



Appeal Decision

Site visits made on 9 May and 23 June 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2022

Appeal Ref: APP/U2370/W/21/3289736

Land West of Broadway, Fleetwood, FY7 7DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jigsaw Homes North against the decision of Wyre Borough Council.
 - The application Ref 21/00341/FULMAJ, dated 10 February 2021, was refused by notice dated 7 October 2021.
 - The development proposed is the construction of 44 residential dwellings together with associated highway and landscaping infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 44 residential dwellings together with associated highway and landscaping infrastructure at land west of Broadway, Fleetwood, FY7 7DQ in accordance with the terms of the application, Ref 21/00341/FULMAJ, dated 10 February 2021, subject to the conditions set out in Annex A.

Procedural Matters

2. Since the application was originally submitted the company making the application has changed their name from Adactus Housing Association Ltd to Jigsaw Homes North. I have determined the appeal on this basis.
3. A site visit was carried out on 9 May 2022 but due to an administrative error a number of third parties who had requested the site to be viewed from their properties were not notified. As a result, a second visit was undertaken on 23 June 2022 to enable this to happen.
4. Since the application was determined the Council have revised their Guidance for Applicants on Policy HP9 of the *Wyre Local Plan 2011 – 2031 (adopted February 2019)* (LP). The appellant has had an opportunity to comment on this during the appeal process. I have determined the appeal on the basis of the local policies as adopted at the present time

Main Issues

5. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether or not the proposed development would be likely to increase the risk of flooding in the area; and

- Whether or not the proposed development makes adequate provision for green infrastructure.

Reasons

Character and appearance

6. The appeal site forms part of a former school playing field. The site is allocated for housing in the LP. The wider area is largely residential in character but also contains some shops and other commercial and non-residential uses. The appeal scheme proposes 44 dwellings, all of which would be affordable housing. The proposal would be a mix of 2, 3 and 4 bedroomed properties, mainly in the form of semi-detached houses but there would be some detached dwellings as well as some short terraces.
7. There is a mix of housing in the area which varies in age and type. I have been provided with various conflicting evidence regarding the density of residential development in the surrounding area but at my site visit was able to observe the different areas myself.
8. Broadway is a wide road with grass verges as well as a generous pavement. It is flanked by a mix of semi-detached houses with a drive at the side as well as some bungalows, all of which have modest front gardens. This gives the road an open, spacious character. However, many of the roads leading off, and to the rear of, Broadway are more densely developed with the housing often taking the form of terraces or having less space between them.
9. The layout of the proposed development would reflect this with the houses fronting onto Broadway having modest front gardens and drives at the side reflecting the more spacious character of this road. The development to the rear, accessed from the new internal road, would generally have more limited space between the houses. In addition, the houses fronting Broadway would have low front boundary walls and hipped roofs which would be consistent with the prevailing roof type and boundary treatment on this road. In these respects, the proposal would reflect, and be sympathetic to, the character of the area.
10. The 44 houses would be significantly larger than the 25 referred to in Policy SA1/1 of the LP. However, the Council has stated that the capacity figures provided for each allocation is expressed as the minimum that should be provided on the site and that it can be exceeded if the development meets other policy requirements. So, this number of houses would not, in principle, be contrary to the policy.
11. Each house would be provided with off street parking as well as a reasonably sized rear garden, with some also benefitting from gardens at the front and/or side. Within the site parking would mainly be a mixture of spaces to the front of the houses or tandem parking to the side, with the latter having front gardens. This would ensure that parking would not dominate the street scene.
12. The *Spacing Guidance for New Housing Layouts Supplementary Planning Guidance (adopted September 1998)* advises that normally 21m should be kept between front elevations. A small number of the plots would fall slightly below this. However, given that the majority of the development meets or exceeds these guidelines, and the shortfall is not great, I am satisfied that this would

not be sufficient to result in the development appearing cramped or overdeveloped.

13. As shown in the site section plans, the necessary changes to the site levels, which are discussed in more detail below, would result in the ridge height of a few of the houses being around 1m greater than some of the existing houses. However, the distances that would be maintained between these houses is such that such a difference in height would not be readily visible. Whilst some of the properties surrounding the site are bungalows, many of these are located adjacent to houses and so the difference between one and two storey dwellings is already an established part of the street scene. Given this, the proposal would not appear out of character in this respect.
14. Therefore, I consider that the proposal would not unacceptably harm the character and appearance of the area. Accordingly, there would be no conflict with Policy CDMP3 of the LP which, amongst other things, requires developments to have a high quality of design that respects or enhances the character of the area and integrates into the wider built environment.

Flood Risk

15. The site lies in Flood Zone 3. This relates to the risk from coastal flooding rather than from rivers. The area does however benefit from existing flood defences. The Inspector's Report (IR) for the LP indicates that allocation of the site was supported by a Strategic Flood Risk Assessment and a Sequential Test paper which also addressed the exception test. The *National Planning Policy Framework* (the Framework) indicates that where planning applications come forward on sites allocated in the development plan, through the sequential test, applicants do not have to apply the sequential test again. Nor does the exception test need to be reapplied if the relevant aspects of the proposal were considered at the plan making stage. I have not been provided with any evidence that indicates that the exception test needs to be reapplied.
16. The application was also accompanied by a site specific Flood Risk Assessment. This was revised during the determination period and the Environment Agency confirmed that they are satisfied that the development would be safe without exacerbating flood risk elsewhere.
17. Due to its location, Policy SA1/1 of the LP indicates that finished floor levels must be above the appropriate design level plus an allowance for climate change for the life of the development. In order to comply with this the development would need to increase the levels on the site to ensure that the finished floor levels of the houses were 5.60m AOD. However, if the sea defences were to fail, all development under a certain level would be subject to flooding irrespective of whether the levels of this site were increased.
18. In terms of surface water flooding the appellant's evidence includes a detailed drainage strategy which would limit the surface water discharge to 5 litres per second for all storm events. It also sets out why SuDS systems are not viable on the site and how the proposed drainage system would address the comments made by the Lead Local Flood Authority after the application had been determined.
19. Concern has been raised by third parties about the existing flooding issues they have experienced in the area which they consider would be exacerbated by the

proposed development. However, the drainage strategy sets out how the drainage of the site would be designed to ensure that the adjacent properties would not be at any increased risk of flooding as a result of the proposal.

20. The Council have not provided any substantive evidence to dispute any of the evidence provided in the drainage strategy or to support their assertion that despite this strategy, the increase in the site levels would significantly increase flooding in the area. In the absence of any evidence to the contrary, I agree with the conclusion of the Environment Agency that the proposed development would be safe from flooding without exacerbating flood risk elsewhere.
21. Consequently, I consider that the proposal would not be likely to increase the risk of flooding elsewhere. As a result, it would not be contrary to Policies CDMP2 and SA1/1 of the LP that require that development will not be at an unacceptable risk of flooding, or lead to an increase in flooding elsewhere, and sets out the necessary development considerations for the site due to its location in Flood Zone 3.

Green Infrastructure

22. Policy SA1/1 indicates that development of the site should include open space and formal and informal play areas, and LP Policy H9 states that green infrastructure should generally be provided on site. However, the latter also indicates that where appropriate a financial contribution towards improving the quality and accessibility of nearby green infrastructure in lieu of on-site provision may be acceptable.
23. The Council have produced guidance for applicants on Policy HP9. This indicates that financial viability is one of the limited range of circumstances where contributions in lieu of on-site provision may be acceptable. However, this is only acceptable where there is an identifiable opportunity for new/improved green infrastructure within a reasonable walking distance from the site.
24. The proposed development would consist entirely of affordable housing. A viability statement was submitted with the application which shows that the development is only viable with an internal subsidy and the 44 houses are necessary to ensure that the subsidy is reduced to an acceptable level.
25. The IR indicates that the viability of market housing developments in Fleetwood is such that they are unable to support any affordable housing contribution. The opportunity for the provision of such housing in Fleetwood is therefore limited. Despite this the appellant's evidence shows that there is a large unmet need for affordable housing in the borough and within Fleetwood itself. The Council have not disputed this viability evidence, or that relating to the need for affordable housing in the area.
26. In the light of this viability evidence, I consider that the proposal falls within the exceptions where a financial contribution instead of on-site provision of green infrastructure is potentially acceptable as long as there is a suitable opportunity for new or improved green infrastructure within a reasonable walking distance of the site.
27. The supporting text of Policy HP9 states that this is to be measured as straight line distances and that a reasonable distance is 720m to amenity green space and 480m to a play area. It is proposed that the financial contribution would be used to make improvements to Memorial Park. The appellant has calculated the

distance to the play area at the park to be 472m and so within the required distance. This figure has been disputed by some third parties, but at my site visit I was able to walk to the park and consider that it is reasonable walking distance from the site.

28. Moreover, as part of the proposed highway improvements, that could be secured by a condition, a crossing point would be provided on Broadway. This would provide a safe point for those accessing the park to cross this road. Whilst a small number of other roads would also need to be crossed, these are more lightly trafficked, and I have not been provided with any accident data that would indicate this would not be a safe route for people to use.
29. Therefore, I consider that there is a suitable opportunity for improved green infrastructure within a reasonable walking distance of the site.
30. In the light of this, all in all, I am satisfied that despite making a financial contribution for off-site improvements rather than providing it on-site, the proposal still makes adequate provision for green infrastructure. So, although the financial contribution instead of on-site provision would not accord with Policy SA1/1, it would accord with Policy HP9. Furthermore, in making adequate greenspace provision it would not conflict with LP Policies SP2 and SP8 which require developments to achieve safe and high quality designed local environments which promote the health and well-being of local communities. As such, in terms of the provision of greenspace, I consider it would accord with the development plan as a whole.

Other Matters

Living Conditions

31. Various concerns have been raised about the impact the proposal would have on the living conditions of existing occupiers of dwellings that surround the site. A number of the existing properties are at an angle to the site and so would not directly face the proposed houses. Generally, even those some of the properties are bungalows, the distances maintained between the existing and proposed dwellings are sufficient to prevent any unacceptable impact on the living conditions of existing occupiers in terms of loss of privacy or light.
32. The shortest distances between existing and proposed houses are those to No 26 Broadway and No 25 Kingfisher Way. Both of these existing properties are at an angle to the site, and so the rear elevations of the proposed dwellings would not directly face them. As such, only oblique angled views possible between them. In addition, the height of the proposed boundary treatment, which can be secured by condition to be in accordance with the submitted plans, would be sufficient to prevent any overlooking from the ground floor rooms or the gardens. A condition would also be able to ensure adequate security is provided for the bin access for plot 32.
33. Given the angled relationship, and the distances the proposed houses would be to the common boundary, I am satisfied that the development would not cause an undue loss of light or have an overbearing impact on the occupiers of these houses. Furthermore, whilst I understand the wishes for current views to remain unchanged, due to the separation distances maintained, I consider that the proposal would not have an unacceptable impact on the outlook from these specific properties or others surrounding the site.

34. Any noise and disruption from the construction phase would be temporary. The hours of operation and other aspects of the construction phase can be controlled by a condition, and I am not persuaded that such details need to be subject to consultation with residents. Whilst noise and light levels would be increased by some degree by the proposal, given the separation distances provided to the existing houses, I consider the noise levels would continue to be well within the levels normally considered acceptable in an urban area.
35. It has been suggested that whilst walls would be provided between plots on the site, only fences would be provided along the boundaries with existing properties. However, the layout plan, indicates that most boundary treatment would be fences, with walls only used to enclose rear gardens that abut roads/parking areas and along the frontage of the properties facing onto Broadway.
36. As highlighted above, the distance between the front elevations on a few of the proposed houses would fall below the guidance on separation distances. However, in my judgement this shortfall is not significant enough to have an unacceptable impact on living conditions for the future occupiers. All the dwellings would have reasonably sized private rear gardens and would have adequate space for bin storage.
37. Thus, overall, the proposal would not have a detrimental impact on the living conditions of neighbouring occupiers and would provide satisfactory living conditions for future occupiers.

Highways

38. A number of concerns have been raised regarding highway safety, traffic generation and parking issues that it is suggested may result from the proposed scheme and how it may exacerbate existing issues particularly at either end of the school day. However, I note that, subject to conditions, there is no objection to the proposed development from the Highway Engineer. It has also been confirmed that the level of parking that would be provided and the internal road layout and new access onto Broadway would all conform to current guidelines.
39. Third parties have highlighted that the appellant's transport assessment refers to 43 units not 44 in the section on trip generation. However, I am not persuaded that this undermines the findings of this part of the assessment which shows that the proposal would not have an unacceptable impact on the existing road network.
40. Given the above, the evidence before me, and observations made during my site visit, I am satisfied that the appeal scheme would have an unacceptable impact on highway safety or the existing road network. Moreover, I am satisfied that it is acceptable to leave the details of the new crossing to be provided on Broadway to be agreed as part of a condition

Loss of Open Space and Ecology

41. I note the wish that open spaces should remain open or used for planting trees. However, the site has been allocated within the LP for housing and so the principle of its development for this purpose has been established, as has the acceptability of the loss of this former playing field.

42. The site lies within a Site of Special Scientific Interest Impact Risk Zone as a result of its proximity to the Morecambe Bay and Lune Estuary Special Protection Area, Special Area of Conservation and Ramsar sites. However, the Council have stated that the Habitat Regulations Assessment for the LP concluded that development of the site would result in "No Likely Significant Effect" on these statutory sites, and as such no further HRA was required as part of this application/appeal. I see no reason to come to a different conclusion on this.
43. The application was accompanied by an ecological appraisal which found the site had limited ecological interest and this has not been disputed by the Council. In addition, amendments were sought to the submitted landscape scheme to ensure that it would provide a net gain for biodiversity. Removal of invasive species would be controlled by a condition.

Housing need and mix

44. The proposed development provides a mix of 2, 3, and 4 bedroomed properties with the greatest proportion being 2 bedrooms. The proposed proportions would not be fully in line with the mix suggested in the most up to date Strategic Housing Market Assessment. However, this provides an overall indication of the mix of housing required and the proposal would accord with the aim of the LP to redress the balance of housing provision in the borough by providing more smaller houses.
45. In addition, the majority of the properties would have level access and they would be constructed to comply with Part M of the Building Regulations. To ensure compliance with LP Policy HP2, a condition would ensure 20% of the properties would be suitable or adaptable for people with restricted mobility. As such, despite not providing any bungalows, the proposal would not simply be aimed at families but would also cater for the needs of the elderly and those with disabilities.
46. It is not disputed that the Council can demonstrate a 5 year housing land supply. However, the Framework is clear that the Government's objective is to significantly boost the supply of housing. The evidence before me shows there is a substantial need for affordable housing in the borough and Fleetwood and the proposal would provide this in an area where generally the viability of new housing developments makes achieving affordable housing difficult.
47. The viability assessment shows that without an internal subsidy this scheme is itself unviable and the need to accommodate 44 dwellings is necessary to reduce this subsidy to an acceptable level. The planning obligation sets out the mechanism for the allocation of the housing which means that in the first instance it would provide housing for local people or those with a local connection.
48. It has been suggested that as the surrounding area largely comprises owner-occupied properties, a scheme of rented properties would be out of character. However, the tenure of the property would not impact on the character and appearance of the dwellings, or the wider area. Nor is there any persuasive evidence that the development would result in anti-social behaviour problems in the area or that it would lead to a loss of property values.

Local Infrastructure

49. Local residents have raised concerns regarding the potential impact of the proposal on services such as local medical and educational facilities. As outlined below the Unilateral Undertaking would provide a financial contribution to mitigate the impact of the proposal with regard to healthcare services. Moreover, the Local Education Authority have confirmed that there are sufficient school places in Fleetwood to support this development.

Planning Obligation

50. The appellant has provided a completed planning obligation in the form of a Unilateral Undertaking. The obligation makes a financial contribution to healthcare and off-site green infrastructure as well as ensuring that the development will comprise solely of affordable housing. I have considered the submitted obligation in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework.
51. Policy SP7 of the WLP indicates that where new or improved infrastructure is required to meet the needs arising from the development, or to mitigate any adverse impacts of a development on existing infrastructure, the development should make a financial contribution through a planning obligation. It states that these may include affordable housing, green infrastructure and healthcare provision, which are all matters covered in the submitted obligation.
52. *Healthcare provision.* Support for achieving healthy places and enabling healthy lifestyles and for seeking contributions to health infrastructure is provided by the Framework (paragraphs 34 and 92). It is estimated that on the basis of an average household size of 2.4, the development of 44 houses would create just over 100 new patient registrations at the nearby GP surgeries. A contribution of £12,173 is sought towards the reconfiguration and extension of the nearby West View Health Village to meet the additional demand that would arise from this development. I have been provided with the details of how this figure has been calculated and am satisfied that it is fairly and reasonably related in scale to the development. Thus, I consider this part of the obligation meets the statutory tests.
53. *Green Infrastructure provision.* As set out above, Policy HP9 of the LP seeks to secure new Green Infrastructure as part of housing developments and in this case, for the reasons set out previously, I consider that the provision of an off-site contribution is acceptable. This would be used to make improvements to young person's equipment / sports development at the nearby Memorial Park. Section 8 of the guidance note on HP9 adopted in December 2021 sets out how off-site contributions are to be calculated. In this case the development should require a contribution of just over £135,000. However, in the light of the evidence regarding the scheme's viability, a reduced contribution of £90,000 was agreed with the Officers. I agree that the viability evidence justifies this reduced level of contribution, and the obligation makes provision for this. As such, I am satisfied that this part of the obligation meets the statutory tests.
54. *Affordable Housing.* The obligation ensures that the appeal scheme would comprise entirely affordable housing and sets out how the affordable housing would be let/allocated to ensure a mixed balanced community. There is no policy requirement for affordable housing provision on development in

Fleetwood. Nonetheless, given that the justification for the provision of a financial contribution towards off-site green infrastructure is based on the viability of the scheme on the basis that it would be 100% affordable housing, this part of the obligation meets the statutory tests.

Conclusion and Conditions

55. For the reasons set out above, I conclude the appeal should be allowed.
56. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interest of the character and appearance of the area conditions are necessary to control the external appearance of the dwellings and to ensure adequate provision is made for refuse storage and collection. I have altered the wording of the latter to reflect the details already provided on the submitted plans. For the same reason and also to reduce the risk of flooding for future occupiers a condition is required to control the ground, slab and finished floor levels of the development.
57. To ensure the adequate drainage of the site, and that the proposal does not increase the risk of flooding elsewhere, conditions are necessary to ensure the development proceeds in accordance with the submitted drainage plans and the Flood Risk Assessment and is appropriately maintained. The latter needs to be a pre-commencement condition as it is necessary to ensure the long term management and maintenance is established before it is constructed.
58. For highway safety reasons and to ensure adequate parking is provided conditions are required to ensure the provision of the necessary off-site highway works, the parking for each dwelling and the internal estate road. The initial work on the estate road needs to be a pre-commencement condition so that satisfactory access is provided during the construction phase for vehicles associated with this. For the same reason and also to protect the living conditions of local residents a condition is necessary to control various aspects of the construction works. This needs to be a pre-commencement condition as it relates to the construction phase.
59. To protect the living conditions of existing residents, and the visual amenity of the area, a condition is necessary to control the boundary treatments on the site. The Planning Practice Guidance makes clear that conditions to restrict permitted development rights should only be used in exceptional circumstances. In this case I consider a condition to remove some of these rights for plots 19 – 33 is necessary to protect the living conditions of existing occupiers. However, given front boundary treatments are a common feature in the area I am not persuaded that the condition suggested to remove such rights on the whole estate is necessary.
60. From this month the provision of electric vehicle charging points is required under the Building Regulations, so a condition for the same is not required. In the interests of nature conservation and ecology conditions to control the landscaping of the site, the removal of invasive species, to prevent certain works during the bird nesting season and to ensure the provision of information to future occupiers regarding the sensitivities of Morecambe Bay area are necessary. I have altered the wording of part of the landscaping condition to ensure that details are provided of gating for the alley to the side and rear of plot 31.

61. To ensure the appropriate mix of housing a condition is needed to ensure the provision of housing that meets the M4(2) Building Regulation standard on various plots. In the interest of sustainable transport, a condition is necessary to ensure the provision of cycle storage on each plot.
62. Where necessary and in the interests of precision and enforceability I have altered the wording of the suggested conditions. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drg No. 00; Site Layout Drg No. 01 Rev P4; Illustrative Site Layout Drg No. 02 Rev P3; Boundary Treatment Layout Drg No. 03 Rev B; Boundary Treatment Details Drg No. 04 Rev A; Refuse Strategy Layout Drg No. 05 Rev B; EV Charging Provision Layout Drg No. 06 Rev B; Illustrative Street Scenes Drg No. 07; Access gate detail to retained field Drg No. 08; Illustrative Site Sections Drg No. 09; Landscaping Plan Drg No. LAN 556 Rev C; House Type A - Dwg No. 19053_HT_01_A; House Type A Dwg No. 19053_HT_02; House Type B Dwg No. 19053_HT_03_B; House Type B Dwg No. 19053_HT_04; House Type C Dwg No. 19053_HT_05; House Type C (SA) Dwg No. 19053_HT_06; Topographical Survey SSL:19888:200:1:1; Proposed Drainage Network Drg No 219-289; Outline Drainage Layout BRO-AJP-ZZ-00-DR-C-1000 Rev P04; Flood Routing Plan BRO-AJP-ZZ-00-DR-C-1030 Rev P02; External Works Plan BRO-AJP-ZZ-00-DR-C-1400 Rev P03.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted (including the external walls, roof and windows) have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No dwelling hereby permitted shall be occupied until the drainage works have been completed in accordance with the approved details shown on Proposed Drainage Network Drg No. 219-289, Outline Drainage Layout BRO-AJP-ZZ-00-DR-C-1000 Rev P04, Flood Routing Plan BRO-AJP-ZZ-00-DR-C-1030 Rev P02 and External Works Plan BRO-AJP-ZZ-00-DR-C-1400 Rev P03. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.
- 5) No development shall take place until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development has been submitted to, and approved in writing by, the local planning authority. As a minimum, this shall include:
 - a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;
 - b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - (i) on-going inspections relating to performance and asset condition assessments; and
 - (ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life

assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

- 6) The development hereby permitted shall be carried out in accordance with: the approved Flood Risk Assessment (FRA) by Weetwood Services Ltd v.1.1 dated January 2021; the Flood Risk Mitigation Proposals Clarification Note Ref:4648 dated 21st May 2021; and mitigation measures 1- 13 (all approved dwellings) set out on Water Exclusion Strategy - Resilience Measures Dwg No.19053_HT_07. The mitigation measures shall be fully implemented prior to first occupation of any dwelling hereby permitted.
- 7) No dwelling hereby permitted shall be occupied until the ground, slab and finished floor levels have been constructed and completed in accordance with the approved details shown on the Proposed Drainage Network Drg No. 219-289, the External Works Plan Drg No. BRO-AJP-ZZ-00-DR-C-1400 Rev P03 and the Illustrative Site Sections Drg No. 09.
- 8) No dwelling hereby permitted shall be occupied until the following off-site works of highway improvement, have been carried out:
 - Provision of new site access and frontage accesses including possible reinstatement of the existing vehicle dropped crossing at the south east corner of the proposed site as may be determined by the position of the access to Plot 44;
 - Possible relocation of an existing lamp column at the location of the proposed site access;
 - Improvements to 2no. bus stops to quality disability compliant standards to include raised kerbs and boarding areas, bus stop bay and worded markings, clearways etc., and shelters; and
 - Provision of surface level crossing on Broadway.
- 9) No dwelling hereby permitted shall be occupied until the parking / turning area(s) shown on the approved plan as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and kept available at all times for the parking and manoeuvring of vehicles.
- 10) (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development above ground level takes place within the site.
(b) No dwelling hereby permitted shall be occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.
(c) In the event that the new estate road is not proposed for adoption by the local highway authority then details of the road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the local planning authority, prior to the first occupation of any dwelling

hereby permitted. No dwelling hereby permitted shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

- 11) a) Prior to the first occupation of any dwelling hereby permitted, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the local planning authority. These details shall include a plan showing areas of highway proposed for adoption by the local highway authority and any areas proposed for private management.
- (b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan detailing how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to, and approved in writing by, the local planning authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.
- (c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the local highway authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the local highway authority's adoptable standards.
- 12) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include and specify the provision to be made for the following:
- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team;
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team;
- (c) hours and days of demolition / construction work for the development expected to be 8.00- 18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays;
- (d) contractors' compounds and other storage arrangements;
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period;
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable;
- (h) external lighting of the site during the demolition / construction period;
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (j) recycling / disposing of waste resulting from demolition / construction work;

(k) measures to protect watercourses against spillage incidents and pollution.

The construction of the development shall be carried out in accordance with the approved CEMP.

- 13) No dwelling hereby permitted shall be occupied until the boundary treatments for each plot has been completed in accordance with the approved details shown on Boundary Treatment Layout Drg No. 03 Rev B and Boundary Treatment Details Drg No. 04 Rev A. The boundary treatments shall thereafter be retained in accordance with the approved details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwellings on Plots 19-33 inclusive shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s).
- 15)
 - (a) No development above ground level shall take place until full details of hard landscaping works, which includes details of the gating to secure the bin alley to the side and rear of plot 31, have been submitted to, and approved in writing by, the local planning authority. The landscaping works shall be carried out in accordance with the approved details prior to first occupation of any dwelling hereby permitted or otherwise in accordance with a programme agreed in writing by the local planning authority and shall thereafter be retained and maintained.
 - (b) The soft landscaping works shall be carried out in accordance with the approved details on Landscape Plan, Drawing No. LAN556 Rev C prior to first occupation of any dwelling hereby permitted or otherwise in accordance with a programme agreed in writing by the local planning authority and shall thereafter be retained and maintained.
 - (c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
- 16) No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to, and approved in writing by, the local planning authority, demonstrating that nesting / breeding birds have been shown to be absent.
- 17) No development (including demolition, ground works, vegetation clearance) shall take place until an invasive non-native species protocol has been submitted to, and approved in writing by, the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
- 18) No dwelling hereby permitted shall be occupied until a scheme for the provision of home-occupier information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to

recreational disturbance has been submitted to, and agreed in writing by, the local planning authority. The scheme details shall include the content of the home-occupier information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-occupier packs to future home occupiers including upon future rentals of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home occupiers in line with the approved methodology.

- 19) The development hereby approved shall be carried out in accordance with House Type B Drg No. 19053_HT_03_B and House Type B Drg No. 19053_HT_04 and plots 1,2,4,5,25,26,27,28,29,30,38,39,43 and 44 shall be provided to M4(2) standard of the Building Regulations and retained as such thereafter as accessible and adaptable lifetime homes.
- 20) The development hereby approved shall be carried out in accordance with the Refuse Strategy Layout Drg No. 05 Rev B and no dwelling hereby permitted shall be occupied until the means of collection (e.g. Council or private), has been submitted to, and approved in writing by, the local planning authority.
- 21) The cycle storage relating to each plot shall be completed in full prior to the first occupation of the dwelling on that plot and strictly in accordance with the details shown on Boundary Treatment Details Drg No. 04 Rev A. The cycle storage shall thereafter be retained in accordance with the approved details.