

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: COLNE & DISTRICT COMMITTEE

DATE: 10th October, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO COLNE & DISTRICT COMMITTEE ON 10th OCTOBER, 2019

Application Ref: 19/0577/VAR

Proposal: Full: Major: Variation of Condition: Variation Condition 17 of Planning Permission 13/14/0580P off site highway works – pedestrian improvements at Castle Road and puffin crossing at Keighley Road are no longer deemed to be necessary or justified for the development or in accordance with the tests set out in the NPPF and NPPG.

At: Land to East of Windermere Avenue Colne.

On behalf of: McDermott Homes Ltd

Date Registered: 25 July 2019

Expiry Date: 24 October 2019

Case Officer: Kathryn Hughes

Site Description and Proposal

Reserved Matters was granted for the erection of 82 dwellings (Appearance, Landscaping, Layout and Scale) on the 5th June, 2019 following the Appeal being allowed for an Outline application for up to 90 dwellinghouses including estate roads, footways and open space provision.

The Appeal was allowed with 18 conditions attached including condition 17 relating to the off-site highway works for Venables Mitigation, Puffin Crossing, Castle Road (no access) and bus stops (Venables Ave only).

This followed a six day Public Inquiry where the highway issues were discussed by the two highway consultants for a full day and a Statement of Common Ground prepared and signed by the Appellants highway consultant and LCC Highways.

A Unilateral Undertaking was also submitted by the applicant in which the Appellant offered the North Valley Mitigation Works contribution with the following wording:

“If, in determining this Appeal, the Secretary of State or his inspector, decides that the North Valley Mitigation Works Contribution is necessary, reasonable and appropriate the Owner shall pay the North Valley Mitigation Works Contribution to the County Council prior to Occupation of the first Dwelling on the Development.”

The UU goes on to list the works which include the upgrade of the existing Pelican crossing on Byron Road to a Puffin or Toucan and road lining changes at the junction with Skipton Old Road and North Valley Road.

This application seeks to vary condition number 17 of the Outline Permission allowed on Appeal which is listed below

- 17) No dwelling shall be occupied unless and until the off-site highway works shown in the following plans have been constructed in accordance with those plans and any phasing information provided: 3344 Venables Mitigation Fig 4 Rev A, 3344 Puffin Crossing Fig 3, 3344 Castle Road Fig 2 Rev C (with no access shown) and 3344 bus stops fig 5 (only those shown on Venables Avenue).

To the following wording:

“No more than 35 dwellings shall be occupied until the off-site highway works shown in the following plans have been constructed in accordance with those plans and any phasing information provided: 3344 Venables Mitigation Fig 4 Rev A and 3344 bus stop fig 5 (only those shown on Venables Avenue).

A supporting statement submitted with the application states that the highway improvements at Castle Road and puffin crossing at Keighley road are no longer deemed necessary or in accordance with the tests set out in the NPPF and NPPG.

Relevant Planning History

13/94/0084P - Outline: Application for Residential Development (9.8 acres) -Refused 25/04/1994. Appeal Dismissed, 21/12/1994.

13/95/0031P - Outline: Erect 87 detached dwellings (9.8 acres) – Withdrawn 24/02/1995.

13/98/0407P - Erect 78 houses and associated access roads – Withdrawn 13/04/1999.

13/99/0026P - Outline: Erect 78 houses and associated access roads - Refused 04/03/1999.

13/14/0580P - Outline: Major: (Access only from Skipton Old Road and Castle Road) Erection of up to 90 dwelling houses including estate roads, footways and open space provision – Refused 08/06/15. Appeal Allowed 28/09/16.

13/14/0581P - Outline: Major: (Access only from Skipton Old Road and Castle Road) Erection of up to 270 dwelling houses including estate roads, footways and open space provision – Refused 08/06/15. Appeal Dismissed 28/09/16.

18/0865/REM – Reserved Matters: Major: Erection of 82 dwellings and associated infrastructure (Appearance, Landscaping, Layout and Scale) – Approved.

Consultee Response

LCC Highways – The Technical Note summaries the application as follows:-

Condition 17 of the Inspector’s Decision Letter states:

“No dwelling shall be occupied unless and until the off-site highway works shown in the following plans have been constructed in accordance with those plans and any phasing information provided: 3344 Venables Mitigation Fig 4 Rev A, 3344 Puffin Crossing Fig 3, 3344 Castle Road Fig 2 Rev C (with no access shown) and 3344 bus stop fig 5 (only those shown on Venables Avenue).” [relevant trigger and plans underlined for ease of reference]

This note accompanies a S73 application by McDermott Homes that seeks to vary the wording of condition 17 to remove reference to drawing no. 3344 Puffin Crossing Fig 3 and 3344 Castle Road Fig 2 Rev C on the basis that neither works are considered necessary to make the development acceptable in planning terms and are not proportionate to the development approved.

For the avoidance of doubt, the Applicant does not contest the need for the off-site highway works shown on drawing no. 3344 Venables Mitigation Fig 4 Rev A and 3344 bus stop fig 5 (only those shown on Venables Avenue).

In addition to the above, the Applicant seeks to amend the condition to allow the required mitigation works to be implemented in accordance with the Applicant's proposed phasing scheme and allow up to 35 dwellings to be occupied prior to the implementation of those works.

I have viewed the plans and highway related documents and I would make the following comments.

The planning application 13/14/580P was allowed at appeal on 28th September 2016 under reference APP/E2340/W/15/3131974 for the erection of 90 dwellings. During the appeal proceedings a statement of common ground was signed between the appellant and Lancashire County Council which clearly sets out the off-site highway works for the 90 unit scheme.

These off-site highway works were tested at appeal and were considered by the Inspector to meet the Community Infrastructure Levy regulation 122 planning tests and were subsequently listed in condition 19 of the decision for implementation prior to the first occupation of any dwelling.

We are concerned that any variations to the agreed works would undermine the extensive work and discussion during the public enquiry. There have been no significant changes to the highway network since the appeal decision which would necessitate the variation of condition 19.

However if your Council are minded to consider approving this variation of condition then we would make the following comments.

3344 Castle Road Fig 2 Rev C – New footway with priority give way throttle arrangement.

The scheme is remote from the development site and provides a limited benefit for leisure uses. It is difficult to see how this scheme is directly related to the development, and fairly and reasonably related to the scale and kind of the development in accordance with the CIL regulations, therefore the removal of this element is not disputed.

3344 Puffin Fig 3 Keighley Road – New signalised pedestrian crossing.

There are clear benefits for vulnerable pedestrians from the development site accessing the main line bus services on Keighley Road which are services M4 (Keighley – Burnley) and M3 (Trawden – Accrington). Also accessing the local food shop and delicatessen on Keighley Road together with the playground at Ball Grove Park.

However there are some safety concerns with this proposal due to its proximity to the roundabout and the junction of Cotton Tree Lane. These works may introduce collisions due to the conflict with turning vehicles and pedestrians. Therefore although these works are deliverable, the safety concerns would outweigh the benefits.

The highways technical note sets out the walking routes to the local facilities and proposes that most residents will use the Windermere Avenue, Venables Avenue, Byron Road route to access the facilities rather than Skipton Old Road. This is not disputed as this route would be along full width footways through an urban setting. The Skipton Old Road offers a more scenic and slightly shorter route however there is a lack of footway on certain section.

If the Keighley Road crossing is removed from the condition then it will be necessary to replace the scheme with 2 separate elements. Firstly to provide enhanced pedestrian provision with tactile paving placed at the existing dropped kerb pedestrian crossing points on all arms of the roundabout which include both Keighley Road arms, Byron Road and Skipton Old Road.

Secondly to upgrade the existing zebra crossing on Byron Road to a signalised pedestrian crossing (see comments below).

J344 Venables mitigation Fig 4 - raised junction table on Byron Road covering the junction of Venables Avenue and the existing zebra crossing located approx. 40m east of the junction.

If the Keighley Road crossing is removed then this scheme should be amended to remove the raised table and upgrade the existing zebra crossing to a signalised pedestrian crossing.

J344 bus stops Fig 5 (excluding Castle Road) - upgrade of tow bus stops on Venables Avenue.

These works are considered necessary.

Conclusion

To conclude we are concerned that these works have already been tested at appeal following considerable evidence and discussion presented at the public enquiry. It may be unreasonable to try and vary these works at this stage.

However I have set out how we consider the works could be varied to better cater for the pedestrian and vehicle movements whilst meeting the planning tests.

The works which are considered necessary are:

1. Tactile paving at the existing pedestrian crossing points on all arms of the roundabout which includes Keighley Road, Byron Road and Skipton Old Road.
2. Upgrade opposite bus stops on Venables Avenue approx. 30m northwest of Windermere Avenue to DDA compliant quality bus stop standard.
3. Convert zebra crossing to signalised crossing on Byron Road, 40m east of Venables Avenue.

In terms of the trigger points for delivery of the works, I would recommend that points 1 and 2 are implemented prior to the first occupation and that point 3 could be implemented prior to the occupation of the 35th dwelling in accordance with the assessment included in the technical note.

Lancashire Fire & Rescue – Comments on conditions required to satisfy Building Regulations.

Colne Town Council – We object to this application on the grounds that this crossing is important for the safety of children and residents crossing the road. Any survey work carried out as to the need and frequency of use needs to be carried out in Term time. The Inspector when approving this related development application originally conditioned this provision and nothing appears to have changed and therefore we strongly object to this application.

Public Response

Site and press notices posted and nearest neighbours notified by letter. 2 Responses received objecting on the following grounds:

- The development has already been met with multiple objections throughout the planning stage. The developer has submitted plans to counter objections which include pedestrian/road safety and should not be allowed to change these plans now that work has commenced;
- The pedestrian/road safety issues will still remain hence the need to include it in the plans;
- If the testing of the need for this requirement has been carried out during the school holidays then that is ridiculous and will not give a true reading of the normal daily volume of traffic and real safety concerns;

- Additional profits for the developer should not be gained at the expense of the safety of local residents and pupils of the local school;
- These were conditions on the which the planning permission was granted;
- Given that the site is practically next to our local high school and that the majority of pedestrians will be children/young adults I think it is absolutely essential that any reports on pedestrian and traffic activity should occur during school exit/opening times to get a clear and honest picture of how much the roads are used and how much risk to safety there is; and
- Years ago I witness a fatal accident I do not wish to have to see anything like this ever again. Please keep our roads safe especially around schools.

One response received in support of the application stating that since there is now no need to widen or add pavement/bus stops to Castle Road and this would significantly reduce biodiversity in culverting the stream and uprooting the ancient hedgerow.

Officer Comments

The main issue is whether the proposed variation of condition 17 to amend the off-site highway works required by this condition to those now proposed by the applicant is acceptable.

Principle of the development

The principle of housing on this site has already been established under the previous permission.

It is proposed to vary condition 17 which relates to the off-site highway works required for the scheme.

These amendments propose to remove the requirement for highway improvements works on Castle Road and a Puffin Crossing on Keighley Road as these works were according to the applicant only necessary for the larger (270) housing scheme.

The applicant does not contest the need for the off-site highway works on Venables Avenue or the bus stop improvements for Venables Avenue only (the only bus stops)

This application contends that this condition does not meet the six tests set in para 55 of the National Planning Policy Framework which states that planning conditions should be kept to a minimum and only imposed where they are:

1. Necessary;
2. Relevant to planning; and
3. To the development to be permitted;
4. Enforceable;
5. Precise and
6. Reasonable in all other respects.

History and Starting Point

An Outline application for up to 90 dwellinghouses including estate roads, footways and open space provision was granted on Appeal on 28th September, 2016 with the associated Reserved Matters granted for the erection of 82 dwellings (appearance, Landscaping, Layout and Scale) on the 5th June, 2019.

Following several formal applications to discharge conditions work has now commenced on site.

The starting point remains the appeal decision which includes these highway improvements as a requirement for the approved smaller (90) housing scheme.

The Appeal Decision related to both applications for 90 and 270 dwellings with the 270 dwellings being dismissed and the 90 subsequently allowed.

A Statement of Common Ground on the Highways Issues was submitted prior to the Inquiry taking place which agreed the following position regarding the off-site highways works as well as suggested conditions including those referring to off-site highway works for Appeal A (90) and B(270).

A further Statement of Common Ground was submitted during the course of the Inquiry after both Highway consultants had debated the issues at length during a day of the event. This agreed the amended position and resulted in the applicants drawing up a Unilateral Undertaking which again included the proposed off-site highway works for both schemes.

The UU stated that:

“If, in determining this Appeal, the Secretary of State or his inspector, decides that the North Valley Mitigation Works Contribution is necessary, reasonable and appropriate the Owner shall pay the North Valley Mitigation Works Contribution to the County Council prior to Occupation of the first Dwelling on the Development.”

The UU goes on to list the works which include the upgrade of the existing Pelican crossing on Byron Road to a Puffin or Toucan and road lining changes at the junction with Skipton Old Road and North Valley Road.

The 90 dwellings was approved subject to the conditions set out in the Schedule including condition 17 which stated:

- 17) No dwelling shall be occupied unless and until the off-site highway works shown in the following plans have been constructed in accordance with those plans and any phasing information provided: 3344 Venables Mitigation Fig 4 Rev A, 3344 Puffin Crossing Fig 3, 3344 Castle Road Fig 2 Rev C (with no access shown) and 3344 bus stops fig 5 (only those shown on Venables Avenue).

The Inspector considered the highway impact in some detail at paras 74 – 83 with particular regard to peak traffic flows and impact at junctions and stated that the “impacts on the road networks will not be severe when considered cumulatively”

The Inspector has been quite clear in attaching this condition and this was not challenged by the Appellant at the time.

In terms of highway safety the Inspector considered the concerns over the revised Windermere Avenue/Venables Avenue Junction and the existing speed bumps and parked cars which would natural slow vehicles down and that the proposed scheme would be subject to full approval and review and alterations could be made. Therefore although the priority junction and crossing may lead to occasional congestion this was acceptable and concluded that:

“While I accept the scheme would introduce additional vehicles with suitable improvements and necessary contributions, junction works and travel planning, I am satisfied that there would be no material impact on the road network or on highway safety. It would accord with Core Strategy Policy EBV4, which promotes sustainable and safe travel, and the Framework in this regard”.

Highway Issues

McDermott Homes seeks to vary the wording of condition 17 to remove reference to drawing no. 3344 Puffin Crossing Fig 3 and 3344 Castle Road Fig 2 Rev C on the basis that neither works are considered necessary to make the development acceptable in planning terms and are not proportionate to the development approved.

The Applicant does not contest the need for the off-site highway works shown on drawing no. 3344 Venables Mitigation Fig 4 Rev A and 3344 bus stop fig 5 (only those shown on Venables Avenue).

The Applicant also seeks to amend the condition to allow the required mitigation works to be implemented in accordance with the Applicant's proposed phasing scheme and allow up to 35 dwellings to be occupied prior to the implementation of those works.

During the appeal proceedings a statement of common ground was signed between the appellant and Lancashire County Council which clearly sets out the off-site highway works for the 90 unit scheme.

These off-site highway works were tested at appeal and were considered by the Inspector to meet the Community Infrastructure Levy regulation 122 planning tests and were subsequently listed in condition 17 of the decision for implementation prior to the first occupation of any dwelling.

It is critical to the scheme to ensure that any variations to the agreed off-site highway works would not undermine the extensive work and discussion during the Public Inquiry especially if there have been no significant changes to the highway network since the appeal decision which would necessitate the variation of condition 17.

Each of the proposed off-site highways works are considered in more detail below:

3344 Castle Road Fig 2 Rev C – New footway.

Whilst LCC Highways consider that this scheme is remote from the development site and provides a limited benefit for leisure uses. It was offered in the SOCG and UU as part of the mitigation for this development. However, I concur with LCC Highways and the applicant that this scheme does not directly relate to the development and therefore would not be reasonable to require its provision and therefore the removal of this element is accepted.

3344 Puffin Fig 3 Keighley Road – New signalised pedestrian crossing.

LCC Highways have stated that whilst there are clear benefits for pedestrians from the site accessing the main line bus services on Keighley Road and the local shops on Keighley Road there are some safety concerns due to its proximity to the roundabout and the junction of Cotton Tree Lane. These works may introduce collisions due to the conflict with turning vehicles and pedestrians. Therefore although these works are deliverable, the safety concerns would outweigh the benefits.

In terms of walking routes to the local facilities it is agreed that most residents would be likely to use the Windermere Avenue, Venables Avenue, Byron Road route rather than Skipton Old Road. LCC Highways have proposed that if the Keighley Road crossing is removed then it would be necessary to replace that scheme with two separate proposals. Firstly provide enhanced pedestrian provision with tactile paving placed at the existing dropped kerb pedestrian crossing points on all arms of the roundabout which include both Keighley Road arms, Byron Road and Skipton Old Road and secondly upgrade the existing zebra crossing on Byron Road to a signalised pedestrian crossing.

This view is supported by myself due to the safety concerns raised by LCC Highways subject to acceptable plans being submitted for the two alternative schemes proposed above being submitted.

J344 Venables mitigation Fig 4 - raised junction table on Byron Road/Venables Avenue and existing zebra crossing approx. 40m east of the junction.

As mentioned above the removal of the Keighley Road crossing would be subject to acceptable improvements to the existing zebra crossing to a signalised pedestrian crossing and the provision of tactile paving at the Keighley Road roundabout as detailed above.

J344 bus stops Fig 5 (excluding Castle Road) - upgrade of two bus stops on Venables Avenue.

Both the applicant, LCC Highways and myself agree that these works are still necessary for the scheme to be acceptable and therefore these will be provided.

Conclusion

The proposed off-site highway works have already been tested at appeal following considerable evidence and discussion presented at the public enquiry. However, based on the comments from LCC Highways regarding safety concerns for the proposed crossing on the Keighley Road roundabout it would be appropriate to amend the required off-site highway works in the interests of highway safety.

LCC Highways have suggested the following improvements which would provide an acceptable scheme of off-site highway works whilst still meeting the planning tests. These works include:

1. Tactile paving at the existing pedestrian crossing points on all arms of the roundabout which includes Keighley Road, Byron Road and Skipton Old Road.
2. Upgrade opposite bus stops on Venables Avenue approx. 30m northwest of Windermere Avenue to DDA compliant quality bus stop standard.
3. Convert zebra crossing to signalised crossing on Byron Road, 40m east of Venables Avenue.

In terms of the trigger points for delivery of the works. The Inspector clear intention in the attached condition was that the works are required to be implemented prior to the occupation of any dwelling. This has not changed.

Whilst the applicant has agreed to the revised scheme proposed above they now propose that in terms of timescale to set trigger to “no more than 10 dwellings shall be occupied”. With regards to this timescale this is not acceptable and the timescale set by the Inspector remains.

The changes proposed are acceptable and therefore this condition can be varied to the following once acceptable plans have been submitted these shall be included:

- 17) No dwelling shall be occupied unless and until the off-site highway works shown in the following plans have been constructed in accordance with those plans and any phasing information provided:
3344 bus stops fig 5 (only those shown on Venables Avenue); 3344 tactile paving at the existing pedestrian crossing points on all arms of the roundabout which includes Keighley Road, Byron Road and Skipton Old Road and 3344 upgrade zebra crossing to signalised crossing on Byron Road, 40m east of Venables Avenue.

This condition will include revised plans and titles which the agent is currently preparing for submission.

This will be subject to a revised S.106 as set out in condition 1 below or the applicant might be minded to submit a revised Unilateral Undertaking as previously issued as part of the Appeal process.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1) Within two months of the date of this decision a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for off-site highway works, contributions towards bus services for five years, preparation and support of a Travel Plan, cycle track provision, contribution towards air quality action plan, pump house refurbishment and the provision of 10% affordable dwellings on site.

Reason: In order for the development to contribute towards the supply of affordable housing, ensure the provision of an accessible bus services and offset the impact of the development on the highway network and air quality.

2) Within two months of this decision notice 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. 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, including access to the first site compound in accordance with Lancashire County Council specification to at least base course level, building operations, foul and surface water sewers and landscaping. The approved scheme shall thereafter be carried out in accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

3) The development shall be carried out in strict accordance with the drainage scheme submitted to and approved in writing by the Local Planning Authority on the 4th April, 2019. The drainage shall be provided in accordance with the approved details before the development is completed, and maintained and managed thereafter in strict accordance with measures agreed as part of the scheme.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4) The development shall be carried out in strict accordance with the programme of archaeological works submitted to and approved in writing by the Local Planning Authority on the 4th April, 2019.

The works shall be undertaken in accordance with the approved details. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3

months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that an appropriate recording is undertaken of any archaeological interest on the site.

5) The development shall be carried out in strict accordance with the Construction Method Statement submitted to and approved in writing by the Local Planning Authority on the 4th April, 2019.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

6) The development shall be carried out in strict accordance with the full details of tree protection measures for trees and hedgerows to be retained submitted to and approved in writing by the Local Planning Authority on the 4th April, 2019 and retained throughout the course of development until completion.

Reason: To protect the existing trees and hedgerows to be retained on the site during the course of the development.

7) The development shall be carried out in strict accordance with the detailed proposals for the incorporation of features into the scheme including all recommended mitigation and ecological enhancement measures and those suitable for use by breeding birds and roosting bats, as detailed in Sections 5.4 and 5.6 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014), the Addendum Report on Great Crested Newts ref: 2014_263c and the Hedgerow and Ecological Addendum 2015 submitted to and agreed in writing with the Local Planning Authority on the 4th April, 2019. The agreed measures shall be permanently installed in accordance with approved details prior to the first occupation of the development hereby approved and retained thereafter.

Trees and shrubs planted shall comply with BS.3936 (Specification of Nursery Stock) and shall be planted in accordance with BS.4428 (General Landscape Operations).

Reason: To ensure protection of the habitat of species protected under the Wildlife & Countryside Act 1981.

8) The development shall be carried out in strict accordance with the Landscape and Habitat Creation Management Plan, in accordance with Section 5.8 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014) and the Hedgerow and Ecological Addendum 2015 submitted to and approved in writing by the Local Planning Authority on the 4th April, 2019.

The agreed Plan shall be implemented in full, in accordance with the timescales indicated in the approved scheme.

Reason: To ensure protection of the habitat of species protected under the Wildlife & Countryside Act 1981.

9) The development shall be carried out in strict accordance with the Management Plan providing full details for all of the non-adopted areas of the site, to include the timing of, provision, and a schedule of maintenance, shall be submitted to and agreed in writing by the Local Planning Authority on the 4th April, 2019.

The maintenance of the non-adopted areas shall at all times thereafter be undertaken in accordance with the approved scheme.

Reason: To ensure that the areas of land on site are provided and thereafter maintained in an appropriate manner.

10) Tree felling, vegetation clearance works (including grassland clearance) or other works that may affect nesting birds, including ground-nesting birds, shall not be undertaken between the months of March to August inclusive unless the absence of nesting birds has been confirmed by further survey or inspections. Such surveys shall be carried out by a suitably qualified and experienced ecologist. If nesting birds (or dependant young) are found to be present, works in the area shall be delayed until such time as nesting is complete and the young have fledged. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any nesting birds are not disturbed or adversely affected by this development.

11) The development shall be carried out in strict accordance with the Invasive Species Management Plan detailing eradication and/or control and/or avoidance measures for Himalayan Balsam and Japanese Knotweed shall be submitted to and agreed in writing by the Local Planning Authority on the 10th April, 2019.

Reason: To prevent the possible spread of these invasive species on and outside of the site.

12) The development shall be carried out in strict accordance with the management (including maintenance) of the open space areas submitted to and agreed in writing by the Local Planning Authority on the 4th April, 2019.

The approved scheme for open space areas shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Subsequent management and maintenance of the open space areas shall be carried out in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interest of visual amenity.

13) Demolition or construction works shall not take place outside the hours of 8:00 and 18:00 on weekdays and 8:00 - 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

14) The development shall be carried out in strict accordance with the lighting design strategy for the development submitted to and approved in writing by the Local Planning Authority on the 4th April, 2019.

Reason: To provide an appropriate scheme of lighting for the site in the interests of ecology.

15) No dwelling shall be occupied unless and until the off-site highway works shown in the following plans have been constructed in accordance with those plans and any phasing information provided:

3344 bus stops fig 5 (only those shown on Venables Avenue); 3344 tactile paving at the existing pedestrian crossing points on all arms of the roundabout which includes Keighley Road, Byron

