeguard land not needed for development within the LP period to 2006. Secondly, it was judged desirable to safeguard land for future development between the urban areas and the Green Belt, in order to ensure the continued permanence of the Green Belt boundaries.
18. In a situation where there is no longer a surplus of housing land, or even a level that meets the requirement figure, which 'allows' a site such as this to be safeguarded, it is necessary to look at the reasoning more closely. As a starting point, the LP period to 2006 is long gone and the promised review has been awaited for some time. Next, to maintain the safeguarded position until 2026, as the Council seeks, would be to retain a large tract of housing land in the centre of a planned growth area and in a location considered to be sustainable. A position that is difficult to defend. Thirdly, it is hard to see how it protects the Green Belt in any specific and local sense, though it could in a more strategic context. However, this was not argued by the Council.
19. Lastly, it is not suggested that the appeal site should be safeguarded in its undeveloped state for any functional reason such as its landscape or ecological merit. As noted it is earmarked for development in the long term and other than the desire to retain a footpath access alongside the stream on the eastern boundary of the appeal site, which could be accommodated with the site layout, functional reasons do not apply.

20. In fact, the key line of argument advanced by the Council was that development of the appeal site would prejudice the comprehensive development of a much larger area of land, being the remainder of the Policy D8 site allocation to the north and those undeveloped sites (housing site f and mixed use site B) to the east. At one stage during the hearing the Council submitted that developing the appeal site would sterilise other sites by preventing access. In practice, the appeal application is in outline and so, the internal road layout that could be built could reflect the access needs of all the adjacent sites, without leaving a ransom strip and, at the same time, providing the opportunities for much better internal estate circulation. Thus, the Council's objection concerning the comprehensive development of the area is less than compelling.
21. In summary, whereas the safeguarding of the appeal site and the extended allocation site may have had merit in 2000 and up to 2006, this carries very little weight at a time when there are housing land and delivery shortfalls and one of the Government's stated key economic strategies is to free up housing land and encourage house building. Consequently, the presumption in favour of sustainable development is not outweighed by LP Policy D8.

#### *Access*

22. The appeal site would take access from a priority junction on a section of the Cross Borough Link Road (Link Road), a new route as part of LP Policy T3 that is to be provided to link the B5254 (Leyland Road) some 120 metres to the west with Carrwood Road to the east and thence on to the A6. At present, there exists a gap between the two ends of some 200 metres and the intention is for this to be developer funded by two large sites to the north east of the appeal site, for which the Council has issued a minded to approve resolution, subject to s.106 Agreements. There has never been any intention that the appeal site or the extended allocation of the Policy D8 site would contribute to this link, though this may have arisen only as a consequence of the safeguarding policy, which would have prevailed beyond the release of the other land.
23. Nevertheless, we are where we are, and the Appellants have produced a Transport Assessment, including further supplemental information. This now satisfies LCC that, in terms of capacity and safety, acceptable access can be secured to The Cawsey and thence to a roundabout on the B5254. Moreover, at the hearing it was conceded that an improved Travel Plan for the appeal site could address many of the modal split concerns.
24. One point where no resolution could be found was to the existing congestion south of the appeal site on the B5254, when passing through the Tardy Gate District Centre. Observations show that there is some congestion at peak times, though no objective evidence of capacity restraint, delays or queues was provided to the hearing. Some work had gone on after the submission of Statements. However, this only appears to have covered speed variation during peak periods, with an indication that the lowering of vehicle speeds was consistent with correspondingly higher levels of congestion. While there may be some justification for this conclusion, three factors militate against affording it substantial weight.

25. The first of these is that site observations did not show the congestion to be severe, within the meaning expounded by the Framework. Secondly, the addition of the comparatively low levels of traffic predicted to be generated by the appeal scheme should not make a significant difference to the existing position. There are also some inexpensive traffic management measures that could assist the primary flow e.g. restricting turns and additional no waiting restrictions. It would have been possible to seek financial contribution from the Appellants for these, but LCC has yet to demonstrate what, if anything, would be necessary or quantify costs. In the absence of a highway situation where the residual position can be shown to be severe, the Framework 'advises' that no traffic reason for refusal should be advanced.
26. The third point is crucial and concerns the other development along the Link Road that would deliver the connection between the B5354 and Carrwood Road. LCC accepts that the completion of the Link would provide benefits to the present congestion on the B5254. As such, if the sites with the outstanding s.106s are to come forward in the short term, then the existing congestion situation will be mitigated quickly. If, on the other hand, they do not come forward in the short to medium term, then the shortfall in readily available housing land in the Borough becomes all the more acute and adds to the need to release land such as the appeal site.
27. For all these reasons, the access and transport arguments are not compelling and much can be addressed by attaching appropriate conditions to secure more sustainable forms of travel to and from the appeal site.

*Other matters*

28. There are several other points, mainly of objection, raised by third parties and these can be looked at briefly. The site is not designated Green Belt land as suggested by some and the agricultural quality of the land is not of the best and most versatile. The ultimate intention was always to develop the site and so the character of the area would differ little if developed now rather than later. The retention of hedges can be considered as part of the landscape layout, as can public access for walking. Such matters as outlook and privacy can be safeguarded when the detailed design is undertaken and property value is not a planning issue. Finally, there is no objective evidence to suggest that education provision would cause a problem. It is also worth noting that none of these matters, either taken individually or cumulatively constitutes sufficient grounds for the local planning authority to object.
29. As the Appellants point out, there are benefits arising from the scheme and these include the delivery of affordable housing and contributions locally with the New Homes Bonus. In addition, there would be the provision of some open space and play areas and improvements to bus stops.



## Conditions

30. No s.106 Undertaking accompanied the application. Draft conditions were, however, submitted by the Council in case the appeal is allowed and these were discussed in detail during the hearing. Some amendments to these draft conditions were agreed and a number added without demur. The draft conditions have been looked at to establish conformity with the principles laid down in Circular 11/95: The Use of Conditions in Planning Permissions and some further drafting amendments made accordingly.
31. Looking in more detail at the draft conditions, the first two are the standard conditions for an outline permission to accord with s. 92 of the Act. The third required the development to be carried out in accordance with the illustrative Masterplan submitted with the application. However, it was agreed at the hearing that the Masterplan layout would not fulfil several key functions in terms of accessibility to adjacent sites and a sustainable layout of housing. It was accepted that a revised condition would be necessary to achieve comprehensive and sustainable development of the site. I concur.
32. Draft Conditions 4, 5 and 6 are necessary in the interests of highway access and safety, though, once again, changes to the wording were accepted to meet phasing requirements. Phasing also needs to be reflected in the car parking draft Condition 7, necessary to deliver effective use of parking areas. Condition 8, embracing the timing of vegetation clearance is essential to safeguard breeding birds and the hours of working and lighting provision contained in draft Conditions 9 and 10 are necessary to meet the reasonable expectations of neighbours.
33. Draft Condition 11 regarding floor and garden levels are necessary to meet Environment Agency flood requirements and to safeguard neighbours' privacy. Condition 12 is an essential drainage condition, but has, with agreement, been amended to reflect the need for a sustainable drainage regime. Draft Condition 13 covers affordable housing and is necessary in the absence of a s.106 to meet development plan aspirations. However, it was agreed that the percentage figure should be increased to 30% to accord with the Council's Interim Planning Policy on affordable housing. Condition 14 covers land contamination and Condition 15 imported soils and both are essential to meet the provisions of LP Policy ENV9. The land contamination condition has been substantially rewritten to accord with the principles of Circular 11/95 and an additional condition added to cover the possibility that land contamination may come to light during the construction phase.
34. Draft Conditions 16, 17 and 18 concern ecological matters and Condition 19 landscape and all are needed to accord with the aims of LP Policies ENV4 and ENV5. Finally, draft Condition 20 looks for a Construction Environment Management Plan again to meet the requirements of LP Policies ENV4 and ENV5. This should also include a protocol for dust as requested by the Environmental Health Officer.
35. In the condition's session at the hearing, there was agreement that additional conditions pertaining to building regulations, open space and public access, renewable energy, layout, the travel plan, archaeology and

protection of the watercourse. These are necessary respectively in the interests of the Council's open space requirements, sustainable development (Code 4, renewable energy, layout and the travel plan), protecting the historic environment and maintaining a functional drainage regime. Although the application indicated that the dwellings would meet Code 3, it was accepted at the hearing that Code 4 would be achievable and, in fact, takes preference in February 2013.

## Summary

36. In summary, the starting point for the decision is a continuing shortfall in the 5-year supply of readily available housing land and no possibility of meeting the 20% extra buffer required in such circumstances. As such, the presumption in favour of sustainable development engages. The sustainability accreditation of the submitted scheme lacks substance, but through the judicious use of conditions the Council is content that a satisfactory level of sustainability can be achieved. On balance, I believe this to be so. As for the concerns about achieving a comprehensive development of the wider area, once again, conditions can be brought into play. There is no functional need advanced by the Council to keep the appeal site undeveloped and an acceptance that it will be developed sometime in the future. Accordingly, in the absence of a 5-year supply of housing land, the LP safeguarding Policy and arguments of prematurity should carry very little weight.
37. The site can be developed quickly, without constraint and affordable housing and the new homes bonus would be of local benefit. Finally, any anticipated traffic problems are remote from the site and the residual effect would not be severe. In fact, if the development either side of the proposed Link Road is completed as expected, then LCC believes that the existing conditions should improve.
38. All other matters raised in the evidence and representations have been taken into account, including the local views. However, there is nothing of such significance as to outweigh the material planning considerations leading to the conclusion that this appeal should succeed.

*J S Nixon*

Inspector

## Conditions schedule

1. The development hereby approved shall not commence until approval of the details of appearance, landscape, layout and scale, hereinafter called 'the reserved matters', has been received from the Local Planning Authority in writing;
2. an application for approval of reserved matters must be made no later than the expiration of 3-years from the date of this decision and the development hereby approved shall commence no later than 2-years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
3. the internal road layout of the development hereby approved shall provide for an unfettered vehicle/pedestrian access to the remainder of the safeguarded land, allocated on the South Ribble Local Plan 2000 Proposals Map as site a, and lying to the north of the site of the development hereby approved;
4. the new estate road shall be constructed in accordance with the Lancashire County Council Specification for the Construction of Estate Roads to at least base course. This should be achieved on a phased basis to be agreed in writing by the Local Planning Authority, prior to the commencement of the development hereby approved;
5. the development hereby approved shall not commence until an operational wheel washing facility has been installed at the site and this facility shall be used as necessary during the construction period to avoid the deposit of mud and/or loose material on the public highway;
6. unless otherwise directed by the Local Planning Authority, no other part of the development hereby approved shall commence until all the highway works within the adopted highway have been constructed in accordance with the approved scheme on Plan No: J130/Access/Fig1;
7. no dwelling shall be occupied or brought into use in any phase of the development until the car parking bays associated with that phase have been constructed to wearing course and marked out in accordance with details approved in writing by the Local Planning Authority. Thereafter, the parking bays shall be retained solely for the parking of cars/small vans and be kept free from any obstruction such as walls, gates, fences, planters/planting or other structures;
8. any tree felling, vegetation clearance works, demolition or other works that may affect nesting birds shall not take place between March and July inclusive in any year, unless the absence of nesting birds has been confirmed by further surveys and/or inspections and prior written approval to the works has been given by the Local Planning Authority;

9. construction work, including the receipt of deliveries associated with the development hereby approved, shall not take place except between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs on Saturdays, with no construction works or deliveries of construction materials or plant taking place on Sundays, Bank or Public Holidays;
10. full details of any external lighting to be installed within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These details shall include the intended lighting levels. Thereafter, the development shall be undertaken in accordance with the approved details and retained in a condition commensurate with achieving the approved lighting levels;
11. the development hereby approved shall not commence until a survey of existing ground levels and the proposed ground, slab and rear garden levels shall be submitted and approved in writing by the Local Planning Authority. The scheme of levels shall have regard to the express requirements of the Environment Agency and, thereafter, the development shall be undertaken in accordance with the approved scheme;
12. the development hereby approved shall not commence until a scheme for the management and disposal of foul and surface water sewage and for the provision and implementation of a surface water regulation system has been submitted and approved in writing by the Local Planning Authority. Wherever possible, the surface water regulation system shall embrace the principles of sustainable drainage and provide for the continued overseeing of the system. Surface water drainage from any private drive shall not discharge onto the existing adopted highway. The approved scheme shall be implemented during construction and in accordance with the approved scheme plans. Thereafter, the scheme shall be retained in a condition such that the objectives of the scheme continue to be met;
13. the development hereby approved shall not commence 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 Framework or any future guidance that replaces it. The scheme shall include:
  - i. the numbers, type, tenure and location on the site of affordable housing provision to be made shall consist of not less than 30% of the housing units;
  - ii. the timing and construction of the affordable housing;
  - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or a scheme for 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 the occupancy criteria will be enforced.
14. the development hereby approved shall not commence until a desk top investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme, including timescales, are subject to the approval in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- i. a survey of the extent, scale and nature of contamination;
  - ii. an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - ground waters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - iii. an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

If necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given 2-weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification or validation report that demonstrates the effectiveness of the remediation carried out must be produced in

accordance with an agreed timetable, and is subject to the approval in writing of the Local Planning Authority.

15. if, during the course of development, any contamination is found which has not been identified in the site investigation required by Condition 14, additional measures for the remediation of this source of contamination, and protection of the remainder of the site and surrounding areas, shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.
16. prior to the importation of any subsoil and/or topsoil material into the proposed development site, a desk study shall be undertaken to assess the suitability of the proposed material to ensure it shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. The soil material shall be sampled and analysed by a competent person. The details of the sampling regime shall be submitted to and approved in writing by the Local Planning Authority prior to the work taking place. A validation/verification report, which contains details of the proposed sampling methodology and analysis of the results and which demonstrates that the material does not pose a risk to human health shall be submitted to and approved in writing by the Local Planning Authority;
17. the development hereby approved shall not commence until further details of bat roosting and bird nesting opportunities that will be incorporated in the design of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details and retained in a condition commensurate with achieving the approved opportunities for bat roosting and bird nesting;
18. the development hereby approved shall be carried out in full accordance with the recommendations set out in the ERAP report 'Old Lane Farm, Penwortham, Ecological Appraisal';
19. the development hereby approved, including site clearance and site preparation, shall not commence until a landscape scheme and Management Plan, incorporating the habitat creation, enhancement and management as indicated above, has been submitted to and approved in writing by the Local Planning Authority, in consultation with specialist advisors. Thereafter, the development shall be undertaken in full accordance with the approved landscape scheme and Management Plan. Among other things, the Management Plan shall demonstrate maintenance of the hedgerows and tree resource (retention/replacement/enhancement), enhancement of bat foraging and commuting habitat, maintenance and enhancement of the brook corridor and maintenance and enhancement of habitat connectivity;
20. the development hereby approved, including site clearance and site preparation, shall not commence until a Construction Environment Management Plan has been submitted to and approved in writing by the

Local Planning Authority. The Plan shall include measures that will be implemented for the protection of the retained features (including trees, hedgerows and the brook corridor). It should also cover such matters as noise and dust management. Existing guidelines should be adhered to where these exist e.g. BS5357:2005 and pollution prevention guidance. Thereafter, the development shall be carried out in accordance with the approved Plan;

21. the dwelling(s) shall achieve a minimum Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved;
22. at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the reserved matters submissions required by Condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter to meet the 10% supply, unless otherwise agreed in writing by the Local Planning Authority;
23. before commencement of the development hereby approved, the developer shall, as a part of the reserved matters submissions required by Condition 1, submit to and have approved in writing by the Local Planning Authority, details of the formal and informal open space proposals and the functionality of amenity and play space for the site. Along with this, a detailed Open Space Management Plan to deal with the maintenance of all open space areas within the site, excluding any areas transferred to a relevant Council. Such Open Space Management Plan shall include financial arrangements for repair and replacement of any equipment associated play areas, safety surfacing and hard landscape within the open spaces. The Open Space Management Plan will also make arrangements to ensure that the areas of open space created within the development are retained in perpetuity for, and in a condition that accords with the scheme approved;
24. before commencement of the development hereby approved, the developer shall undertake a written scheme of archaeological investigation, which shall be submitted to and approved in writing by the Local Planning Authority. If necessary, the Council shall require and approve in writing, a scheme for recording any archaeological finds and, where appropriate, a protocol for their removal or protection. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with this scheme; and
25. before commencement of the development hereby approved, details of a Travel Plan shall be submitted to and approved by the Local Planning Authority in writing. The Travel Plan shall include provision for annual periodic reviews, which shall commence on the first anniversary of the first occupation of any dwelling on the site, the results of which shall be

provided in writing to the Local Planning Authority within one month of the review having been concluded. The Travel Plan will also make provision for a process to amend the Travel Plan should any annual periodic review indicate that any amendments are required to the measures identified in the Travel Plan in order that the measures are more effective at encouraging non-car modes of transport. Thereafter, the approved Travel Plan shall be implemented prior to first occupation of any dwelling on the site and no changes to the Travel Plan shall be permitted nor shall be implemented without the prior written consent of the Local Planning Authority.

End of conditions



## **APPEARANCES**

### **FOR SOUTH RIBBLE BOROUGH COUNCIL:**

Miss D Holroyd	Team Leader, Development Management Team, South Ribble Borough Council
Ms R Crompton	Public Realm manager, Lancashire County Council

### **FOR THE APPELLANTS:**

Mr P Sedgwick Dip TP MRTPI	Sedgwick Associates, Chartered Town Planners
Mr A Davies	DTPC Highways
Mr M Symons	Sedgwick Associates

### **INTERESTED PERSONS**

Councillor Renee Blow	Lancashire County Councillor for Penwortham Ward
Marilyn Davidson	Resident
Mr C Sowerby	Observer

**DOCUMENTS HANDED IN AT THE HEARING**

- 1 South Ribble Local Plan
- 2 Site allocations and draft Development Management Policies –  
DPD
- 3 Residential Development Accessibility Score Calculator and  
Assessment for the Appeal site
- 4 South Ribble Borough Council Open Space Requirements