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## Appeal Decision

Hearing held on 4 and 5 June 2025

Site visits made on 3 and 4 June 2025

**by L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

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**Appeal Ref: APP/M2325/W/25/3360376**

**Land to the west of The Brooklands and north of Mill Lane, Wrea Green, Fylde, Lancashire, PR4 2NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr R Calderbank of Applethwaite Limited against the decision of Fylde Borough Council.
  - The application Ref is 23/0051.
  - The development proposed is erection of 45 age restricted bungalows (55 and over), including a community pavilion, vehicular access from The Brooklands, hard and soft landscaping, and associated infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 45 age restricted bungalows (55 and over), including a community pavilion, vehicular access from The Brooklands, hard and soft landscaping, and associated infrastructure, at Land to the West of The Brooklands and north of Mill Lane, Wrea Green, Fylde, Lancashire, PR4 2NQ, in accordance with the terms of the application, Ref 23/0051, and the plans submitted with it, subject to the conditions in the attached Schedule.

### Preliminary Matters

2. The application form and decision notice used a slightly different site address to that I have used above. The main parties confirmed at the hearing that the above address is most accurate.
3. The appellant submitted a revised Site Layout Plan<sup>1</sup> and an updated Flood Risk Assessment and Drainage Strategy at the appeal submission stage. These revisions comprise removal of a 2 bedroom dwelling (Plot 42) and associated minor layout change to allow for access to the watercourse, responding to comments from the Environment Agency. I am satisfied that the material does not make a substantive change to the proposal, and the risk of prejudice to any party arising from me paying regard to it at the appeal stage is minimal. Consequently, the Council confirmed that reason for refusal number 5 relating to flood risk has been satisfied. Paying regard also to comments from the Environment Agency, I see no reason to take a different view
4. As agreed in the Statement of Common Ground, for consistency with the Site Layout Plan, I have amended the description of development to reflect this reduction from 46 to 45 age restricted bungalows.

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<sup>1</sup> Site Layout Plan Reference 20-10-P01 Rev I

## Main Issues

5. The main issues are:

- whether the proposed development would be in a suitable location, with regard to the settlement strategy;
- the effect of the proposed development on the character and appearance of the area;
- whether the proposal would provide sufficient contributions towards affordable housing, educational facilities, and healthcare facilities; and
- the contribution of the proposed development to the housing land supply.

## Reasons

### *Suitable Location*

6. Under the LP Policy DLF1, the development strategy expects 90% of new dwellings to take place at four strategic locations. There is no dispute that the site is unallocated and is not in one of these locations. The LP Policies Map designates the substantial majority of the site as falling within the 'Countryside Area', whereby Policy GD4 identifies circumstances which would permit development in the countryside. Of these, the appellant argues that criterion (a) is relevant, whereby specialist elderly accommodation "*is needed for the purposes of meeting local business and community needs.*"
7. However, the Policy GD4 justification text at paragraph 7.14 identifies that development for community needs will relate to facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship. This provides clarity that the policy intent is for development which would provide specific infrastructure items, not broader development types such as specialist elderly accommodation, as these are addressed through other specific policies. As such, the site is in the countryside and as a matter of principle, the development plan does not support housing on the site.
8. Policy SL5 provides for the 10% of development intended to take place elsewhere, including the 'Tier 1 – Larger Rural Settlements' as the third level in the settlement hierarchy, which includes Wrea Green. The Policy SL5 supporting text identifies that Tier 1 settlements could accommodate around 100-150 dwellings over the 21 years of the plan period, but the policy itself identifies 246 as allocations or commitments for Wea Green, all now complete.
9. Although the development strategy provides no ceiling on the number of dwellings which could be built, the number for Wrea Green's is clearly expected to reflect its Tier 1 position. This was acknowledged by the Inspector for the site's previous appeal<sup>2</sup>, whereby focusing most new development in the strategic locations was consistent with the economic, social, and environmental dimensions of sustainable development as identified in the Framework paragraph 8. I agree that as a matter of principle on purely housing numbers, development on the appeal site would result in an unsustainable form of development which would undermine and conflict with this settlement hierarchy and development strategy. Although only a scheme of 45 dwellings compared to the overall housing requirement, such harm would be caused incrementally.

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<sup>2</sup> APP/M2325/W/17/3181216 Land west of The Brooklands, Wrea Green; dismissed 4 February 2019.

10. However, it may be that this harm would be reduced or removed, if the actual travel patterns of new residents of the appeal site would be such that in practice, it would function in a sustainable way. Policy INF1 requires that in order for Fylde to protect and create sustainable communities, development proposals should make the most of existing infrastructure by focusing on sustainable locations with the best infrastructure capacity, and demonstrate how the range of local social and community services and facilities available will be suitable and accessible for future occupiers.
11. Wrea Gren facilities include a primary school, convenience store with post office, a public house, a members' club, a church, and two cafes/restaurants. It also includes a small industrial estate. These all lie within 800m of the appeal site, with most being in the centre of the village within approximately 500m, an acceptable walking distance and one which I find would not be too onerous.
12. The overall vehicle trip generation from the site would be less than that from the previous appeal proposal, due to no directly generated school trips, and a lower proportion of residents travelling to work compared to unrestricted housing. However, residents would still need to access the GP surgery, dentist, pharmacy, and supermarket in Kirkham 5km away. This would take approximately 15 mins on the bus after walking to the village centre bus stop, which run hourly. This service has been reduced since the previous appeal.
13. The proposal would slightly improve the attractiveness of this route, with tactile paving at junctions and level access bus stop kerbing, but I find it apparent that many residents would prefer the convenience of their own vehicles. This is also because of the proposed age profile, whereby at the outset or through subsequent years as residents age, residents would have a greater proportion of mobility issues than for unrestricted housing. This is particularly relevant for access to the GP surgery and hospital, whereby again I would expect older residents to need more frequent visits. For these reasons, it also appears unrealistic to suggest that many future residents would cycle 5km on rural roads to access facilities.
14. The Travel Plan indicates promotion of non-private vehicle methods, including encouragement of car sharing, home working, and shopping deliveries. However, free bus passes would be available from state pension age, so there appears limited ability to incentivise sustainable travel further, should future Travel Plan monitoring indicate a high car mode share.
15. I therefore find that many trips made by future residents of the appeal site would be to destinations beyond the village, and that a significant proportion of these would be by car. Conversely, those residents without private vehicle access, which has been established would be higher than average for this scheme, would be disadvantaged by the location and the relative inability or inconvenience of accessing necessary day-to-day facilities. This is a very similar finding to the previous Inspector. The proposal would thus not be in a suitable location with regard to the settlement strategy, and would cause moderate harm in this regard.
16. The Council disputes the appellant's specific methodology and elderly accommodation need figures, but does not refute the overall need for an increased supply, albeit considers this should meet the needs of those older people who may have difficulties with sight, mobility and/or self-care.

17. The Housing Needs Survey (2022) identified Fylde's older population structure, with 36% aged 60 and over compared to 24% nationally. It also found a considerable degree of under-occupation amongst households made up entirely of people aged 65 and over, which could present an opportunity to release larger homes if suitable smaller homes such as bungalows were available. The LP Policy H2 justification text explains in some detail the predicted increase in numbers of those 65 and over by 2030, and associated specific accommodation needs. Many Government publications also strongly support this need, including the PPG<sup>3</sup> and the Framework paragraphs 61 and 63, which refer to addressing the needs of groups with specific housing requirements, including older people who require retirement housing.
18. The appellant identifies there are 1,009 existing specialist accommodation units for older people within the Borough, which the Council accepts is the majority of the accommodation types incentivised by Policy H2. Of these units, only 9 are bungalows, all social rented. I accept the Council's position that considering the needs of older people through assessment of the supply of bungalows, does not address elderly accommodation of other types which has been or is to be imminently delivered, including on allocated sites. Nonetheless, the scheme before me is for bungalows restricted by age.
19. None of the 40 new bungalows constructed over the past 10 years were age-restricted, with 9 being in Wrea Green. There is a future projected supply of an additional 128 non-age restricted bungalows. None of the completed dwellings on allocated sites within Wrea Green were for specialist elderly accommodation. Although the provision of general market housing will also free up smaller existing bungalows from those who are upsizing, again these would not be age restricted.
20. Overall, I find compelling evidence of the need for specific and targeted elderly accommodation through the provision of bungalows, which is not being fully addressed by the development plan as a whole. The appeal proposal would directly address this need.
21. Policy H2 of the Fylde Local Plan to 2023 (Incorporating Partial Review) (LP) incentivises provision of developments for specialist accommodation for the elderly, by removing any affordable housing requirement if ten criteria are met. Criterion (1) requires the development to have easy access to public transport. The bus stops in the centre of Wrea Green would be a 450m walk away. Although local residents object that this would be difficult for those with poor mobility, or pushing wheelchairs, the criteria are specifically concerned with persons who would be in specialist accommodation for the elderly. If a specific access parameters or distance were required to account for the likelihood of occupants having lower mobility, this would be specified. It is a relatively flat route, which would be improved as part of the development by new tactile paving at junctions, and level access kerbs at the bus stops. I thus find the route to the bus stops would not be unduly difficult, and it would therefore meet the H2 criterion description.
22. Policy H2(1) also does not specify the type or frequency of the public transport to be accessed. Buses run at least hourly from the early morning to late at night, including at weekends, serving several different settlements. Residents highlighted that the buses do not stop at Kirkham and Wesham train station, contrary to the

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<sup>3</sup> Housing for older and disabled people, Paragraph: 001 Reference ID: 63-001-20190626, Revision date: 26 June 2019

appellant's evidence based on the published bus timetable. Nonetheless, I find the bus provision sufficient to meet the requirement of criterion (1).

23. Criterion (2) requires the development to be well-designed, and also cites several specific design elements. As I address design under the main issue of character and appearance below, I therefore make no conclusion on criterion (2) at this point. Criterion (3) specifies compliance with the development strategy and other policies of the plan, which I conclude on within my overall Planning Balance. There is no dispute under Criterion (4) that there would be convenient arrangements for vehicles providing hospital transport.
24. Criterion (5) requires that all areas of the development used by residents must comply with the Building Regulations optional technical standard M4(3(2a)) for wheelchair adaptable dwellings. In essence, this requires that provision must be sufficient to allow for simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs. The appellant accepts that M4(3(2a)) would not be met, due to the lack of ability for the ensuite bathrooms to be wheelchair adaptable, insufficient specific wheelchair storage and transfer space, and insufficient general storage space.
25. Mitigating factors put forwards are the appellant's experience with similar schemes whereby the majority of residents do not need these adaptations, with a design response which maximises space for the majority of residents who would not have wheelchairs. The ensuite bathrooms could have level showers if specified by their first or subsequent buyers, and the properties' overall size and layout would allow for storage even if not wheelchair bespoke. The additional bathroom standard is required in part by the overall number of bedspaces in each dwelling, which in actuality would not be fully occupied in an over 55s scheme. They consider that non-conformity with the standards would only be minor.
26. Nonetheless, the technical standards are precise and have been developed for a specific purpose, and Policy H2(5) also precisely states that 'all areas used by residents will comply'. Non-adherence would not allow for the possibility of full adaptation over the lifetime of future occupiers, for any of the bungalows. I see no overriding reason why the dwellings could not be designed to fully comply with M4(3(2a)) at this design stage. As such, I conclude that the proposal would not accord with Policy H2(5).
27. The appellant further contends that criterion (5) and/or Policy H2 should be considered more holistically, citing the example of the Council's resolution to grant permission for 350 dwellings at Cropper Road<sup>4</sup> despite that none of those dwellings would meet M4(3(2a)). However, differences include that Cropper Road was within a wider allocation designed to improve the accessibility and sustainability of the local area, whereby greater support for people with generally lower accessibility needs in a less accessible location was considered to be appropriate. I therefore do not find that decision determinative.
28. I find similarly for the cited appeal decision in a different planning authority area<sup>5</sup>, including due to its different context regarding the relevant policy, and that M4(3(2a)) compliance was not sought prior to the appeal stage, but raised in relation to conditions.

<sup>4</sup> 22/0461 Land north of Cropper Road, Westby with Plumpton, 15 May 2024 Planning Committee

<sup>5</sup> APP/B1740/W/20/3265937, Site of The Rise and Three Neighbouring Properties, Stanford Hill, allowed 8<sup>th</sup> June 2021.



29. Policy H2 criterion (6) requires a communal lounge or similar social facility for the exclusive use of all residents. The development would include a community building on the edge of the open space and orchard area. It would include a main room with space for approximately six tables each seating six persons, a small kitchen, a toilet, and a small walk in storage cupboard.
30. I share the Council's concerns about the limited building size, including due to the lack of sufficient separate storage for tables and chairs to allow for the most flexible layout. Nonetheless, Policy H2 (6) does not specify a size, and the provision would be better than a communal lounge as would also be allowed for under H2(6). Stacking tables and chairs would allow for a somewhat flexible use, the bathroom would allow for wheelchair access, and there would be external spill out space in good weather. The Council has further accepted that it would be appropriate for a condition to determine all details relating to how the building would be owned and managed. Overall therefore, I find no conflict with criterion (6).
31. Policy H2 further requires that: a shared laundry service is provided for the use of all residents (criterion 7); a daily hot meals service is provided either through a central facility on-site or through an outside provider to residents who require it (9); and an emergency alarm call service is provided for all residents (10). The proposal would outsource the provision for all three criteria. The Council does not dispute (9), and its position regarding (7) and (10) moved from disputing off-site provision, to accepting it at the hearing subject to further details via a condition. No specific benefit or essential need was presented for these services to be provided on-site at the outset in this instance, and so I similarly also find that detailed implementation can be deferred until condition stage.
32. Finally, criterion (8) requires the development to be marketed with a restriction on age for residents of over 55. An age restriction would be achieved through the obligation in the completed Unilateral Undertaking (UU) such that no persons under 55 would be able to occupy the development, including any spouses or dependents. Any practical legal or future enforcement matters lie outside of the parameters of such policy compliance. This criterion is specific, and discrete, and so the proposal would comply with it.
33. Overall therefore, and notwithstanding further consideration of Policy H2 criterion (2) and (3) below, the proposal would conflict with criterion (5). It would thus fail to meet the precise policy definition of purpose-built 100% specialist accommodation for the elderly, albeit that it would clearly be a proposal for the specific market sector of those aged over 55. It would not therefore, in isolation, be exempt from the development plan requirement to provide affordable housing under Policy H4. It also leads me to consider the proposal against the rest of Policy H2.
34. Where a proposal is not 100% specialist accommodation for the elderly, at least 20% of homes within the proposal should be designed specifically to accommodate the elderly, including compliance with optional technical standard M4(3(2a)). The proposal conflicts with this element of H2 for the same reasons as for criterion (5).
35. Policy H2 also expects sites to normally result in a minimum net residential density of 30dph, but along with its justification text acknowledges that lower net densities may be justified for matters such as amenity and character. The Council has not argued for a higher density, and I see no reason to find differently, such that in

isolation there is no H2 density conflict. Policy H2 further requires all sites to have a broad mix of types and sizes of home, suitable for a broad range of age groups, as set out in the Fylde Coast Strategic Housing Market Assessment (2014). Developments in close proximity to the Tier 1 Larger Rural Settlements should include at least 33% 1- or 2-bedroom homes.

36. The proposal's age restriction would not meet this requirement, which the Council suggests would be a policy conflict and cause harm, and also isolate a specific demographic contrary to the aims of the Framework paragraph 96(a) in promoting social interaction. However, it would not be an isolated gated development, with footpath connections through the site which would allow for new residents to regularly pass by existing dwellings, and access in for other persons. The community building would also allow for regular social interaction, notwithstanding it being a policy requirement. There would be both detached and semi-detached bungalows, with 28 bungalows having 2 bedrooms, and 17 having 3 bedrooms, and tenure would include affordable housing. When considering the intent of Policy H2 as a whole, I therefore find the proposal would respond to the overall housing requirements, and so find no conflict regarding mix.
37. Overall, the proposal would not be in a suitable location with regard to the settlement strategy, and would cause harm in this regard. It would also not meet the Policy H2 requirement for the Building Regulations optional technical standard for wheelchair adaptable dwellings. It would thus conflict with the LP Policies S1, DLF1, INF1, and H2. The reasons for refusal also cite Policies SL5 and H1, but as these relate to housing allocations and housing delivery, I find no direct conflict.

#### *Character and Appearance*

38. The appeal site lies on the edge of the built-up area a short distance to the west of The Green, the main focal point of Wrea Green. It comprises the overgrown field parcels between Wrea Brook, and the single carriageway of Mill Lane. A small copse of trees has become established in its north-east corner, with generally thick boundary hedgerows, and separated internally by a hedgerow and pond with vegetation. Vehicle access would be taken from the cul-de-sac of The Brooklands.
39. The site and the surrounding Wrea Green countryside falls within the Coastal Plain Landscape Character Type (LCT15) of 'A Landscape Strategy for Lancashire'<sup>6</sup>. The coastal plain is characterised by gently undulating or flat lowland farmland divided by low clipped hedges. Woodland cover is generally low, but views are punctuated by small woods, and settlement is relatively dense. The appeal site's features are characteristic of this, but are not locally rare or important examples of their type.
40. I have noted no material changes since the previous Inspector's consideration of the site's landscape character, other than increasingly mature vegetation, which makes a positive backdrop contribution to The Brooklands and Brookway. I similarly find the site's landscape to be of low sensitivity, whereby residential development would inevitably alter its character, including due to the removal of the north-eastern tree copse, but would only result in limited landscape harm. This is due to the extent of the natural features which would remain, and the partial existing built form containment from the railway to the north, and the loose-knit development to the south and south-west.

<sup>6</sup> Lancashire County Council, 2000

41. The limited existing and proposed views across the site from along Mill Lane, and the enhancement of its hedgerow, would also avoid a material change to the leafy enclosed character of this village gateway.
42. Unlike along The Brooklands, the site's northern and eastern boundaries would not be formed by rear gardens, but by bungalows facing outwards. However, several instances of this exist elsewhere in Wrea Green such that this does not suggest an uncharacteristic development pattern. Similarly, different parts of the village display a wider range of front building lines than the uniformity of The Brooklands. Therefore, although numerous dwellings would have frontages or sides very close to the back of the pavements, this would not be such a fragmented arrangement so as to harm the character and distinctiveness of the area.
43. The local vernacular is mixed with regard to materials, detailing, and roof forms, whereas the proposal would have a much more limited palette and range of styles. This relative uniformity of the proposal would be exacerbated due to all being bungalows. However, the single storey limit would also limit the scheme's overall impact, and there would be roofline changes across the site in response to the topography. There would be two types of roof detailing, some semi-detached plots which would provide a slightly different visual, and the arrangement and layout would provide visual interest. Importantly, the dwellings would be predominantly set against a vegetated backdrop such that they would not be seen in urban isolation.
44. Although the Council suggests the detached garages would be utilitarian in appearance, they would be appropriate for their function and are common in such residential schemes. Several are set back, which would also reduce their streetscene impact. The Council objects that this set-back, along with the relative size and position of dwellings and boundary features, further contributes to small and irregular gardens and constrained and overbearing relationships. However, the plots identified by the reason for refusal are those whereby some constriction is not unusual in addressing townscape for corner plots, and I find the gardens an acceptable size and format for the size of their hosts.
45. The community facility building would have a simple and unassuming built form and appearance, including its fenestration, but this would not be out of character with its function and context within the residential scheme as a whole. It would not dominate the area of open space, and would be softened by the proposed orchard planting. The location of the open space and community building within is primarily due to the existing pond and vegetation belt. It would be on the pedestrian routes through to Mill Lane, and would form a small focal point. It would be faced by some surrounding dwellings, with dual aspect windows on others, such that there would be sufficient overlooking alongside that from the community building.
46. Policy GD7 outlines general principles of good design, and the proposal would comply with many of these including detailed matters of site layout and architecture. However, as outlined above there would be limited harm to the surrounding landscape context, and to the visual amenities of the local area. Not all of the site's existing landscape features would be protected due to the loss of the north-eastern tree grouping, despite the replacement or additional tree cover across the site overall. I therefore find limited harm against GD7. I find likewise for the similar matters identified in Policy ENV1, in needing to have regard to the site's visual impact within its landscape context and the landscape type, and in ensuring conservation of existing landscape features.



47. Again, as there would be harm to the site's existing landscape features, I cannot conclude that the proposal is well-designed overall as required by the Policy H2 criterion (2). However, it would comply with the Policy H2 specification to avoid use of high fencing around the perimeter, and have orientation towards the street with a street side entrance, usable outside landscaped gardens with seating, and vehicle access and parking well separated from pedestrian routes. As such there would only be a limited H2(2) conflict.
48. The proposed development would thus provide an appropriate design response in many aspects, but would have certain adverse effects on the character and appearance of the area. Although this would only cause limited harm to the landscape and to visual amenity, this would result in a minor conflict with the relevant elements of the LP Policies GD7, ENV1, and H2(2).

#### *Affordable Housing, Educational Facilities, Healthcare Facilities*

49. The fourth reason for refusal identifies a requirement for the delivery of on-site affordable housing, and off-site financial contributions towards educational and healthcare facilities. Policy INF2 specifies that development will normally be expected to contribute towards the mitigation of its impact on infrastructure, services, and the environment, and the requirements of the community. Policy H4 seeks the provision of 30% affordable housing on schemes of 10 or more dwellings. Policy HW1(d) seeks contributions towards new or enhanced healthcare facilities from developers where new housing results in a shortfall or worsening of provision.
50. The draft S106 Unilateral Undertaking (UU) submitted with the appeal included provision for the healthcare contribution, and so the Council confirmed no dispute remaining on this matter. The further draft UU received shortly prior to the hearing added provision for affordable housing and education provision at the relevant policy compliant amounts, with all planning obligations being subject to whether I expressly state they are necessary. However, the Council identified at the hearing that the County Council no longer sought the education contribution, and so the parties agreed that this contribution would no longer be offered.
51. The final completed UU thus provides for 14 dwellings (30%) on-site affordable housing, and an off-site financial contribution towards healthcare facilities. These are for amounts, types, and specifications as agreed by the Council, and therefore would raise no conflict against the cited decision notice LP Policies H4, INF2(a), INF2(e) and HW1(d). In this sense, reason for refusal number four is addressed.
52. In my Planning Balance I come back to whether these planning obligations are material considerations, given weight, and constitute a reason for granting permission.

#### *Housing Land Supply*

53. In order to determine the weight to give to the proposal's contribution to the housing supply, I must consider the current housing supply level. The parties agreed this to be the 5 year period of 1 April 2024 to 31 March 2029, as the base date of the Council's most recently published 'Five Year Housing Land Supply Statement 2024' (December 2024). Following the Framework's subsequent introduction of a 5% buffer, the parties agree that Fylde has a five year housing target of 1,932 dwellings, which is 386.4 dwellings per year.

54. As the hearing opened, the Council's position was a 5.09 year supply for the period, with 35 dwellings in total as oversupply. The appellant's position was a 3.81 year supply, being an under supply of 458 dwellings.
55. The Council's evidence and future housing supply projections was primarily based on the position as existing at the April 2024 base date, plus verbal updates as to the latest progress of individual sites and applications. The Council provided no recent documentary evidence such as meeting minutes or housebuilder correspondence, to support their suggested timescale predictions. Nonetheless, although this would likely have provided more robust evidence for the Council's position, the officers present were directly involved in some of the ongoing casework on some of the disputed sites, including direct discussions with stakeholders. As such, I see no reason to entirely discount their verbal evidence.
56. However, the Council's supply calculations include completions in year 1, whereas year 1 had already passed by the time of the hearing in June 2025. At the hearing, the Council therefore provided an updated position for Site 6 HSS5 Cropper Road West, which 'pushed' 30 dwellings out of the 5 years supply projection, and also reduced the year 2 projection from 30 to 15 dwellings<sup>7</sup>. The Site 6 prediction was therefore reduced by 45 dwellings overall, which the Council confirmed results in its overall housing supply dropping to just below 5 years.
57. The Council is thus unable to demonstrate a 5 year housing land supply (5YHLS). In this situation, the Framework guidance within paragraph 11(d)(ii) applies, which I address in my Planning Balance below. Although the hearing session considered the extent of the contribution of the housing delivery on ten disputed sites, I find it unnecessary to conclude in any detail on these. It is most useful for the purposes of my determination under the Planning Balance to apply the Council's 'best case scenario' for its housing supply.

### **Other Matters**

58. I have paid regard to comments received from other interested parties, made both at the planning application and the appeal stages. Where comments relate to the main issues, they have been considered as part of my reasoning elsewhere. Other comments do not affect my conclusions on the main issues.
59. Of particular note regarding potential flooding, the proposal would result in a slight flood risk betterment. It would restrict the runoff rate below that to be expected at present during exceedance events up to and including a 1 in 100 year plus 50% climate change event.
60. There are no technical highways objections from the Highway Authority or the Council, despite the cited existing parking and movement difficulties, and recent traffic accidents within the village. The proposal would not adversely affect traffic movement or highway safety. The site's narrow access would assist with traffic calming, with sufficient on-site parking. Detailed highways implementation would be addressed by conditions, including to reduce impact on residents and maximise highway safety. This includes a Construction Management Plan to clarify and control matters such as timings, routes, and sizes of construction vehicles. Conditions would also control the provision of off-site traffic calming mitigation works at the junction of The Brooklands and around The Green.

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<sup>7</sup> Document 1; ref Site 6 Cropper Road 22/0461.

### *Habitats Regulations*

61. The site falls within the zone of influence of the Ribble and Alt Estuaries Special Protection Area (SPA), which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Its habitat features are important in supporting an assemblage of waterbirds and seabirds. As the Competent Authority, I may only grant permission after having ascertained for myself that the proposed development would not affect the integrity of this or any other protected site.
62. The Council raised no objection in this regard. The Greater Manchester Ecology Unit (GMEU) confirmed that the site is unsuitable for wintering wildfowl for various reasons, and so is not functionally linked to the SPA. Although hydrologically linked, no special measures would be required beyond those which are normally required for residential development in order to protect an adjacent watercourse. Such drainage measures are integral to the design and physical characteristics of the proposal.
63. The only potential theoretical risk the GMEU identified would be coastal visits by future residents, resulting in direct disturbance of qualifying species breeding or wintering in the SPA. However, this risk was regarded as de minimis considering the scale of the development, and that it would be for over 55s. As such, they advised the proposal could be screened out of requiring an appropriate assessment. On the basis of the above, I similarly rule out any Likely Significant Effect on the SPA that would undermine its conservation objectives, either alone or in combination with other plans or projects.

### **Conditions**

64. I have imposed the suggested conditions as agreed by the parties, subject to slight amendment to reflect paragraph 56 of the Framework and the PPG. Several of these are pre-commencement, and need to be imposed at that stage in order to provide essential protection or mitigation from the effects of construction.
65. The statutory condition (1) will limit the lifespan of the planning permission. Although the appellant suggested that this could be reduced to a period of only 2 years to provide additional certainty and weight to the site's early delivery, I have not relied upon this in my determination of the benefits, and therefore this would be unnecessary. Specifying the approved plans will provide clarity for the terms of the permission (2). However, some of these have not been updated to account for the removal of former plot 42, and so I have worded relevant conditions accordingly.
66. A phasing plan (3) will ensure the development takes place in an appropriate sequence, with concurrent provision of the associated infrastructure to support and mitigate its impact. A Construction Management Plan (4) is necessary to limit the potential for noise, nuisance, and disturbance for surrounding occupiers, and to avoid undue disruption to the function of the highway network. A Construction Surface Water Management Plan (5) will ensure appropriate surface water disposal during construction.
67. A Biodiversity Method Statement (6) will ensure no adverse effect on the favourable conservation status of any protected species, and the provision of appropriate habitat compensation and protection of bird nests. A Habitat Management and Maintenance Plan (7) will secure the effective ongoing management of the created habitat features for a period of 30 years. As Himalayan Balsam is present, and

- Cotoneaster species have previously been identified, measures must be put in place to satisfactorily treat and dispose of these invasive plant species before any development commences on affected areas of the site (8).
68. Other ecological conditions will provide protection and enhancement during construction and beyond; a construction exclusion zone for root protection areas (9), a wildlife/habitat protection plan (18), a landscaping verification report (25), and no clearance of any vegetation during the bird nesting season (26). The parties identified that the landscaping verification report should be approved no later than the conclusion of the planting season following the completion of 75% of the total number of dwellings, which for clarity I have amended to specify 33 dwellings.
  69. Condition (10) requires a scheme to deal with the risks associated with contamination on the site, to ensure identification and mitigation. Details of proposed materials (11) will ensure character and appearance, as will boundary treatment details (12), which will also provide control over matters of privacy. Soft landscaping details (13) are also necessary to ensure appropriate character and appearance, as well as biodiversity. I have amended the soft landscaping condition to require details to be approved prior to development above ground level, rather than prior to occupation, to ensure early consideration.
  70. Details of site levels (16) will ensure a satisfactory relationship between buildings within and outside of the site, and a good standard of amenity for existing and future occupiers. Highways details of estate roads (14), of the site access point (15), and of the future management and maintenance of all the estate roads and associated footways (22), are necessary to ensure a satisfactory standard of engineering works and future maintenance. Conditions to require highway improvement works off-site (21) and a travel plan (23) will promote modal shift and increased use of sustainable methods of travel. Condition 21 is also necessary to mitigate for the increase in vehicle movements, and I have added in reference to the tactile paving and the bus stop improvement works, as these form an integral element of the appeal proposal.
  71. A drainage scheme has already been agreed, but conditions (17) and (24) will ensure its provision, implementation, and verification.
  72. A Communal Facility Operation Statement (19) is necessary because the facilities that are to be provided as part of the community facility building, its access and maintenance arrangements, and management of the community orchard, all require additional details. Criterion (b) of the condition as agreed between the parties required details of “the access arrangements for this building, including arrangements for sharing these arrangements, to ensure all residents to the development and their visitors are able to have unimpeded use of the facility at all times.” However, I have removed the reference to ‘all’ because not all residents could physically fit into the building at the same time. I have also removed the reference to ‘at all times’ as it would be unreasonable to require unrestricted hours of use, rather, this should be determined via further details.
  73. A Specialist Accommodation for the Elderly Statement (20) is required in order to determine further details in accordance with Policy H2. The parties disputed whether this should include confirmation that the dwellings are all to be designed and maintained to comply with optional technical standard M4(3(2a)). As the proposal would not meet this standard, I have removed this element, to avoid internal conflict with condition 2.

## Planning Balance

74. Wrea Green would not be a suitable location for the proposed residential development, which would conflict with the LP Policies S1, DLF1, and INF1. The lack of full provision of the technical standard M4(3(2a)) would conflict with Policy H2. There would also be limited harm to the character and appearance of the area, and thus conflict with Policies GD7, ENV1, and H2(2). There is further H2(3) conflict as the development must comply with the development strategy and other policies of the plan, although such conflict adds no additional harm. Overall, the proposal would be contrary to the development plan considered as a whole.
75. In the absence of a 5YHLS, Paragraph 11(d)(ii) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes. Paragraph 8 identifies economic, social, and environmental objectives to achieve sustainable development.
76. The Framework as a whole seeks to significantly boost the supply of homes generally, and I give the proposal significant weight in this regard. It also seeks to increase the supply of older person's accommodation. Paragraphs 61 and 63 highlight the importance of addressing the needs of groups with specific housing requirements, with the overall aim of meeting an area's identified housing need and including with an appropriate mix of housing types for the local community.
77. The proposal would provide a substantial contribution to the supply of specialist older persons' housing in the context of an identified need. Although the dwellings would not meet the Council's precise definition of specialist accommodation for the elderly, with the benefit tempered by their lack of full technical standard provision, there is no doubt they would comprise specialist accommodation in slightly broader form. This would also enable downsizing from existing dwellings, allowing those dwellings to become available on the wider housing market and which would also have beneficial housing supply effects. These benefits would incorporate broader social benefits resulting from the ability to allow more independent living in bespoke bungalows, and so improving residents' general health and wellbeing. In combination, I give this significant weight.
78. The proposal would also provide a benefit from its 14 affordable bungalows, to which I give significant weight, as supported by the Framework paragraphs 63 and 66. This is additional weight than that from the previous Inspector, because of the age restriction.
79. The Framework also provides support for making an effective use of land at various points within chapter 11, which the proposal would achieve. This is bolstered by paragraph 73, whereby small and medium sized sites can make an important contribution to meeting housing requirements, and are essential for small and medium enterprise housebuilders to deliver new homes. Paragraph 89 identifies that planning decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. I give minor weight to the traffic calming and pedestrian accessibility measures, biodiversity net gain, and flood risk betterment.



80. There would be general economic benefits from construction spending and jobs, and the local expenditure from the new residents, alongside associated revenue. However, these would likewise apply to any similar sized residential development. The proposed traffic calming and pedestrian accessibility measures would provide a minor benefit compared to the existing position. There would also be a minor benefit of biodiversity net gain of 12% habitat areas and 178% linear features, and a slight flood risk betterment.
81. In opposition, the proposal would conflict with the Framework ambition for the planning system to be plan-led, due to its conflict with the development strategy. I give moderate weight to the moderate harm resulting from the site's unsustainable location which would not limit the need to travel, as identified in the Framework paragraphs 109, 110, and 115(a). I give limited weight to the minor harm to the character and appearance of the area, which conflicts with paragraphs 135 and 139 in highlighting the need to achieve well-designed places, and for development to be sympathetic to local character.
82. Objectors consider that allowing the appeal would encourage development proposals on other village sites, as similar justifications could be claimed. However, each site would be considered on its own merits, including a different context of material considerations, which at that point would include the contribution to local specialist accommodation already made by the appeal site. As such, the potential for precedent setting is not determinative to my decision.
83. Taking the policies of the Framework as a whole, overall, I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits in this case, even in assuming only a minor shortfall in the 5YHLS. Accordingly, the proposal benefits from the presumption in favour of sustainable development as a material consideration under paragraph 11 of the Framework.
84. The UU identifies that any planning obligation within it shall not be enforceable, if I expressly state that it is not a material planning consideration, or can be given no weight in determining the appeal, or does not constitute a reason for granting planning permission in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended). I have given weight to the provision of the healthcare contribution and affordable housing as identified in the UU, as there would otherwise be additional conflict with the development plan. I find them necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. I have given weight to affordable housing as a benefit of the scheme, including in my assessment against the policies in the Framework taken as a whole.

## **Conclusion**

85. For the reasons given above, and having regard to all other matters raised, I conclude the proposal would result in conflict with the development plan. However, I find the material consideration of the overall support from the Framework, which indicates that planning permission should be granted otherwise than in accordance with the development plan, to weigh in its favour to the extent of outweighing the development plan conflict and the harm. I therefore allow the appeal.

*L N Hughes*

INSPECTOR

## SCHEDULE OF 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 plans, except in respect of the plot marked '42' on plans Soft Landscape Proposals; Site Layout Materials; Site Layout Boundary Treatments; and Proposed Site Layout Dropped Tactile Crossing Points:
  - Location Plan (20-10-CP01)
  - Proposed Site Layout Plan General Arrangements (20-10-P01 Rev I)
  - Proposed Site Layout Dropped Tactile Crossing Points (20-10-PO5 Rev H)
  - Proposed House Type A - Vertical Boarding Floor Plan & Elevations (HT-AB-01)
  - Proposed House Type A - Tile Detailing Floor Plan & Elevations (HT-AR-01)
  - Proposed House Type B Vertical Boarding Floor Plan & Elevations (HT-BB-01)
  - Proposed House Type B - Tile Detailing Floor Plan & Elevations (HT-BR-01)
  - Proposed House Type C - Vertical Boarding Floor Plan & Elevations (HT-CB-01)
  - Proposed House Type C - Tile Detailing Floor Plan & Elevations (HT-CR-01)
  - Proposed Single Garage Detail Floor Plans & Elevations (HT-SG-01)
  - Proposed Community Use Building Floor Plans & Elevations (HT-CP-01 Rev A)
  - Proposed Site Layout Materials (20-10-P02 Rev H)
  - Proposed Site Layout Boundary Treatments (20-10-P03 Rev H)
  - Proposed Site Access Plan (3788-F01 Rev A)
  - Soft Landscape Proposals (Sheets 1-4 LB332\_DB01 Rev B)
  - Biodiversity Net Gain; Baseline Habitat Plan (RSE\_6355\_BNG01 Rev V1)
  - Biodiversity Net Gain; Proposed Habitat Plan (RSE\_6366\_BNG02 Rev V2)
- 3) No development shall commence until a phasing plan has been submitted to and approved in writing by the local planning authority. The phasing plan shall include a programme and sequence of works for the provision of:
  - (a) Each phase of housing;
  - (b) All highway infrastructure within the development and to connect it to Mill Lane and The Brooklands (including pedestrian and cycle routes);
  - (c) Green infrastructure and communal spaces (including public open space, soft landscaping, and water bodies) associated with each phase of housing identified in (a); and
  - (d) The onsite communal facility with community orchard.

The development hereby permitted shall be carried out in accordance with the approved phasing plan.
- 4) No development shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include the following details:
  - (a) Hours and days of work for site preparation, delivery of materials and construction;
  - (b) Areas designated for the loading, unloading and storage of plant and materials;
  - (c) Arrangements for the parking of vehicles for site operatives and visitors;

- (d) Arrangements for vehicle manoeuvring within the site including swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- (e) Times when trips by heavy construction vehicles should not be made to and from the site, and routes to be used by heavy construction vehicles carrying plant and materials to and from the site;
- (f) Measures to ensure that construction and delivery vehicles do not impede access to surrounding properties;
- (g) Measures to protect vulnerable road users (pedestrians and cyclists);
- (h) Measures to control the emission of dust and dirt during the construction period, including arrangements for the provision of wheel washing and road sweeping facilities to minimise the deposit of mud and other similar debris on adjacent highways;
- (i) Measures to monitor, mitigate and control noise and vibration during the construction period, including the management of complaints;
- (j) A nominated person who will act as the 24 hour point of contact in the event of any emergencies;
- (k) The siting, luminance and design of any external lighting to be used during the construction period;
- (l) The erection and maintenance of security hoarding; and
- (m) A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjacent to the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

The development hereby permitted shall be implemented in accordance with the approved CMS for the entirety of the construction period.

- 5) No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the local planning authority. The CSWMP shall set out how surface water and stormwater will be managed on the site to prevent pollution during the construction period (including site clearance operations) and shall include the following details:
- (a) Measures taken to ensure surface water flows are retained on-site during the construction period, including temporary drainage systems, or, if surface water flows are to be discharged from the site, that they are done so at a specified restricted rate that does not exceed the equivalent greenfield runoff rate from the site;
  - (b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance;
  - (c) Method statements and scaled plans (including dimensions) detailing the surface water management proposals in (a) and (b).

The development hereby permitted shall be carried out in accordance with the approved CSWMP for the entirety of the construction period.

- 6) No development shall commence until a biodiversity method statement has been submitted to and approved in writing by the local planning authority. The statement shall include details of:
- (a) How appropriate biodiversity mitigation measures including habitat compensation and enhancement are to be incorporated into the development, including the installation of bat boxes, bird boxes, and features for mammals and amphibians;
  - (b) A timetable for implementation including that the development shall not be occupied until any biodiversity mitigation and enhancement measures are fully implemented.

The development hereby permitted shall be implemented in accordance with the approved biodiversity method statement, and retained as such thereafter.

- 7) No development shall commence until a 30 year Habitat Management and Maintenance Plan (HMMP) for all onsite habitat enhancements to be carried out in the course of the development that significantly increase the pre-development biodiversity value of the on-site habitat has been submitted to and approved in writing by the local planning authority. The HMMP shall include details of:
- (a) Aims, objectives and targets for management, including habitat target conditions matching the Biodiversity Metric submitted with the application;
  - (b) Descriptions of the management operations necessary to achieve aims and objectives;
  - (c) A works schedule, including timescales for habitat clearance and habitat creation and/or enhancement;
  - (d) Details of monitoring needed to measure the effectiveness of management;
  - (e) Details of the persons responsible for implementation and monitoring;
  - (f) Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets; and
  - (g) Provisions for reporting to the local planning authority in years 1, 2, 5, 10, 20, and 30.

The development hereby permitted shall be implemented in accordance with the approved HMMP.

- 8) No development shall commence until a method statement for the containment, control and/or removal of any invasive plant species (as defined within the Wildlife and Countryside Act 1981, as amended) which fall within the site has been submitted to and approved in writing by the local planning authority. The method statement shall include:
- (a) Measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended); and
  - (b) A timetable for implementation (including any phasing for removal/control on different parts of the site).

The development hereby permitted shall be implemented in accordance with the approved method statement, and retained as such thereafter.

- 9) No development shall commence until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on the approved site layout drawing listed in condition 2. The CEZ shall be provided in the form of protective fencing of a height and design which accords with the specification in BS 5837: 2012 and shall be installed to protect all trees and hedgerows that are not essentially removed to facilitate the construction of the dwellings or other approved works. The CEZ shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to the affected area of the site.
- 10) No development shall commence until a scheme to deal with the risks associated with contamination on the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) A preliminary risk assessment which identifies: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
  - (b) A site investigation based on the results of (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off the site;
  - (c) Based on the results of the site investigation and detailed risk assessment referred to in (b), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
  - (d) A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (c) are complete, and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development hereby permitted shall be implemented in accordance with the approved scheme. The development hereby permitted shall not be occupied until a verification report confirming implementation in accordance with the approved scheme has been submitted to and approved in writing by the local planning authority.

- 11) Notwithstanding condition 2, no development above ground level shall take place until details of all materials to be used on the external surfaces of the dwellings and the community facility building and on the hard surfaced areas of the site including the domestic paths, domestic driveways, internal roadways, and the pedestrian/cycle links, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and maintained as such thereafter.
- 12) Notwithstanding condition 2, no development above ground level shall take place until details of the siting, height, design, materials and finish of boundary treatments for each plot have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be carried out in accordance with the approved details before the dwelling on each associated plot is first occupied, and shall be maintained as such thereafter.



- 13) Notwithstanding condition 2, no development above ground level shall take place until details of soft landscape works for the development have been submitted to and approved in writing by the local planning authority. These details shall include details of the number, size, species, siting, planting distances/densities, and the programme of planting, of trees, hedges and shrubs, and that any topsoil or other materials to be imported is of a suitable standard. The landscaping works shall be carried out in accordance with the approved details during the first planting season following the completion of 33 of the dwellings hereby approved, and the areas which are landscaped shall be retained as landscaped areas thereafter.
- 14) Notwithstanding condition 2, no development above ground level shall take place until details of the design, construction, drainage and phasing of all new estate roads (including any traffic calming features) and associated footways have been submitted to and approved in writing by the local planning authority. These details shall include full engineering, drainage, street lighting, and constructional details, and a phased timetable for their delivery. Each estate road and their associated footways shall be constructed in accordance with the approved details before any of the dwellings to be served by that road are first occupied.
- 15) Notwithstanding condition 2, no development above ground level shall take place until a scheme for the design and construction of the access point of the development has been submitted to and approved in writing by the Local Planning Authority. The access construction scheme shall include details of:
- (a) The construction of the carriageway extension with a minimum width of 3.1m;
  - (b) The associated pedestrian footways at this point; and
  - (c) The provision of signage and road markings on The Brooklands to support the safe operation of this restriction to the carriageway width.
- The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved access construction scheme.
- 16) No development above ground level shall take place until details of the finished floor levels for each dwelling and the ground levels for the external areas of the site, above ordnance datum, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be implemented in accordance with the approved details.
- 17) No development above ground level shall take place until a scheme for the disposal of foul and surface water from the development, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage details shall include:
- (a) Separate systems for the disposal of foul and surface water;
  - (b) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - (c) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year, plus allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;

- (d) Measures to ensure that the post-development surface water run-off rate will not exceed the pre-development green field run-off rate;
- (e) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- (f) Flood water exceedance routes, both on and off site;
- (g) Details of water quality controls, where applicable;
- (h) A surface water drainage system management and maintenance scheme to secure the operation of the surface water drainage scheme for the lifetime of the development. This shall include the arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company, and include the funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components), the means of access and easements for maintenance purposes, and any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime; and
- (i) A timetable for implementation, including phasing as applicable.

The development hereby permitted shall be implemented, managed, and maintained in accordance with the approved drainage details.

- 18) No development above ground level shall take place until a wildlife/habitat protection plan has been submitted to and approved in writing by the local planning authority. The protection plan shall include:
- (a) A plan showing wildlife/habitat protection zones;
  - (b) Details of how bats, badgers, water voles, otters, and great crested newts are to be safeguarded during the construction period, and measures to be taken to minimise the impact of any works;

The development hereby permitted shall be carried out in accordance with the approved wildlife/habitat protection plan for the entirety of the construction period.

- 19) The development hereby permitted shall not be occupied until a Communal Facility Operation Statement (CFOS) has been submitted to and approved in writing by the local planning authority. The CFOS shall include details of:
- (a) The facilities that are to be provided within the community facility building and its spill-out space;
  - (b) The access arrangements for the community facility building including how these are advertised, to ensure the development's residents and their visitors are able to gain suitable access without hindrance;
  - (c) The maintenance arrangements for the community facility building including the levels of cleaning and maintenance that is to be undertaken and the on-going financial arrangements for securing these arrangements; and
  - (d) The management arrangements for the community facility building spill-out space and community orchard, including responsibility for initial planting, subsequent up-keep and any necessary re-stocking, and any controls over access to this area.

The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved CFOS.

- 20) The development hereby permitted shall not be occupied until a Specialist Accommodation for the Elderly Statement (SAES) has been submitted to and approved in writing by the local planning authority. The SAES shall include details of:

- (a) The arrangements for a shared laundry service for the use of all residents;
- (b) The arrangements for a daily hot meals service for all residents;
- (c) The arrangements for an emergency alarm call service for all residents; and
- (d) The mechanism by which the on-going financial arrangements for securing these services is to be secured.

The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved SAES.

- 21) The development hereby permitted shall not be occupied until a scheme for the siting, layout, design, construction, and implementation and timing of the following highway improvement works has been submitted to and approved in writing by the local planning authority. The highway improvement works scheme shall include details of:

- (a) The provision of a junction table at the junction of Moss Side Lane with The Green with associated markings to the carriageway and signage;
- (b) The provision of a junction table at the junction of Mill Lane with The Green with associated markings to the carriageway and signage;
- (c) The provision of a junction table at the junction of The Brooklands with The Green with associated markings to the carriageway and signage;
- (d) The provision of a junction table at the junction of Bryning Lane with The Green with associated markings to the carriageway and signage;
- (e) The renewal of markings to the carriageway and signage at the existing speed table and mini roundabout at The Green and Ribby Road junction;
- (f) The provision of a suitable number and location of speed cushions on The Brooklands between the site access point and the junction of The Brooklands with The Green;
- (g) The provision of quality bus stop kerbing measures to upgrade the existing bus stops adjacent to the primary school and the church; and
- (h) The provision of tactile paving at junctions between the site access point and the existing bus stops.

The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved highway improvement works scheme.

- 22) The development hereby permitted shall not be occupied until a scheme for the arrangements for the future management and maintenance of all the estate roads and associated footways associated with this development has been submitted to and approved in writing by the local planning authority. The estate roads and associated footways shall thereafter be managed and maintained in accordance with the approved management and maintenance scheme.

- 23) The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall contain:
- (a) Details of a Travel Plan co-ordinator;
  - (b) Details of measures to be introduced to promote a choice of travel modes to and from the site;
  - (c) A monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
  - (d) A timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The development hereby permitted shall be implemented in accordance with the approved Travel Plan.

- 24) None of the dwellings within a phase shall be occupied unless and until a Verification Report for the construction of the surface water drainage system installed at the site and for that phase has been submitted to and approved in writing by the local planning authority. The Verification Report shall:
- (a) Demonstrate that the surface water drainage system has been constructed in accordance with the duly approved scheme (or detail any variations) and is fit for purpose; and
  - (b) Contain information and evidence, including photographs and full as-built drawings, showing details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets and control structures).

The surface water drainage system of the development hereby permitted shall thereafter be maintained in accordance with the approved Verification Report.

- 25) No later than the conclusion of the planting season following the completion of 33 dwellings of the development hereby approved, a landscaping verification report shall be submitted to the local planning authority. This report shall provide confirmation that the works that were undertaken as part of the landscaping of the domestic gardens and communal areas of the site were in accordance with the approved details. Additional details or a revised landscaping verification report must be submitted if requested by the local planning authority, within its stated timescale, until the landscaping verification report is approved in writing. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub, or plant of the same species and size as that originally planted, shall be planted at the same place.
- 26) No clearance of any vegetation (either in preparation for or during the course of development) shall take place during the bird nesting season (between 1 March and 31 August inclusive) unless a survey conducted by a suitably qualified ecologist which demonstrates that the vegetation to be cleared does not accommodate any active bird nests has first been submitted to and approved in

writing by the local planning authority. Should the survey reveal the presence of any active bird nests then no clearance of any vegetation shall take place during the bird nesting season until a scheme for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the duly approved scheme.

**END OF CONDITIONS**



## APPEARANCES

### FOR THE APPELLANTS:

|                         |                                           |
|-------------------------|-------------------------------------------|
| Mr James Corbet Butcher | No5 Chambers                              |
| Mr Paul Nellist         | Asteer Planning LLP                       |
| Mr Iain Warner          | Tetlow King Planning                      |
| Mr Phil Wooliscroft     | Eddisons                                  |
| Ms Annabelle Langhorn   | Annabelle Langhorn Landscape Planning Ltd |
| Mr Roger Lomas          | e*SCAPE Urbanists                         |
| Mr Nigel Jones          | Waterco Ltd                               |

### FOR THE LOCAL PLANNING AUTHORITY:

|                 |                         |
|-----------------|-------------------------|
| Mr Andrew Stell | Development Manager     |
| Mr Eddie Graves | Planning Policy Manager |

### INTERESTED PERSONS:

|               |                                |
|---------------|--------------------------------|
| Mr J Maskell  | Ribby with Wrea Parish Council |
| Mr A Cheng    | Local resident                 |
| Mrs Z Cheng   | Local resident                 |
| Mr S Whiteley | Local resident                 |
| Mrs J Walsh   | Local resident                 |
| Mrs J Kelly   | Local resident                 |
| Mr C Quigley  | Local resident                 |
| Mrs C Murray  | Local resident                 |

## DOCUMENTS SUBMITTED AT THE HEARING

|   |         |                                                                                               |
|---|---------|-----------------------------------------------------------------------------------------------|
| 1 | Council | Update on housing projections for Site 6 HSS5 Cropper Road West, and Site 7 HSS5 Bambers Lane |
|---|---------|-----------------------------------------------------------------------------------------------|

## DOCUMENTS SUBMITTED AFTER THE HEARING

|   |           |                                              |
|---|-----------|----------------------------------------------|
| 2 | Appellant | Completed S106 Agreement, dated 11 June 2025 |
|---|-----------|----------------------------------------------|