

Appeal Decisions

Site visit made on 26 April 2022

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal A - Ref: APP/U2370/W/21/3280195 Stricklands Lane, Stalmine FY6 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a hybrid planning permission.
 - The appeal is made by VOS Ltd against the decision of Wyre Borough Council.
 - The application Ref 20/01175/FULMAJ, dated 20 November 2020, was refused by notice dated 8 July 2021.
 - The development proposed is two 80 bed care homes (full application) and up to 50 dwellings with access details (outline application).
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Appeal B - Ref: APP/U2370/W/22/3293408 Stricklands Lane, Stalmine FY6 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a hybrid planning permission.
 - The appeal is made by VOS Ltd against the decision of Wyre Borough Council.
 - The application Ref 21/00981/FULMAJ, dated 29 July 2021, was refused by notice dated 2 December 2021.
 - The development proposed is two 80 bed care homes (full application) and up to 50 dwellings with access details (outline application).
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is allowed and planning permission is granted for two 80 bed care homes (full permission) and up to 50 dwellings with access details (outline permission) at Stricklands Lane, Stalmine FY6 0LL in accordance with the terms of the application, Ref 21/00981/FULMAJ, dated 29 July 2021, subject to the conditions in the attached schedule.

Main Issue

3. The main issue for both appeals is the effect of the proposed development on the character and appearance of the surrounding area.

Procedural matters

4. As set out above, there are two appeals on this site. Whilst the descriptions of each appeal are the same, the proposals differ in siting and layout. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. Both appeals relate to hybrid applications, for which full permission is sought for two 80-bed residential care homes, and outline permission for up to 50 dwellings, with access applied for. For the outline aspects of each proposal,

appearance, landscaping, layout and scale are reserved for future consideration, although indicative layouts have been provided. I have dealt with the appeals on this basis.

6. Two planning obligations under s106 of the Town and Country Planning Act 1990 were submitted, to which I return later.
7. On 14 April 2022, the Council approved the Draft Wyre Local Plan Partial Review (2011-2031) for submission to the Secretary of State for examination. The review, amongst other things, makes revisions to some policies. However, the relevant policies for determining this appeal are not affected, nor is the appeal site allocation.
8. A review of the Council's screening opinion under the Town and Country Planning (Environmental Impact Assessment)(EIA) Regulations 2017 has been carried out and concluded that the proposal is not likely to have significant effects on the environment. An EIA process and Environmental Statement are therefore not required.

Reasons

9. The appeal site is an agricultural field of some 2.85 hectares. The site is accessed to the east by a field gate from a key road through the settlement, on the opposite side of which are detached dwellings varying between one and two storeys in height. To the north is a recently implemented development of predominantly detached two storey dwellings. To the south there are detached dwellings within more expansive gardens. The west of the site is bounded by open countryside. The site is allocated for residential development under SA1/7 of the Wyre Local Plan (2019)(LP).
10. The proposed care homes for both appeals are arranged to provide a courtyard parking layout, with appeal A being two storeys in height with basement accommodation, and appeal B being two storeys with roof accommodation. For appeal A, the care homes would be located to the east of the site, fronting directly onto Stricklands Lane and the southern site boundary, and with the proposed dwellings to the west. For Appeal B, the care homes would be located to the west, at the rear of the site, with the proposed dwellings fronting onto Stricklands Lane and set back behind a strip of public open space.

Appeal A

11. The effect of appeal A would be to introduce a bulky form of development in a prominent location on a key route through Stalmine. The care homes would present a large terraced development to Stricklands Lane and the southern boundary of the site. This would be untypical of the area, even though that form would be broken up to a degree by the partial recessing and varying materials in the principal elevation. The proposed ridge heights would be notably higher than the existing dwellings on the opposite side of the road, despite the lowering of ground levels. The depth of the floorplan is almost double that of many of the existing dwellings such that, with the gable ends being viewed obliquely from the street, the massing of the buildings would be overly large.
12. Overall, the scale, massing and height of the proposed building form would be in stark contrast with the predominantly modest detached building forms that bound the site. Moreover, the proposed building line would be closer to the

road than the existing dwellings to the north (with the exception of a small garage building). This would increase the prominence of the bulky form and emphasise the incongruity of the proposed development with its existing context. As a consequence, the proposal would be out of keeping with the rural village characteristic of the existing streetscene.

13. The appellant argues that appeal A proposal had been revised in a number of ways to address the Council's initial concerns, and that the planning officer had recommended approval but that these matters were ignored by the Council. Even so, they do not alter my own findings on the proposed development.

Appeal B

14. The effect of appeal B would be to introduce the residential aspect of the proposed development into the existing residential area, with the care home sited at the rear and addressing the countryside beyond. The Council's reasons for refusal state that the buildings here would be overbearing in the landscape. However, although paragraph 174 of the Framework recognises the intrinsic character and beauty of the countryside, the appeal site and the adjacent countryside are not a designated or valued landscape.
15. From the open countryside to the west, the development would be seen alongside the new residential development to the north and, in time, against the remaining site allocation which has not yet been built out. Although the proposed buildings may be of greater massing than the existing detached dwellings, much of the proposal would be set back from the western boundary and, additionally, the broken-up building form and varied articulation of the proposed rear elevation would reduce the appearance of scale and massing. Consequently, although the Council refer to the proposed buildings being set at great height due to level changes, I find that this concern is overstated.
16. Furthermore, from many locations within the nearby fields, roads, and paths, screening would be provided by existing intervening hedges and landscaping. Proposed landscaping would enhance that screening even further over time, even taking seasonal leaf fall into account. Whilst views into the site from these locations, and from adjacent dwellings (in particular from upper floors) would experience change, such an inherent change has already been considered as part of the allocation of the site in the LP. Overall, the scale, massing and height of the proposal provides an appropriate rural transition that would be in keeping with existing development in the landscape.

Conclusion on main issue

17. I conclude that, whilst appeal B would not have any significant adverse effect on the character and appearance of the surrounding area, appeal A would. Appeal B complies with the requirements of policies SP2, CDMP3 and SA1/7 of the LP and the National Planning Policy Framework (the Framework), but appeal A would not. These policies require that development should achieve a high standard of design that respects or enhances the character of the area.

Other matters

Habitats Regulations Assessment

18. The appeal site is located some 1.97 kilometres from the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), the Morecambe Bay Special

Area of Conservation (SAC), and the Morecambe Bay Ramsar site (the Sites). Any impacts identified from the proposal would also impact upon the Lune Estuary Site of Special Scientific Interest (SSSI) and Wyre Estuary SSSI, which overlap the Sites.

19. There is an increased risk of disturbance to the qualifying bird species and habitats at the designated sites, as a result of the increase in local residents arising directly from the proposed development, and from construction related run-off entering the watercourse thereby potentially linking to the Sites. The proposed dwellings, in combination with other projects, are therefore anticipated to have likely significant effects on the Sites. As such, I am required to undertake an appropriate assessment and, in carrying this out, I have had regard to the shadow assessment submitted by the appellant.
20. The qualifying features of the Sites are wintering and passage migrant birds and waterbird assemblage¹. The conservation objectives of the Sites are to ensure that the integrity of the Sites are maintained or restored as appropriate, and to ensure that the Sites contribute towards achieving the aims of the Wild Birds Directive. This is to be achieved by maintaining or restoring the extent and distribution of the habitats; their structure and function; the supporting processes on which the habitats rely; as well as the population and distribution of the qualifying features.
21. Given the proximity of the appeal site to the Sites, it cannot be ascertained that the proposal will not adversely affect the integrity of the Sites. Consequently, two key forms of mitigation are proposed. Firstly, the implementation of a construction environmental management plan to appropriately manage water run-off during the construction process and, secondly, provision of homeowner information packs to mitigate increased recreational pressure. Both are to be secured by planning condition.
22. Natural England have been consulted and concur with this assessment and the effectiveness of the mitigation. Therefore, having regard to the Sites' conservation objectives, the proposed mitigation would avoid the development having an adverse effect on the integrity of the Sites.

Other considerations

23. As the site is allocated for residential development in the LP, the location of the proposed development is considered to be both accessible and sustainable. Objections have been raised by interested parties to the increase in traffic, congestion and parking. However, a transport assessment has been submitted which includes trip generation data and, following consultation with National Highways and the local highways authority, the Council concluded that the proposal was acceptable. Parking levels would also meet the Council's requirements. Overall, I am more persuaded by the submissions of the transport professionals and conclude that the proposal would not have an unacceptable impact on road safety or result in a severe residual cumulative impact on the road network.
24. The flood risk assessment and drainage management strategy indicate that the proposal would not worsen the existing surface and foul water situation, and I have imposed conditions that I am satisfied will secure this. Existing drainage

¹ Detailed information relating to the designations for the Sites is listed within Appx 9 of the shadow HRA

issues in the village cannot be remedied by the appeal proposal and, whilst the concerns raised regarding raw sewage are concerning, any such incidences are existing pollution control matters. Concerns regarding school and health facilities would be addressed by financial contributions. Staff shortages at those facilities are not within my remit in determining this appeal. Nor is any unanticipated damage caused to existing properties during construction.

25. The living conditions of the occupants of neighbouring properties, and of the proposed scheme, including in terms of light, privacy and noise, have been assessed by the Council, and no objection on these grounds has been raised. It is also widely known and accepted that there is no right to a view from residential properties. The submitted ecological survey concludes that, subject to protection and mitigation measures for habitats, bats and birds, the proposal offers an opportunity to provide biodiversity net gain, to which the Council raises no objection. Similarly, in terms of the need for care homes, and impact upon climate change, the proposal has been determined by the Council as acceptable. I see no substantive evidence to cause me to reach a different conclusion on any of these matters.

Planning obligations

26. The submitted s106 planning obligations are both unilateral undertakings by the applicant and landowners. Both seek to provide 30% affordable housing within the outline aspects of the proposals, which would comply with policy HP3 of the LP. As such, affordable housing provision is a benefit which I shall take into account in my conclusions.
27. A contribution to healthcare facilities is provided, calculated on the need arising directly from the care home element of the development, with provision for an additional contribution from the outline residential element at the appropriate later stage. A contribution to education facilities is also secured from the outline residential element of the proposal. Although a secondary contribution was not identified as necessary at the time of the Council's decision, the most recent assessment indicates it is now. Either way, the precise amounts to be calculated at reserved matters stage will depend on the level of both primary and secondary need at that future time. These contributions accord with the requirements of policy SP7 of the LP.
28. For these reasons, I am satisfied that all of the above obligations are necessary, directly related to the development and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework.

Conditions – Appeal B

29. A list of suggested conditions was submitted, which have been agreed by the appellant, including pre-commencement conditions. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 56 of the Framework.
30. Conditions relating to timeliness, submission of reserved matters, the identification of plans, and numbers of dwellings permitted are all necessary to provide certainty. Exceptional circumstances exist that justify a condition to limit the proposed use to a care home, given that the proposed building would

be accessed through, and adjacent to, residential development. In the interests of highway safety, conditions are imposed in relation to improvement works, visibility, highway construction, maintenance, and parking. The various suggested drainage conditions have been consolidated into one simplified condition, as have the suggested open space conditions, both of which are necessary to make the development acceptable.

31. To safeguard against contamination risks, site investigation conditions are required. To protect living conditions for future and neighbouring residents, conditions are attached relating to construction management, noise, deliveries, extraction systems, and external lighting. To ensure protected habitats and species are appropriately safeguarded, conditions relating to a management plan, construction management, home-owner information packs, bats, amphibians, landscape and habitat management scheme, tree works and tree protection are imposed. Conditions for landscaping schemes, levels, external materials, and boundary treatments are required to protect the character and appearance of the surrounding area.
32. In the interests of addressing climate change and facilitating sustainable transport, conditions for cycle storage are necessary. To ensure that waste is properly managed, conditions for refuse storage are imposed. Securing an appropriate mix of housing will assist in creating sustainable communities. The suggested conditions regarding electric vehicle charging points are no longer required as this matter is now dealt with by other legislation.

Planning balance and conclusion - Appeal A

33. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would have a significant adverse effect on the character and appearance of the surrounding area, such that there is conflict with the development plan. On the other hand, significant benefits would also derive from the contribution of affordable housing, market housing and care home accommodation to housing supply in the area. Economic benefits would be generated from the construction of the development, as well as from residents' spending in the settlement, to which I give moderate weight. Any benefit from biodiversity net gain attracts very limited weight as it has not been quantified. Although the appellant asserts that the proposal achieves conformity with policy in respect of flood risk, drainage, highways, landscaping, privacy, and living conditions for neighbouring properties, these are neutral in the planning balance.
34. On a straightforward balance, I conclude that the harm caused is not outweighed by the benefits. Therefore, for the reasons given and having had regard to all other matters raised, appeal A is dismissed.

Planning balance and conclusion - Appeal B

35. Paragraph 11 of the Framework states that development that accords with an up to date development plan should be approved without delay. The proposed development would not harm the character and appearance of the surrounding area. The proposal would comply with the development plan taken as a whole and there are no other material considerations to indicate a decision other than in accordance with it.

36. Overall, I conclude that planning permission for appeal B should be granted subject to the conditions in the attached schedule.

Patrick Hanna

INSPECTOR

SCHEDULE OF CONDITIONS
(APPEAL B - Ref: APP/U2370/W/22/3293408)

FULL PLANNING PERMISSION CONDITIONS

(the "Full Application" area in red on approved drawing no. A360 Rev 7)

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing No. A315 (Location Plan); Drawing No. A360 Rev 7 (Proposed Site Plan); Drawing No. A320 (Care Home A, Proposed Ground Floor Plan); Drawing No. A321 (Care Home A, Proposed First Floor Plan); Drawing No. A322 (Care Home A, Proposed Second Floor Plan); Drawing No. A323 (Care Home A Proposed Roof plan); Drawing No. A324 (Care Home B, Proposed Ground Floor Plan); Drawing No. A325 (Care Home B, Proposed First Floor Plan); Drawing No. A326 (Care Home B, Proposed Second Floor Plan); Drawing No. A327 (Care Home B, Proposed Roof Plan); Drawing No. A330 (Care Home A, Proposed Elevations); Drawing No. A331 (Care Home B, Proposed Elevations, Sheet 1 of 2); Drawing No. A332 (Care Home B, Proposed Elevations, Sheet 2 of 2); and Drawing No. A423 (Proposed Bin Stores).
- 3) The development shall be used as a class 2 residential care home and for no other purpose, including any other purpose within class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The development hereby permitted shall not be occupied until the off-site highway improvement works (street lighting and tactile paving at the site access, relocation of the existing south bound bus stop and shelter at the junction at Back Lane, and provision of a new bus stop and shelter near the junction with Back Lane) shall have been carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until a Construction Environmental Management Plan (CEMP) shall have 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:
 - dust and dirt mitigation measures during the construction period, including complaint management;
 - control of noise and vibration emanating from the site during the construction period, including complaint management;
 - contractors' compounds and other storage arrangements;
 - provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period;
 - arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
 - the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable;

- external lighting of the site during the construction period;
- erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- recycling / disposing of waste resulting from construction work;
- measures to protect watercourses against spillage incidents and pollution;
- periods when plant and materials trips should not be made to and from the site (i.e. peak hours);
- measures to ensure that construction and delivery vehicles do not impede access to adjoining properties; and
- hours of construction, which shall be limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturdays, and no working on Sundays or bank holidays.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until visibility splays of 2.4 metres by 43 metres in both directions along the nearer edge of the carriageway of Stricklands Lane from the centre line of the proposed access (as shown on approved plan reference No. A360 Rev 7) shall have been provided. The said visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.
- 7) No development shall take place unless the new access road serving the development up to the entrance to the site compound shall have been constructed to at least base course level. The care home hereby permitted shall not be occupied unless the new access road serving the development shall have been constructed to at least base course level. In the event that the new access road is not proposed for adoption by the local highway authority, details of the road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall have been submitted to and approved in writing by the local planning authority, and the development hereby approved shall not be occupied until the new access road serving the development has been constructed in accordance with the approved details.
- 8) The development hereby approved shall not be occupied until the proposed arrangements for future management and maintenance of the roads, footways and cycleways within the development shall have been submitted to and approved in writing by the local planning authority. The said details shall include a plan showing areas of highway proposed for adoption by the local highway authority and any areas proposed for private management. Should the said plan show that any highway within the development would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity shall have been 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. Should the said plan show that any highway would be proposed for adoption by the local highway authority, those roads, footways and cycleways shall be made up to the local highway authority's adoptable standards.

- 9) The development hereby approved shall not be occupied until the parking and turning areas shown on the approved plan (Proposed Site Plan) shall have been laid out, surfaced and drained. The parking and turning areas shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.
- 10) No building hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The said scheme shall accord with the submitted Flood Risk Assessment and Drainage Management Strategy dated 29 July 2021. The submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; provide details of a scheme to verify construction; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Thereafter the development shall be carried out in accordance with the approved strategy.
- 11) No development shall take place unless a detailed contaminated land site investigation shall have been carried out in accordance with a written methodology, including details of any necessary watching brief throughout the construction period, which shall first have been submitted to and approved in writing by the local planning authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the local planning authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the local planning authority prior to any works being undertaken.
- 12) The development hereby permitted shall be designed so that the rating levels for cumulative noise from all noise sources associated with the development shall not exceed the existing background noise level (LA90), including vehicle noise, when measured as an LAeq,15 min in any one third octave band at the external façade of nearby noise sensitive premises. The development shall also be designed so that the following standards shall not be exceeded at nearby noise-sensitive premises;
 - 50dB LAeq 16 hours (0700 to 2300) - gardens and outside living areas, daytime;
 - 35dB LAeq 16 hours (0700 to 2300) - indoors, daytime;
 - 30dB LAeq 8 hours (2300 to 0700) - indoors, night-time;
 - 45dB LAFmax (2300 to 0700) - indoors, night-time;
 - 60 dB LAFmax 8 hours (2300 to 0700) - façade level, night time; and
 - 60 dB LAFmax 4 hours (1900 to 2300) - façade level, night time.
- 13) There shall be no deliveries or collections of goods (including collection or emptying of waste) to or from any care home hereby permitted outside the hours of 0700 to 2100, or at any time on Sundays, and Bank Holidays and Public Holidays.

- 14) Prior to the installation of any kitchen exhaust or extraction system on the development hereby approved, a detailed plan of the kitchen exhaust or extraction systems, the height of any extraction flues (a minimum of 1m above the level of the eaves of the nearest sensitive properties), and fixture and fittings of the flues, along with details of how noise and odours from cooking fumes from the kitchen or food preparation area will be adequately dispersed to the atmosphere, shall have been submitted to and agreed in writing with the local planning authority. The development shall thereafter be carried out and retained in accordance with the approved details.
- 15) Prior to the installation of any external lighting associated with the development, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall have been submitted to and agreed in writing by the local planning authority, demonstrating that artificial lighting will be designed so that it is not intrusive to visual amenity, residential amenity, or illuminate potential habitat for bats or breeding birds. The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 2300 hours and 2 lux after 2300 hours (Environmental Zone E3). The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained thereafter.
- 16) The development hereby approved shall be carried out in full accordance with the ecology Construction Environment Management Plan dated August 2021.
- 17) The development shall not be occupied until a scheme for the provision of an information pack for the residents, staff and visitors of the care homes highlighting the sensitivity of Morecambe Bay, Wyre Estuary and Lune Estuary to recreational disturbance shall have been submitted to and agreed in writing by the local planning authority. The scheme details shall include the content of the home-owner information packs, which must explain the conservation value of the said sites, the potential impacts that can arise from the development and explain the responsible behaviours that would be required from residents, staff and visitors to avoid undue ecological impact, as well as a methodology for the distribution of the information packs. The approved information packs shall subsequently be made available in line with the approved scheme.
- 18) The development hereby approved shall be implemented in full accordance with the Ecological Survey and Assessment (including a Licensed Bat Survey) dated August 2021 including all the mitigation measures and recommendations set out within section 5 of that report.
- 19) No development above ground level shall take place unless a Landscape and Habitat Creation and Management Scheme (LHCMS), including a timetable for implementation, shall have been submitted to and approved in writing by the local planning authority. The said scheme shall identify the opportunities for biodiversity enhancement on site including but not limited to:
 - native tree, shrub and hedgerow planting and bolstering, and habitat connectivity (including further detail of measures indicated in section 5.5 of the submitted Ecological Survey);

- bird boxes (types, locations and number) within the new development; and
- bat boxes and access panels (types, locations and number) within the new development.

The LHCMS shall be carried out in accordance with the approved details.

- 20) If any of the trees identified in the Ecology Survey and Assessment dated August 2021 as having the potential to support roosting bats require works or felling they must first be inspected for the presence of bats by a suitably qualified person. If bats are found a method statement shall have been submitted to and approved in writing by the local planning authority, giving details of avoidance or mitigation measures. Any tree works or felling shall be implemented in accordance with the approved avoidance or mitigation measures.
- 21) No development shall take place unless a method statement shall have been submitted to and approved in writing by the local planning authority, giving details of measures to be taken to avoid harm to amphibians during the course of construction works. The development shall be carried out in accordance with the approved details.
- 22) No tree felling, tree works or works to hedgerows shall take place during the period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, shall have been submitted to and approved in writing by the local planning authority, demonstrating that nesting or breeding birds have been shown to be absent. The development shall be carried out in accordance with the approved details.
- 23) Notwithstanding the submitted Arboricultural Impact Assessment (AIA), no development shall take place until a Tree Protection Plan with respect to those trees and hedgerows shown as being retained shall have been submitted to and agreed in writing by the local planning authority. The development shall thereafter take place in accordance with the agreed plan and AIA and with such protection measures installed before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. In this condition "retained tree" or "retained hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars.
- 24) No development shall take place until full details of hard landscaping works shall have been submitted to and approved in writing by the local planning authority. These details shall include the hard surfaced areas and materials (type, colour and finish, bound or porous), and shall show how account has been taken of any underground services. The soft landscaping works for the development shall be carried out in full accordance with the approved soft landscaping details drawing 6455.03 Rev G (Landscape Proposal) and 6455.04 Rev F prior to occupation of the development, or otherwise in accordance with a programme agreed in writing by the local planning

authority, and shall thereafter be retained and maintained. 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, unless the local planning authority gives its written consent to any variation.

- 25) The development hereby approved shall be constructed and completed in accordance with the approved ground, slab and finished floor levels as shown on Drawing No. A317 Rev 2 (Site Plan with Topo Overlay).
- 26) The cycle storage provision (cycle racks) shown on the Proposed Site Layout shall be installed prior to the occupation of the development and shall be maintained and retained thereafter.
- 27) Notwithstanding the submitted Drawing A422 (Materials Plan), no development above ground level shall be commenced until the precise details of the materials to be used in the construction of the external surfaces of the development (including the external walls, roof, doors and windows) shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
- 28) The boundary treatments as shown on approved drawing No. A421 Rev 2 (Boundary Treatment Plan) shall be installed prior to the occupation of the development and shall be maintained and retained thereafter.
- 29) The refuse storage facilities shown on the Proposed Site Plan and drawing no. A423 (Proposed Bin Stores) shall be installed prior to the occupation of the development and shall be maintained and retained thereafter.

OUTLINE PLANNING PERMISSION CONDITIONS

(the "Outline Application" area in blue on approved drawing no. A360 Rev 7)

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall have been submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Drawing No. A315 (Location Plan); and Drawing No. A360 Rev 7 Proposed Site Plan (in respect of the site access details only).
- 3) As part of any reserved matters application where layout is applied for, the mix of residential units (including 20% of dwellings for those with restricted mobility) shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2019 or any subsequent replacement local plan policy concerned with size and type of housing needed in Wyre.

The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

- 4) The development hereby permitted shall not be occupied until the off-site highway improvement works (street lighting and tactile paving at the site access, relocation of the existing south bound bus stop and shelter at the junction at Back Lane, and provision of a new bus stop and shelter near the junction with Back Lane) shall have been carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until visibility splays of 2.4 metres by 43 metres in both directions along the nearer edge of the carriageway of Stricklands Lane from the centre line of the proposed access (as shown on the Proposed Site Layout) have been provided. The said visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.
- 6) No development shall take place unless the new access road serving the development up to the entrance to the site compound shall have been constructed to at least base course level. No dwelling hereby permitted shall be occupied unless the new access road serving that dwelling shall have been constructed to at least base course level. In the event that the new access 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 have been submitted to and approved in writing by the local planning authority, and no dwelling hereby approved shall be occupied until the new access road serving that dwelling has been constructed in accordance with the approved details.
- 7) The development hereby approved shall not be occupied until the proposed arrangements for future management and maintenance of the roads, footways and cycleways within the development shall have been submitted to and approved in writing by the local planning authority. The said details shall include a plan showing areas of highway proposed for adoption by the local highway authority and any areas proposed for private management. Should the said plan show that any highway within the development would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity shall have been 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. Should the said plan show that any highway would be proposed for adoption by the local highway authority, those roads, footways and cycleways shall be made up to the local highway authority's adoptable standards.
- 8) No development shall take place until a Construction Environmental Management Plan (CEMP) shall have 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:
 - dust and dirt mitigation measures during the construction period, including complaint management;

- control of noise and vibration emanating from the site during the construction period, including complaint management;
- contractors' compounds and other storage arrangements;
- provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period;
- arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
- the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable;
- external lighting of the site during the construction period;
- erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- recycling / disposing of waste resulting from construction work;
- measures to protect watercourses against spillage incidents and pollution;
- periods when plant and materials trips should not be made to and from the site (i.e. peak hours);
- measures to ensure that construction and delivery vehicles do not impede access to adjoining properties; and
- hours of construction, which shall be limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturdays, and no working on Sundays or bank holidays.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 9) No dwelling hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority (as part of any reserved matters application relating to layout). The said scheme shall accord with the submitted Flood Risk Assessment and Drainage Management Strategy dated 29 July 2021. The submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater or surface waters; include a timetable for its implementation; provide details of a scheme to verify construction; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Thereafter the development shall be carried out in accordance with the approved strategy.
- 10) No development shall take place unless a detailed contaminated land site investigation shall have been carried out in accordance with a written methodology, including details of any necessary watching brief throughout the construction period, which shall first have been submitted to and approved in writing by the local planning authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the local planning authority in writing and the approved scheme implemented prior to the development

of the site. Any changes to the approved scheme must be approved in writing by the local planning authority prior to any works being undertaken.

- 11) As part of any reserved matters application where layout is applied for, green infrastructure shall be provided in accordance with the requirements of Policy HP9 of the Wyre Local Plan 2019, or any subsequent replacement local plan policy for the provision of green infrastructure, and shall provide a green infrastructure framework detailing the approach to green infrastructure within the whole site; full details of retention and protection of trees and hedgerows; and a hedgerow and tree removal and replacement plan including details of lengths of hedgerows to be removed and proposed mitigation. Such area or areas of green infrastructure shall be implemented in accordance with the approved details and shall thereafter be retained and maintained in accordance with a maintenance scheme covering all areas of green infrastructure, communal space, ponds, basins, hedgerows which shall be submitted to and approved in writing by the local planning authority prior to the occupation of any dwelling.
- 12) The development hereby approved shall be carried out in full accordance with the ecology Construction Environment Management Plan dated August 2021.
- 13) No dwelling shall be occupied until a scheme for the provision of an information pack for the residents, staff and visitors of the care homes highlighting the sensitivity of Morecambe Bay, Wyre Estuary and Lune Estuary to recreational disturbance shall have been submitted to and agreed in writing by the local planning authority. The scheme details shall include the content of the home-owner information packs, which must explain the conservation value of the said sites, the potential impacts that can arise from the development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, methodology for the distribution of the information packs including upon resale to the extent to which that is practicable, locations of installation of and details to be included on information or interpretation boards, and a timetable for implementation. The approved information packs shall subsequently be made available, and the information or interpretation boards provided, in line with the approved scheme.
- 14) The development hereby approved shall be implemented in full accordance with the Ecological Survey and Assessment (including a Licensed Bat Survey) submitted with the planning application dated August 2021 including all the mitigation measures and recommendations set out within section 5 of that report.
- 15) No development above ground level shall take place unless a Landscape and Habitat Creation and Management Scheme (LHCMS), including a timetable for implementation, shall have been submitted to and approved in writing by the local planning authority. The said scheme shall identify the opportunities for biodiversity enhancement on site including but not limited to:
 - native tree, shrub and hedgerow planting and bolstering, and habitat connectivity (including further detail of measures indicated in section 5.5 of the submitted Ecological Survey);

- bird boxes (types, locations and number) within the new development; and
- bat boxes and access panels (types, locations and number) within the new development.

The LHCMS shall be carried out in accordance with the approved details.

- 16) If any of the trees identified in the Ecology Survey and Assessment dated August 2021 as having the potential to support roosting bats require works or felling they must first be inspected for the presence of bats by a suitably qualified person. If bats are found a method statement shall have been submitted to and approved in writing by the local planning authority, giving details of avoidance or mitigation measures. Any tree works or felling shall be implemented in accordance with the approved avoidance or mitigation measures.
- 17) No tree felling, tree works or works to hedgerows shall take place during the period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, shall have been submitted to and approved in writing by the local planning authority, demonstrating that nesting or breeding birds have been shown to be absent. The development shall be carried out in accordance with the approved details.
- 18) Prior to the installation of any external lighting associated with the development, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall have been submitted to and agreed in writing by the local planning authority, demonstrating that artificial lighting will be designed so that it is not intrusive to visual amenity, residential amenity, or illuminate potential habitat for bats or breeding birds. The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 2300 hours and 2 lux after 2300 hours (Environmental Zone E3). The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained thereafter.
- 19) Details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the local planning authority as part of any reserved matters application relating to layout. The development shall be carried out in accordance with the approved details.
- 20) Details of refuse storage provision (including location, design and materials of construction), waste collection point, and means of collection (e.g., Council or private) shall be submitted to and approved in writing by the local planning authority as part of any reserved matters application relating to layout or appearance. The development shall be carried out in accordance with the approved details.
- 21) A noise assessment and mitigation scheme shall be submitted to and approved in writing by the local planning authority as part of any reserved matters application. The scheme shall demonstrate that internal noise levels are not exceeded as follows:
 - 50dB LAeq 16 hours (0700 to 2300) - gardens and outside living areas, daytime;
 - 35dB LAeq 16 hours (0700 to 2300) - indoors, daytime;
 - 30dB LAeq 8 hours (2300 to 0700) - indoors, night-time;

- 45dB LAFmax (2300 to 0700) - indoors, night-time;
 - 60 dB LAFmax 8 hours (2300 to 0700) - façade level, night time; and
 - 60 dB LAFmax 4 hours (1900 to 2300) - façade level, night time.
- The development shall be implemented and maintained in accordance with the approved scheme.

- 22) The residential development hereby permitted shall not comprise more than 50 dwellings (use class C3).

End of Schedule