Planning Inspectorate

Appeal Decision

Hearing held on 7 May 2025

Site visit made on 7 May 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/A2335/W/25/3359581
Land at Grid Reference E346580 N452460, Lancaster Road, Cockerham, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by L&W Wilson (Higham Ltd) against the decision of Lancaster City Council.
- The application Ref is 24/00759/VCN.
- The application sought planning permission for outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian accesss to Willey Lane (pursuant to the variation of Condition 3 on planning permission 19/01223/OUT to alter the visibility splays) without complying with a condition attached to planning permission Ref 23/00750/VCN, dated 26 January 2024.
- The condition in dispute is No 11 which states that:
  "The floor plans and technical housing standards for below specified house type shall be implemented in accordance with the following approved plans:-

  - *Amended proposed elevations and floor plans Plot 8, referenced 2238-52 RevC, dated 27/04/22*
  - *Amended proposed elevations and floor plans Plot 9, referenced 2238-53 RevC, dated 27/04/22*
  - *Amended proposed elevations and floor plans Plot 10 and 24, referenced 2238-54 RevD, dated*
  - *21/04/22*
  - *Amended proposed elevations and floor plans Plot 22 and 23, referenced 2238-62 RevC, dated*
  - *21/004/22*

  At least five of these plots shall provide a level access to the principal entrance, with any ramps between 1:12 and 1:20, driveways between 1:20 and 1:60 in firm surface, and with appropriate dusk/dawn or motion detection lighting adjacent to entrance, implemented in full prior to occupation of the respective dwelling house, or completion of the development, whichever the sooner. The housing mix across the site shall be implemented in accordance with the approved Accommodation Schedule, referenced 2238/C/230511 Accommodation Schedule, received on 31st May 2023."
- The reason given for the condition is: *"To ensure that the housing mix conforms to the Strategic Housing Market Assessment and that homes are adaptable and accessible to benefit future users."*

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane at Land at Grid Reference E346580 N452460, Lancaster Road, Cockerham, Lancashire in accordance with the application Ref 24/00759/VCN, without compliance with condition number 11 previously imposed on planning permission Ref 23/00750/VCN dated 26 January 2024 and subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs has been made by L&W Wilson (Higham Ltd) against Lancaster City Council. This is the subject of a separate decision.

Preliminary Matters

3. In October 2021, outline planning permission[1] ('Original Permission') was granted for the erection of up to 24 dwellings and provision of new vehicular access, and pedestrian access to Willey Lane. Subsequently, in January 2024, a new outline planning permission[2] ('Amended Permission') was granted, for what is in effect the same development but with altered visibility splays. The Amended Permission was subject to its own unique conditions. As such, there is no need to cross refer back to the conditions attached to the Original Permission.

4. The description of development in the banner above is taken from the Amended Permission. However, within my decision I have removed reference to "Outline application for the …" and "… (pursuant to the variation of Condition 3 on planning permission 19/01223/OUT to alter the visibility splays)" as these phrases do not refer to acts of development.

5. Following the deadline for the submission of evidence the appellant submitted a Rebuttal Statement[3], alongside two appeal decisions[4] ('Late Evidence'). The Late Evidence provides a response to the Council's Appeal Statement and an update on the ongoing development of the appeal site. It is material to the appeal and necessary to consider as part of the Hearing. Prior to the Hearing, the Council indicated that it would be procedurally unfair for me to consider certain parts of the Late Evidence. However, following a period of adjournment during the Hearing, both the Council and the interested parties in attendance confirmed they were happy to proceed with the Hearing with me accepting the Late Evidence.

6. I have also had consideration for those who were entitled to appear at the Hearing but were not in attendance. The Late Evidence was the appellant's response to the Council's Appeal Statement and an update on the ongoing development of the appeal site. Interested parties would have expected this information to be provided verbally within the Hearing. The Late Evidence was uploaded to the Council's website so interested parties did have an opportunity, albeit limited, to review it. Accordingly, those who did not attend the Hearing are not prejudiced by me accepting the Late Evidence.

Main Issues

7. The main issues of this appeal are:

- whether the proposed wording of Condition 11 is reasonable and necessary;
- whether a Section 73 application is an appropriate means to alter the level of affordable housing previously secured; and
- whether the proposal could make provision for affordable housing, having regard to viability.

[1] Planning permission Ref. 19/01223/OUT
[2] Planning permission Ref. 23/00750/VCN
[3] Rebuttal Statement on behalf of the appellant, April 2025
[4] Appeal Refs. APP/E2340/W/23/3314458 and APP/L5240/W/23/3332225

Reasons

Condition 11

8. The appellant seeks to amend the wording of Condition 11 attached to the Amended Permission to refer to a revised Accommodation Schedule. The difference between the approved and revised schedules is the detail within the final column, in the revised version it specifies that all dwellings are open market.

9. Paragraph 57 of the National Planning Policy Framework (the Framework) outlines that conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise, and reasonable in all other respects. It is not disputed that the proposed wording of Condition 11 would be relevant to planning and to the development permitted, enforceable, and precise.

10. Condition 11 attached to the Amended Permission specifies that the housing mix shall be implemented in accordance with the approved Accommodation Schedule, amongst other matters. The reason given for Condition 11 was to ensure that the proposal conforms with the Council's Strategic Housing Market Assessment and that a proportion of the homes are adaptable and accessible. Neither Condition 11 nor the reason for it, make explicit reference to affordable housing. As such, whether Condition 11 controls the provision of affordable housing or not, is dependent on whether it forms part of the housing mix as specified within the approved Accommodation Schedule.

11. Paragraph 4.1 of the Meeting Housing Need SPD[5] advises that the Framework requires local planning authorities to plan for a mix of housing, including identifying the tenure of housing needed for different groups. Paragraphs 4.3 and 4.4 of the SPD advise on the benefits of including a mix of tenures, including to help minimise the impacts arising from the affordability of housing upon school place choices, within a development and ensuring an appropriate mix is included from the outset. In accordance with the SPD, tenure forms part of the housing mix.

12. The final column of both the approved and revised schedules concerns housing tenure. Therefore, to accord with the housing mix specified within the schedules, the proposal must accord with the details specified within the final column. Consequently, the condition does control the provision of affordable housing to some extent. Albeit a planning obligation would be necessary to ensure that the affordable housing is delivered at an appropriate time and retained in perpetuity.

13. The Council has highlighted a footnote to the Example Affordable Housing Schedule in Appendix E of the SPD, which states: "This table provides an example of a partial schedule only and does not suggest the appropriate mix of houses." When read in its entirety, it is clear that the table provides an example and the detail within it should not inform an assessment on an appropriate housing mix. It does not indicate that affordable housing does not form part of a housing mix.

14. The reason for refusal indicates that the proposal to vary Condition 11 has no bearing over the control of affordable housing, but it would present conflicting information with the planning obligations secured. I will return later to consider the status of the existing planning obligation in the event that a new permission is

[5] A Local Plan for Lancaster District 2020-2031, Meeting Housing Need Supplementary Planning Document, Adopted February 2022 and amended January 2025 to reflect the change in position on First Homes in the NPPF.

granted. Nonetheless, working on the assumption that the obligation would still be enforceable, the proposed wording of Condition 11 would only conflict with the obligation if it controlled the provision of affordable housing. This adds further weight to my consideration that affordable housing forms part of the housing mix.

15. I conclude that the proposed wording of Condition 11 is reasonable and necessary for the reasons given on the Amended Permission and to provide some control in relation to the provision of affordable housing.

Section 73

16. The Planning Practice Guidance (PPG)[6] advises that there is no statutory limit on the degree of change permissible to conditions, but the change must only relate to conditions and not to the operative part of the permission. The description of development for both the Original Permission and Amended Permission does not include reference to affordable housing. Therefore, in principle there is no limit on an amended condition which would alter the provision of affordable housing.

17. Section 73(2) of The Town and Country Planning Act 1990 (TCPA) confirms that if a local planning authority decide that planning permission should be granted subject to conditions differing from a previous permission, they shall grant a new permission subject to such conditions. In that scenario, two permissions would exist and either could be implemented.

18. Planning obligations are freestanding legal instruments that do not form part of a planning permission. They do not automatically apply to a new permission unless they have been specifically drafted to do so. The existing planning obligation does not include a clause which would mean that it would apply to any subsequent permission granted following a Section 73 application.

19. Accordingly, when deciding whether to grant permission it is necessary to consider whether it would be desirable to enter into a planning obligation. The need for an obligation should be assessed against the limitations specified within Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraphs 56 and 58 of the Framework. If it is deemed that an obligation is required, this could be achieved by modifying the existing obligation or submitting a new one. Consequently, there is no need for the Section 73 application to be accompanied by an application under Section 106A of the TCPA. The desirability of entering into a planning obligation appropriate to the terms of a new permission granted following a Section 73 application should be based upon the circumstances at the time, including relevant development plan policies.

20. Policy DM3 of the Development Management Development Plan Document, January 2025 (DMDPD)[7] supports a below requirement provision of affordable housing, where an application is supported by compelling and detailed evidence that the required level of affordable housing would render a proposed development unviable. There is no clause within this policy which would mean it could not apply to development which has commenced. Consequently, whether the proposed lack of obligation requiring the provision of affordable housing would be acceptable is based on an assessment of the viability of the proposal, which I will address below.

[6] Planning Practice Guidance – Flexible options for planning permissions, Paragraph 013 Reference ID: 17a-013-20230726
[7] A local plan for Lancaster District 2020-2031, Plan Two: Development Management Development Plan Document (Climate emergency review), January 2025

21. In these circumstances a Section 73 application would be an appropriate means to alter the level of affordable housing previously secured. It would not lead to a contradiction between the operative part of the permission and conditions, it would amend the condition which partly controls the delivery of affordable housing, and it would lead to an assessment on whether an obligation relating to the provision of affordable housing is required.

Viability

22. The appellant contends that if affordable housing is provided at the level previously agreed they would make a loss on the development, and if the proposal was entirely open market housing, they would make a return of 1.53%. The Council contends that the appellant would make a return of 1.52%, if they provide affordable housing at the level previously agreed, and 10.22% if the development was entirely open market housing.

23. The main reason for the difference in position is how the parties value four of the house types. A key area of dispute between the parties is the difference between the listed sales prices ('Listed Prices') and the price they expect these house types would be sold for ('Expected Value'). The appellant's position is that the properties have been marketed at a high price in an attempt to achieve higher revenues to address viability concerns and in reality, they would be sold for less. The Council's position is that, whilst the Expected Value should be less than the Listed Prices, the difference should not be as large as suggested by the appellant.

24. I acknowledge that some of the properties on the appeal site have been for sale for a prolonged period of time and to date there has been limited interest for the properties at the Listed Prices. I also acknowledge that there may be more scope for negotiation on larger properties which could generate more profit. As such, the Expected Value for those properties may be significantly below the Listed Prices. However, I do not find the appellant's evidence in relation to the significant difference between Listed Prices and Expected Value to be compelling and there is more merit to the Council's position.

25. Notwithstanding this, given the houses have been marketed for a prolonged period of time with limited interest, the Expected Value of these properties should be less than forecasted by the Council. Consequently, the Gross Development Value (GDV) forecasted by the Council would be reduced. The Council forecast the appellant would only make a small return, if they provide affordable housing at the level previously agreed. Any reduction in GDV would move this forecast toward a break-even or even a loss-making position.

26. Regardless of whether the proposal would make a small return, break even, or make a loss, both parties agree, even if the development was entirely open market housing, the developer return would be less than 15%-20%; which is identified as a suitable return to developers within the PPG[8]. Furthermore, Mr Newham explained during the Hearing that if this evidence was presented prior to the commencement of the development, he would advise the Council that it would be unviable to deliver the agreed level of affordable housing.

[8] Planning Practice Guidance – Viability, Paragraph: 018 Reference ID: 10-018-20190509

27. The Council contends that the reason the development would now be unviable is due to a realisation of risk. The PPG[9] advises that as the potential risk to developers is already accounted for, a realisation of risk does not in itself necessitate further viability assessment.

28. The appellant has identified several factors which have affected the proposal's viability. Some of these factors would represent the realisation of a risk. However, there are significant costs associated with amendments to the proposal. In particular, the appellant has agreed an amended drainage scheme with the Council. Although interested parties highlighted concerns with the original outline drainage scheme, it was designed by a qualified professional and deemed to be feasible, and it was approved by the Council. Following testing that scheme was deemed unfeasible, and the appellant has designed an alternative scheme which was also approved by the Council. The Council highlighted that it did not require the drainage scheme to be designed to an adoptable standard and did not insist upon the implemented scheme. However, during the Hearing the appellant set out a compelling argument that they have explored multiple options, and the implemented scheme was the only feasible option. The costs associated with the installation of the drainage scheme have arisen due to a fundamental change in the proposal rather than the realisation of a risk. This has, in part, affected the viability of the proposal.

29. The Council has submitted an appeal decision[10] where an appellant sought to remove an obligation to provide affordable housing and reduce other obligations. The Inspector dismissed the appeal and identified that the proposal would still return a profit and what occurred was the realisation of risk. That appeal proposal is materially different to the one before me, on both procedural and substantive grounds. Procedurally, that appeal was made under Section 106B of the TCPA which has specific tests that are different to a Section 78 appeal. On substantive grounds, both parties agreed that the proposal was still forecast to return a profit, and the reason the appellant sought to reduce the obligations was due to market conditions rather than a change to the proposal. Accordingly, that decision does not set a precedent for the proposal before me.

30. The appellant was not compelled to highlight concerns with viability prior to the implemented drainage scheme being approved. I am satisfied that the appellant corresponded with the Council with regard to viability in a timely manner and when they considered that there was a risk that the proposal would not be delivered.

31. I acknowledge that development has been ongoing since concerns with the viability of the proposal were raised and that within the Statement of Common Ground, the appellant agreed that the development is nearing completion. However, the appellant has been advised to stop on site due to funding concerns. Moreover, during the Hearing the appellant highlighted that due to an issue with the utility provider most of the properties are several months away from being capable of being occupied, and most could not be occupied for over a year. My observations on site, corroborated the appellant's position on the ongoing development. Consequently, there is a real prospect that the proposal would not be completed without removing the obligation to provide affordable housing and there is no substantive evidence that it would be completed by another developer.

[9] Planning Practice Guidance – Viability, Paragraph: 009 Reference ID: 10-009-20190509
[10] Appeal ref. APP/R1010/Q/24/3350501

32. A partially constructed development would be harmful to the character and appearance of the village. This would exacerbate the harm caused by the partially occupied St Michaels development. I would ascribe substantial weight to such a harm. Even if I were to conclude that there was not a need to reassess viability, as the proposal's viability had been affected by the realisation of risk, there would still be significant benefits associated with removing the obligation to provide affordable housing. It would significantly improve the chances of the proposal being delivered. Despite the acute need for affordable housing, the benefit of improving the chances of delivery would outweigh the harm caused by granting a permission that does not include an obligation to provide affordable housing. Especially as there is a possibility that the affordable housing may not be delivered.

33. I conclude that the proposal could not make provision for the level of affordable housing previously secured, having regard to viability. Therefore, a lack of an obligation to provide affordable housing would comply with DMDPD Policy DM3, for the reasons given above. The proposal would also be in accordance with the Viability Protocol Supplementary Document[11] where it indicates that when a developer seeks to reduce contributions on a site they are developing, the viability assessment must re-assess the whole site and include actual build and sales costs.

Other Matters

Obligation

34. The parties have submitted a Deed of Variation (DoV), dated 29 May 2025, which would only come into effect if planning permission were granted. The DoV varies the Principal Agreement, which comprises of the original agreement as varied by the previous DoV, dated 26 January 2024. Upon review of the submitted DoV I find it to be effective and legally sound.

35. The amended Principal Agreement would require the payment of an Open Space contribution and concerns the provision and ongoing management and maintenance of the 'Common Parts' of the appeal proposal. The parties consider these obligations to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. There is no evidence before me to come to an alternative conclusion. I therefore conclude that the DoV, dated 29 May 2025, would accord with the tests set out within Regulation 122 of the CIL Regs and paragraphs 56 and 58 of the Framework.

Appropriate Assessment

36. The appeal site is in proximity to Morecambe Bay and Duddon Estuary Special Protection Area, Morecambe Bay Ramsar, and Morecambe Bay Special Area of Conservation. These areas are designated due to the important populations of breeding and non-breeding birds, as well as Great Crested Newts.

37. The construction of the proposal would not have a direct effect on the protected areas. However, an increase in population living in Cockerham would lead to additional recreational pressures on these sites, which in turn would have a

[11] A Local Plan for Lancaster District 2020-2031, Plan period 2011-2031, Viability Protocol Supplementary Document, March 2022

harmful effect on the habitats present. Nonetheless, the appeal site is the subject of an extant permission for the same number and size of houses as the appeal proposal. As such, the appeal proposal would not increase the population living in the area beyond what has already been permitted. Subject to including the same mitigation measures secured as part of the Amended Permission, and considered acceptable by Natural England, the appeal proposal would not have a likely significant effect on the protected areas.

Conditions

38. The PPG[12] is clear that in deciding an appeal on an application under Section 73, the Secretary of State will only consider the condition in question. However, the PPG[13] goes onto explain that new conditions could be imposed, provided they do not materially alter the development and could have been imposed on earlier planning permissions.

39. The Council and the appellant agreed a list of conditions which should be attached to the planning permission in the event that the appeal is allowed. These conditions largely replicate previous conditions attached to the Amended Permission, but some have been amended to reflect subsequent discharge of condition approvals. I have attached the suggested conditions.

40. The conditions are necessary in order to provide certainty; in the interest of highway safety; ensure the site drains appropriately; ensure the proposal does not harm protected species; enhance the education, skills and employment opportunities in the area; ensure a suitable housing mix is provided and that homes are adaptable and accessible; promote sustainable transport modes; ensure open spaces are provided onsite; ensure protected sites are not harmfully affected by the development; provide an ecological gain; reduce risk of soil contamination; and in the interest of visual amenity.

Conclusion

41. For the reasons given above the appeal should be allowed and planning permission should be granted.

J Hobbs

INSPECTOR

[12] Planning Practice Guidance – Use of Planning Conditions, Paragraph 031 Reference ID: 21a-031-20180615
[13] Planning Practice Guidance – Use of Planning Conditions, Paragraph 040 Reference ID: 21a-040-20190723

APPEARANCES

FOR THE APPELLANT:

Constanze Bell	Kings Chambers, Legal Counsel
Matthew Wyatt	PWA Planning, Agent
Byron Wilson	L&W Wilson (Higham Ltd), Appellant
Robin Furby	Director, S106 Management

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Clement	Senior Planning Officer
Mark Potts	Service Manager, Development Manager
David Newham	Director, CP Viability

INTERESTED PARTIES:

Rosalind Warner-Henshaw	Cockerham Parish Council
Wendy Lane	Local Resident

DOCUMENTS

Norfolk Homes Ltd v North Norfolk District Council and another [2020] EWHC 2265 (QB)

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be carried out in accordance with the submitted approved plans.

- Vehicle Tracking Lancaster Road Cockerham by AECOM
- Location Plan GA3199-LP-01-A

2) No part of the development shall be occupied or brought into use until the vehicular access hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 Rev B, dated 26/05/23, has been constructed in accordance with the following approved plans and is available for vehicular use, and shall be retained thereafter.

- Section 278 works typical sections and details, referenced 2021-042-C002, dated 07.01.22
- Road and footway sections, referenced 2021-042-C003, dated 07.01.22
- Kerb details plan, referenced 2021-042-C004, dated 07.01.22

No part of the development shall be occupied or brought into use until visibility splays hereby approved, as detailed on the Access and visibility splays plan, referenced K39505 17 Rev B, dated 26/05/23, measuring 2.4m x 105m to the north and 2.4m x 60m to the south, have been implemented in full on both sides of the approved vehicular access. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.

3) The development hereby permitted shall be fully implemented in accordance with the following approved surface water drainage infrastructure scheme:

- Drainage scheme referenced K39508.001, dated 10th March 2023,
- On-site drainage scheme plans, referenced K39508.00 20 Rev B, as received on 31st May 2023 and
- Off-site drainage scheme plans, referenced K39508.00 21 Rev B, as received on 31st May 2023

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

4) The development hereby permitted shall be fully implemented in accordance with the following approved Construction Environmental Management Plan (CEMP) scheme:

- Construction Environmental Management Plan, referenced 2238/D/221101-Construction Environmental Management Plan, received on 1st November 2022,
- Addendum titled Brief Methodology V2 - Surface Water Management - Cockerham and construction surface water site plan, referenced 2238-010 Rev D, received on 19th August 2022.

The principles enshrined in the approved CEMP shall be carried out during construction operations.

5) The development shall be constructed in accordance with the dwellinghouse finished floor levels and external ground levels immediately adjacent, as detailed within the onsite surface water drainage scheme plan, referenced K39508.00 20 Rev B as received on 31st May 2023.

6) The development hereby permitted shall be fully implemented in accordance with the following approved foul drainage scheme:

- Drainage scheme referenced K39508.001, dated 10th March 2023,
- On-site drainage scheme plans, referenced K39508.00 20 Rev B, as received on 31st May 2023 and
- Off-site drainage scheme plans, referenced K39508.00 21 Rev B, as received on 31st May 2023

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

7) The approved Employment and Skills Plan (ESP), referenced 2238/D/20628-Employment Skills Statement dated 05/07/22, shall be adhered to throughout the construction phase of the development and the development hereby approved shall not be carried out at any time unless the ESP is being adhered to.

8) The off-site highway measures shall be implemented in accordance with the following approved plans:-

- Section 278 - General Arrangement Plan, referenced K39508 10 Rev E, dated 14/07/23
- Section 278 - Construction Details, referenced K39508 11 Rev B, dated 14/07/23
- S278 Street Lighting Design, referenced SHD668 Rev 3, dated 08/05/2023

The approved works shall be implemented in full before no more than 5 residential dwellings are in occupation.

9) The floor plans and technical housing standards for each house type shall be implemented in accordance with the following approved plans :-

- Amended proposed elevations and floor plans Plots 1 to 4, referenced 2238-50 Rev C, dated 27/04/22
- Amended proposed elevations and floor plans Plots 5 to 7, referenced 2238-64 Rev E, dated 04/05/22
- Amended proposed elevations and floor plans Plot 8, referenced 2238-52 Rev C, dated 27/04/22
- Amended proposed elevations and floor plans Plot 9, referenced 2238-53 Rev C, dated 27/04/22
- Amended proposed elevations and floor plans Plot 10 and 24, referenced 2238-54 Rev D, dated 21/04/22
- Amended proposed elevations and floor plans Plot 11 and 12, referenced 2238-55 Rev B, dated 29/03/22
- Amended proposed elevations and floor plans Plot 13 and 14, referenced 2238-57 Rev B, dated 29/03/22

- Amended proposed elevations and floor plans Plot 15, referenced 2238-58 Rev B, dated 29/02/22
- Amended proposed elevations and floor plans Plot 16, referenced 2238-59 Rev B, dated 29/03/22
- Amended proposed elevations and floor plans Plot 17 and 18, referenced 2238-60 Rev E, dated 04/05/22
- Amended proposed elevations and floor plans Plot 19, referenced 2238-61 Rev C, dated 18/05/22
- Amended proposed elevations and floor plans Plot 20 and 21, referenced 2238-56 Rev C, dated 21/04/22
- Amended proposed elevations and floor plans Plot 22 and 23, referenced 2238-62 Rev C, dated 21/04/22
- Accommodation Schedule, dated July 2024

10) The floor plans and technical housing standards for below specified house type shall be implemented in accordance with the following approved plans :-

- Amended proposed elevations and floor plans Plot 8, referenced 2238-52 Rev C, dated 27/04/22
- Amended proposed elevations and floor plans Plot 9, referenced 2238-53 Rev C, dated 27/04/22
- Amended proposed elevations and floor plans Plot 10 and 24, referenced 2238-54 Rev D, dated 21/04/22
- Amended proposed elevations and floor plans Plot 22 and 23, referenced 2238-62 Rev C, dated 21/04/22

At least five of these plots shall provide a level access to the principal entrance, with any ramps between 1:12 and 1:20, driveways between 1:20 and 1:60 in firm surface, and with appropriate dusk/dawn or motion detection lighting adjacent to entrance, implemented in full prior to occupation of the respective dwelling house, or completion of the development, whichever the sooner. The housing mix across the site shall be implemented in accordance with the approved Accommodation Schedule, dated July 2024.

11) The development hereby permitted shall be fully implemented in accordance with the following approved open space scheme and ongoing management and maintenance arrangements details:

- Soft landscaping plan, titled Project - Land at Lancaster Rd Cockerham, Lancs, dated 05/06/2023, detailing the quantum of on-site public open space
- Soft landscaping management plan, referenced 2238/D-Stat/230817-Soft Landscaping Management.docx, dated 17/08/2023

The approved public open space shall be implemented in accordance with the approved scheme with all natural open space provided by the occupation of the 20th (twentieth) residential unit, and retained, managed and maintained at all times thereafter in accordance with the aforementioned approved landscaping and management plans.

12) A connection to the Public Right of Way at Willey Lane known as Bridleway 13 shall be delivered in accordance with the following plan:

- Proposed Fencing & PROW Footpath Details, referenced 2238-031 Rev A, dated 14/02/24

- Footpath connection locations as shown on the plan title Proposed Landscaping Plan, referenced 2238-012 Rev F, dated 02/09/24.

The approved scheme shall be at least 2 metres wide finished in resin bound surface, bound by 1.1 metre tall stock proof fencing with no artificial lighting, and shall be implemented in full prior to the occupation of the last remaining dwelling house.

13) The external lighting system shall be implemented in accordance with the following approved plans:-

- S38 Street Lighting Design, referenced SHD667 Rev 3, dated 08/05/2023
- S278 Street Lighting Design, referenced SHD668 Rev 3, dated 08/05/2023
- Solar Lighting Design, referenced SHD670 Rev 1, dated 04/08/2022

The development shall be constructed in accordance with the approved details and shall not be brought into use until the agreed scheme has been implemented in full, and shall be retained and maintained as such at all times thereafter.

14) The Electric Vehicle Charging Point scheme, for at least 6 charging points across 3 totems within the communal parking area for plots 1 to 7, plots 11-13, 18, 20 and 21 to have a wall mounted charging socket with lockable external lid, and all other plots to have a single charging point within the associated garages to these plots, all with a minimum charging rate of 7.4kW 32A, as detailed within the email received on 5th October and the associated Data Sheet, shall be made available for use on first occupation of the respective dwelling house, and shall be retained as such at all times thereafter.

15) The approved Homeowner Information Pack, titled 'Homeowner Information Pack', as received on 6th May 2022, shall be made available to all new homeowners when they move in or prior to occupation.

16) No removal of, or works to any hedgerow, trees or shrubs shall take place during the main bird breeding season between 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the LPA prior to such works occurring.

17) The construction phase of the development shall be operated in line with the recommendations as contained within Section 7 of the submitted Ecological Appraisal dated September 2019. The measures enshrined within this document shall be adhered to throughout the construction phase of the project.

18) The development hereby permitted shall be carried out in accordance with the submitted Arboriculture Constraints Plan (prepared by Arbconsultants dated April 2019) in relation to tree/hedgerow retention, and the approved Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) detailed within the arboricultural method and protection scheme referenced 02/03/2022 Lancaster Rd Cockerham. The development shall be carried out in accordance with these agreed details. In particular, the approved protection measures must be fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

19) In the event that any unforeseen soil contamination is found during the development hereby permitted, it shall be quarantined and reported immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken by a competent person in accordance with a scheme agreed with the Local Planning Authority prior to commencement and, where additional remediation is necessary, a supplementary Remediation Scheme shall be agreed in writing with the Local Planning Authority. The agreed scheme shall be completed before work recommences unless otherwise agreed in writing with the Local Planning Authority. Following completion of the supplementary Remediation Scheme as approved, a verification/validation report and certificate shall be agreed with the Local Planning Authority.