

APPLICATION REPORT – 20/01141/FULMAJ

Validation Date: 10 November 2020

Ward: Buckshaw And Whittle

Type of Application: Major Full Planning

Proposal: Erection of 80no. dwellings, including houses and apartments (including 30% affordable) with associated infrastructure and school pick-up/drop-off car park

Location: Former BAE Site Group 1 Parcel C1 And C2 Central Avenue Buckshaw Village

Case Officer: Mike Halsall

Applicant: Persimmon Homes

Consultation expiry: 7 December 2021

Decision due by: 27 May 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that the planning application is approved subject to conditions and a S106 legal agreement to:
 - secure the provision of 24 affordable dwellings;
 - a financial contribution towards off-site biodiversity enhancements of £30,000 on adjacent land, including habitat management prescriptions and long term monitoring; and
 - a financial contribution of £151,713 towards the provision of public open space for children / young people.

SITE DESCRIPTION

2. The application site forms part of the wider Group 1 / Royal Ordnance Site which is allocated under policies EP1.12 and HS1.21 of the Chorley Local Plan 2012-2026 as a proposed mixed-use site for employment and housing.
3. The application site forms Parcels C1 and C2 of the Group 1 site which benefits from Outline planning permission, ref. 14/00927/OUTMAJ for a mixed-use development of housing and commercial uses. The site is positioned on the western side of Buckshaw Village, which has a number of amenities including a supermarket, petrol station, doctor's surgery, community centre and church. The site is also within walking distance of Buckshaw Parkway Station which provides regular services to Manchester, Preston and Blackpool. The site is accessed from Brookwood Way, off Central Avenue. The illustrative development masterplan of the outline planning permission identified these parcels as being developed for B1/B2 commercial developments.
4. The site is located to the north and west of Brookwood Way with Trinity Church of England Methodist Primary School located to the south and an existing housing development on the other side of Brookwood Way. Buckshaw retirement village is located to the north on Oakbridge Drive, along with a GP surgery. There is a woodland to the west which is designated as a Biological Heritage Site. The site forms the final parcels of the Group 1 site to be developed and is currently used for parking and storage of construction materials as well as vacant land.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the erection of 80 dwellings, including houses and apartments, 30% of which will be affordable. The 24 affordable units are required to be made up of 17 social rented dwellings and 7 shared ownership dwellings.
6. The site would be accessed from Brookwood Way. The proposed site layout includes three vehicular access points from Brookwood Way, internal vehicular and pedestrian access routes, dwellings orientated to face the main access routes, a new car parking area for the primary school and other associated infrastructure such as landscaping.
7. The proposal represents a departure from the Development Plan as it would result in the development of the final parcels of the allocated mixed use site being developed for housing. There would therefore be no land remaining for employment uses which conflicts with the mixed-use site allocation.
8. The proposal would provide a mix of apartments, mews, semi-detached and detached properties, consisting of 6 no. 1 bed apartments, 24 no. 2 bed apartments, 47 no. 3 bedroom houses and 3 no. 4 bedroom houses.
9. The proposal has been amended since its original submission which has included the following changes:
 - A buffer zone has been added between the proposed development site and the Biological Heritage Site to the west – this has resulted in one fewer dwelling being proposed (was originally submitted for 81 dwellings)
 - Changes to the make-up of the affordable units
 - Changes to the drainage scheme as discussed later in this report
 - Changes to the layout of the dwellings to ensure the residential amenity of the future occupants of the dwellings is not unacceptably impacted
 - The level of parking has been increased and other slight changes to internal vehicle access arrangements at the request of LCC Highways
10. Neighbours and technical consultees have been reconsulted as considered necessary following the enactment of the above changes.

REPRESENTATIONS

11. One representation has been received in objection to the proposed development which refers to a lack of capacity at the local doctors' surgery and schools.

CONSULTATIONS

12. Euxton Parish Council: have not responded on this occasion.
13. South Ribble Borough Council: have not responded on this occasion.
14. United Utilities: Initially responded in objection to the proposal and requested that evidence be provided to discount surface water infiltration to ground prior to a connection to the purpose-built sewers. Following receipt of the requested information, United Utilities responded with no objection to the proposal and have suggested conditions be attached to any grant of planning permission relating to secure the implementation of the submitted drainage strategy.
15. Lancashire Fire and Rescue Service: have not responded on this occasion.
16. Lancashire Highway Services (LCC Highways): initially responded to request changes to the internal site layout and later responded with no objection to the proposal subject to conditions, once the requested changes had been made by the applicant.

17. Waste & Contaminated Land Officer: has responded with no objection to the proposal subject to a condition requiring further remediation to be undertaken should any unexpected contaminated land be encountered.
18. Lead Local Flood Authority: have responded with no objection the proposal subject to conditions.
19. Lancashire Constabulary: have not responded on this occasion.
20. Greater Manchester Ecology Unit: following protracted negotiations and discussions have responded with no objection to the proposal subject to conditions and a S106 legal agreement being secured to provide off-site biodiversity net gain.
21. Regulatory Services - Environmental Health Officer: has responded with no objections to the proposal. He is satisfied with the submitted noise assessment and no mitigation measures are required. Should the application be approved, he requests that the Council's Code of Practice for Construction and Demolition be adhered to during the construction phase.
22. Lancashire County Council (Education): responded in November 2021 to state that they would not be requesting a contribution towards primary or secondary school places. That said, at the time of writing their response there were seven planning applications awaiting decision which could impact upon the final predicted demand for school places. As such, LCC Education will be contacted prior to planning committee to obtain an update which will appear within an addendum report.

PLANNING CONSIDERATIONS

Principle of the Development

The Development Plan

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
24. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
25. The Central Lancashire Core Strategy was adopted in July 2012 and covers the three neighbouring authorities of Chorley, South Ribble and Preston. The three authorities are a single Housing Market Area (HMA). Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.
26. The application site is brownfield / previously developed land allocated under policies EP1 (site ref. EP1.12) and HS1 (HS1.21) of the Chorley Local Plan 2012-2026 as a proposed mixed-use site for employment and housing. The site forms Parcels C1 and C2 of the wider Group 1 site which are the final parcels of the allocated site to come forward for development. The approval of this application would mean that no employment development would be delivered on the allocated mixed-use site.
27. Core Strategy Policy 4 and policies EP1 and HS1 of the Chorley Local Plan 2012-2026 represent the most important policies in the determination of this application.

Other Material Considerations

28. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net

gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:

- Environmental - the protection of our natural, built and historic environment
- Economic - the contribution to building a strong and competitive economy
- Social - supporting strong, vibrant and healthy communities

29. Paragraph 10 of the Framework states that; so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
30. Paragraph 11 of the Framework states for decision-taking this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - a. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
31. The Footnote (6) to paragraph 11 sets out examples of the type of policies that may indicate development should be refused. Footnote 7 makes clear that the tilted presumption in favour of sustainable development will apply where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
32. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
33. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
34. Paragraph 73 of the Framework requires Local Planning Authorities to maintain a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategies or against their local housing need where the strategic policies are more than five years old. Footnote 37 states in circumstances where strategic policies are more than five years old, five year housing land supply should be calculated against Local Housing Need calculated using the Government standard methodology, unless those strategic policies have been reviewed and found not to need updating.
35. Paragraph 120c of the National Planning Policy Framework (the Framework) states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Housing land supply

36. The following planning appeal decisions are of relevance.

Land adjacent to Blainscough Hall, Blainscough Lane, Coppull Decision APP/D2320/W/21/3275691

37. On the 3 February 2022 a decision was issued for the appeal for Land adjacent to Blainscough Hall, Blainscough Lane, Coppull. The appeal was allowed and outline planning permission was granted for the erection of up to 123 dwellings (including 30% affordable housing) with public open space provision, structural planting and landscaping and vehicular access points from Grange Drive.

38. The main issues in the appeal were:
- Whether or not the Council can demonstrate a 5 year supply of deliverable housing land, having particular regard to the development plan, relevant national policy and guidance, the housing need or requirement in Chorley and the deliverability of the housing land supply;
 - Whether or not the most important policies of the development plan for determining the appeal are out of date, having particular regard to the 5 year housing land supply position and relevant national policy;
 - Whether this, or any other material consideration, would justify the proposed development on safeguarded land at this time.
 - Whether or not there are adequate secondary school places to serve the development.

39. In respect of the Housing Requirement in Chorley:

40. The Decision Letter includes an assessment of Core Strategy policy 4 (which sets out the minimum housing requirements for the plan area) in the context of Paragraph 74 of the Framework, and whether the policy has been reviewed and found not to require updating. It also considers whether the introduction of the standard method in itself represents a significant change in circumstances that renders Core Strategy policy 4 out of date with reference to the PPG (paragraph 062).
41. The Decision Letter concludes that it is appropriate to calculate the housing requirement against local housing need using the standard method due to the significant difference between the local housing need figure and the housing requirement in policy 4 amounting to a significant change in circumstances which renders Policy 4 out of date.
42. With regards to the appropriate housing requirement figure to use when calculating the housing land supply position of the authority, the Blainscough Hall Inspector, therefore, sets out that the standard method should be used. Applying this to the Council's current supply results in a housing land supply position between 2.4 and 2.6 years.
43. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

Land to the East of Tincklers Lane, Tincklers Lane, Eccleston PR7 5QY Appeal A Ref: APP/D2320/W/21/3272310

Land to the North of Town Lane, Town Lane, Whittle-Le-Woods PR6 8AG Appeal B Ref: APP/D2320/W/21/3272314

44. On the 18 February 2022 decisions were issued for the above appeals. Appeal A was allowed and outline planning permission was granted for the construction of up to 80 dwellings with all matters reserved aside from vehicular access from Doctors Lane. Appeal B was dismissed on grounds of highway safety.
45. The main issues in the appeals were:
- Appeal A: Whether or not the proposal integrates satisfactorily with the surrounding area with particular regard to patterns of movement and connectivity Appeal B: The effect of the proposal on highway safety including accessibility of the appeal site.
 - Whether or not the Council is able to demonstrate a five-year supply of housing land;
 - Whether or not the most important policies of the development plan are out of date; and,
 - Whether any adverse effects, including conflict with the development plan as a whole, would be outweighed by other material considerations.
46. In respect of housing land supply:

47. The Inspector for the conjoined appeals assessed Core Strategy Policy 4 against Paragraph 74 of the Framework which requires the local planning authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their requirement as set out in adopted strategic policies, or against their local housing need when strategic policies are more than five years old. The Core Strategy is more than five years old.
48. The Inspector considered MOU1 to have constituted a review of Core Strategy Policy 4 and was an up-to-date assessment of need at that point in time but that the situation moved on considerably since it was signed.
49. Paragraph 44 of the Inspector's report notes that national guidance indicates local housing need will have considered to have changed significantly where a plan was adopted prior to the standard method being implemented based on a number that is significantly below the number generated by the standard method. The implications for Chorley would result in an annual requirement of 564 dwellings and the CS figure would be significantly below this. In this instance, Chorley's local housing need has changed significantly.
50. The Inspector noted that the standard method figure is particularly influenced by the level of development in the area between 2009 and 2014 but considers that this does not necessarily render the standard method itself as invalid. Any proposed redistribution of standard method figures for the Central Lancashire authorities, such as MOU2, would need to be considered at an examination.
51. The Inspector considered oversupply and the delivery rates of housing, which was weighted towards the early years of the plan period. However, the requirement in Policy 4 itself is not expressed as an overall amount to be met over the plan period. Policy 4 does not refer to any potential oversupply despite the known potential of Buckshaw Village contributing to growth in Chorley and it clearly states that it is a minimum annual requirement. (paragraph 49).
52. Paragraph 50 of the Inspector's report states: *"the inclusion of oversupply against Policy 4 would reduce the requirement for Chorley to just over 100 dwellings per annum. This would be considerably below anything which has been permitted in previous years in the area and would even be below the redistributed standard method figures for Chorley in MOU2. I consider it would be artificially low and would in greater probability, lead to significantly reducing not only the supply of market housing but also affordable housing within the area. It would thus run counter to the objective of the Framework to boost the supply of housing and to paragraph 74 of the same, which seeks to maintain the supply and delivery of new homes."*
53. The Inspector concludes at paragraph 51 of the report that; *"in the circumstances before me having regard to both MOU1 and MOU2, I conclude that the situation has changed significantly for Chorley in respect of local housing need and that Policy 4 is out of date. The standard method is the appropriate method for calculating housing need in Chorley. It is agreed between the parties that a 5% buffer should be applied. In terms of sites which contribute to the housing land supply within Chorley, there is a very narrow area of dispute between the two main parties which relates to only 2 sites and amounts to 116 dwellings. This is a marginal number that has little effect on the result in respect of the requirement. Accordingly, against the application of the standard method there would be less than three years supply of housing land in Chorley, and I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites."*

**Land south of Parr Lane, Eccleston
Decision APP/D2320/W/21/3284702**

54. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Eccleston. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Eccleston,

Lancashire in accordance with the terms of the application, Ref 20/01193/OUTMAJ, dated 4 November 2020, and the plans submitted with it, subject to the conditions.

55. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
56. The Inspector concluded the following with regards to housing land supply:

“Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole; the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 34 dwellings of which 35%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

**Land off Carrington Road, Adlington
Decision APP/D2320/W/21/3284692**

57. On the 17 March 2022 a decision was issued on the above referenced appeal. The appeal was allowed and outline planning permission was granted for residential development of up to 25 dwellings on land off Carrington Road, Adlington, Lancashire PR7 4JE in accordance with the terms of the application, Ref 20/01200/OUTMAJ, dated 5 November 2020, and the plans submitted with it.
58. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
59. The Inspector concluded the following with regards to housing land supply:

Framework paragraph 11d indicates that where the most important policies for the determination of a proposal are out-of-date, (which includes applications for housing, where the LPA cannot show a 5-year HLS), permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, the tilted balance.

The most important policies for determining this appeal are CS Policies 1 and 4 and LP Policy BNE3. Whilst the proposal would be consistent with CS Policy 1, it would conflict with LP Policy BNE3, safeguarding land for future development. The LPA accepts that it cannot show a 5-year HLS and as such CS Policy 4 and LP Policy BNE3 are out-of-date. Taking

the development plan as a whole, the most important policies for determining this appeal are out-of-date and the tilted balance applies.

The proposal would provide for up to 25 dwellings of which 30%, would be affordable homes (CS Policy 7). Given the absence of a 5-year HLS, the proposal would make, albeit a modest one, a material contribution to meeting local housing needs. As a benefit this attracts significant weight. The development would secure economic benefits through construction investment and the contribution future occupants would make to the local economy. These benefits attract moderate weight. The site has limited biodiversity value and the development has the potential to provide biodiversity net gain. This is a benefit of limited weight. Given my assessment above, the harm arising from the conflict with LP Policy BNE3 is significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework as a whole.”

Summary - the tilted balance

60. Paragraph 11 d (ii) of The Framework essentially comes into play whereby the most important policies for determining an application are out of date, then planning permission should be granted 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.
61. Core Strategy Policy 4 and policies EP1 and HS1 of the Chorley Local Plan 2012-2026 represent the most important policies in the determination of this application.
62. At 1 April 2021 there was a total supply of 1,504 (net) deliverable dwellings which is a 2.7 year deliverable housing supply over the period 2021 – 2026 based on the annual housing requirement of 547 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that it is proposed to be a 100% affordable housing scheme.
63. The Borough cannot show a 5-year HLS and as such Core Strategy Policy 4 is out-of-date.
64. The applicant argues that given the lack of a 5-year housing land supply in the borough, policies EP1 and HS1 can now be considered out of date. It is not considered that these policies are out of date because their respective purposes are to ensure a sufficient range of sites are available for employment and housing purposes and there remains an employment land supply in line with policy 10 of the Central Lancashire Core Strategy, which is also not out of date and is assessed later in this report. These policies can be given full weight in the planning balance.
65. As one of the most important policies for determining this appeal is out-of-date, the tilted balance applies.
66. In accordance with the Framework, planning permission should be granted for the proposal, unless:
 - c. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - d. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Loss of an employment site

67. The applicant has submitted an Employment Land Study in support of the proposal which concludes that there is a substantial supply of employment land coming forward within the Central Lancashire market, albeit with a limited amount of availability in the short term. The study claims that the market is currently experiencing a significant shortage of supply of existing, available industrial/warehouse units, which is coinciding with unprecedented

demand. Over time however, the pipeline supply will redress this imbalance, and of course additional sites will also be promoted through the planning system.

68. Policy 10 of the Central Lancashire Core Strategy seeks to protect employment sites from non-employment uses unless they meet specific criteria. An assessment of the proposal against the criteria of policy 10 is provided below.

(a) there would not be an unacceptable reduction of the type, quality or quantity of employment land supply;

The range of employment sites allocated in the Local Plan provide a variety of sites to provide choice and to meet a range of needs and uses of different types of employer. The Council's Employment Land Monitoring Report (May 2021) shows that 70.49 hectares of employment land was available in the borough for E(g) (formerly B1), B2 and B8 uses. This includes 66.01 hectares of Local Plan allocations remaining, of which 15.38 hectares has planning permission for employment use (out of a total of 88.74 hectares allocated in the Local Plan comprising 15 employment sites). In addition, 4.48 hectares of non-allocated land has planning permission for employment development. It is estimated that from 2010 to 2021, 25.6 hectares of land, which was previously in use as employment premises, has been lost to other uses through demolition and change of use.

It is estimated that some 31.48 hectares of land within the Borough has been developed for employment purposes between April 2010 and March 2021. In the 2020/21 monitoring year 0.21 hectares was developed which represents a very slow take-up rate.

At Buckshaw Village there are three areas of employment land available (3.26ha at the Revolution, 2.3 hectares on Group 1 and 2.88ha on the Southern Commercial site). Within Chorley Town as a whole there remains 7 allocated sites available for employment use, amounting to 42.03ha (gross). This application would not leave any land available for employment uses at EP1.12. However, whilst there would be just two employment sites remaining at Buckshaw Village, land is also available in Chorley Town for B uses (41.38ha) for the remainder of the plan period.

(b) the provision and need for the proposed use;

As explained earlier within this report, the site is allocated for a mixed use which includes housing, as proposed. The greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings. Furthermore, the Council cannot currently demonstrate a 5-year supply of housing land and this proposal would provide a significant level of additional housing on a brownfield site.

(c) the relative suitability of the site for employment and for the alternative use;

The applicant has referred to paragraph 122 of the Framework which outlines the requirement for planning policies and decisions to reflect changes in the demand for land. This states that, 'They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan.' Whilst the site is currently allocated for a mix of both employment and residential uses, the demand for commercial premises has significantly decreased, especially given the recent global pandemic of Coronavirus and the subsequent effects on the economy. The suitability of the site for housing is demonstrated to be acceptable throughout the later sections of this report.

(d) the location of the site and its relationship to other uses;

Where consideration is being given to alternative uses of employment land, any such proposals must demonstrate that the alternative use would be better suited to the location

of the site and its relationship to other uses than employment use. It must also ensure that the proposed use does not conflict with the character of the surrounding area and other policies and proposals within the Central Lancashire Core Strategy, or any other material considerations.

The applicant states that the site sits in a sustainable location, next to a retirement village and primary school and within the wider residential development at the Group 1 site. It therefore makes for a logical extension to the existing residential development and fits well within the area. Moreover, it will aid the Council in gaining a 5 year housing land supply, something which it cannot currently demonstrate.

The site comprises land used for parking and storing construction waste as well as vacant land. It is surrounded by a school, housing and open space. It is accessed off Central Avenue, and access to the school is on the same side road (Brookwood Way). It is sustainable and has links to public transport. It is approximately 700m from Buckshaw Parkway railway station (as the crow flies) and a number of buses stop on Central Avenue, including the 109 which is approximately every half hour to Chorley Town Centre. Therefore, the use proposed is suitable within the location of the site and its adjoining uses.

(e) whether the ability to accommodate smaller scale requirements would be compromised;

As noted earlier within this report, there are other available allocated sites for employment development in proximity to the application site.

(f) there would be a net improvement in amenity.

The site is currently used for parking and storage of construction materials as well as vacant land. The proposed scheme would include open space and landscaping and would be an improvement in terms of visual amenity.

(g) convincing evidence of lack of demand through rigorous and active 12 month marketing period for employment re-use and employment redevelopment;

The site has not been marketed for employment re-use or redevelopment.

(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

It is not known if the site is viable for employment re-use or redevelopment.

69. It is considered that the proposal complies with the spirit of policy 10 of the Central Lancashire Core Strategy as there are adequate alternative employment sites within the Borough in more suitable locations. The proposal would deliver much needed housing and the approval of the application would show the Council is dynamic in responding to changes in the demand for land.

Emerging Central Lancashire Local Plan

70. Once adopted, the Central Lancashire Local Plan (CLLP) will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at an early stage of preparation and consultation on Issues and Options closed in February 2020.
71. The emerging CLLP will look at the distribution of new homes and the CLLP will be informed by an evidence base including a Housing Need and Demand Study, the results of which will also help to inform the future distribution of housing across the Plan area.

Central Lancashire Local Plan: Site Assessment work

72. Three call for sites exercises have been completed to date for the CLLP. The results from Call for sites 1 and 2 were consulted on as part of the Issues and Options Consultation

which ran between November 2019 and Feb 2020, during this time, a further window was opened for addition site suggestions (Call for sites 3).

73. Work to assess the sites commenced in February 2021 following completion of Level 1 Strategic Flood Risk Assessment (SFRA). This was undertaken in line with Strategic Housing and Economic Land Availability Assessment (SHELAA) methodology.
74. Officers in Chorley, South Ribble and Preston Councils finished their initial assessment of the sites in January 2021, and their findings were collated by the CLLP Team into the SHELAA database. This work will also include undertaking Integrated Assessment (IA) and Habitats Regulation assessment (HRA) and viability assessment of the sites, and will bring in findings of the SFRA as well as consultation responses on the specific sites from Statutory Consultees and local residents.
75. The direction of growth and development of a spatial strategy for the area is also in early development, with the Councils starting to look at the level of growth likely to be needed over the plan period and how the plan should look to direct this. There is still work to be done on this, including testing the emerging options in terms of transport and other infrastructure needs as they develop.
76. It is important to note that until all these stages of work have been completed, no decision on sites to be taken forward through the CLLP can be made.

Other Issues

Impact on character and appearance of locality

77. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high-quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high-quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1).
78. The surrounding housing stock consists of various styles and type of dwellings with detached, semi-detached, mews, terraced and apartments all present. Materials include red brick, cladding (timber and UPVC), multi-brick, render, Tudor board, buff brick, slate roof tiles and grey tiles. Windows include feature heads and cills, brick details surrounds, portal, horizontal emphasis, dormer windows and bay windows. Roofs include saltbox style, pike features, canopies, shed style and standard dual pitches.
79. The proposed houses will all be two-storeys in height and the two apartment blocks will be three storeys in height. Materials will include render, brick and cladding and the dwellings are of a simple contemporary design with the final choice of materials to be agreed through the discharge of planning conditions.
80. It is considered that the proposed dwellings will assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 – 2026 in this regard.

Residential amenity

81. The site is located to the north and west of Brookwood Way, Trinity Church of England Methodist Primary School is located to the south and there is existing housing on the other side of Brookwood Way. Buckshaw retirement village is located to the north on Oakbridge Drive, along with a GP surgery.
82. Paragraph 185 of the Framework requires that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

83. With regards to noise pollution, the applicant has submitted an acoustic report in support of the planning application. The Council's Environmental Health Officer has reviewed the report and agrees that no noise mitigation measures are required to protect the residential amenity of future occupants of the proposed dwellings.
84. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
85. It is worth noting that no objections have been received to the proposal in relation to residential amenity. All interface distances between the existing surrounding dwellings and the proposed dwellings are greater than the Council's minimum guideline distances and so are considered acceptable. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots.
86. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with national policy and local Policy BNE1 in this regard.

Flood Risk

87. The application site is not located within an area at risk of flooding, i.e. Flood Zones 2 or 3. That said, Section 14 of The National Planning Policy Framework (the Framework) requires that, when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Further, paragraph 169 of the Framework states that:

"Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
 - a) take account of advice from the lead local flood authority;*
 - b) have appropriate proposed minimum operational standards;*
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) where possible, provide multifunctional benefits."*
88. Paragraph 080 of National Planning Practice Guidance: Flood Risk and Coastal Change sets out the following hierarchy of drainage options: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain or another drainage system; to a combined sewer.
89. Policy 29 of the Central Lancashire Core Strategy (2012) seeks to reduce risk of flooding by, amongst other things, appraising, managing and reducing flood risk in all new developments, encouraging the adoption of Sustainable Drainage Systems; and seeking to maximise the potential of Green Infrastructure to contribute to flood relief.
90. The applicant has provided evidence to the satisfaction of United Utilities to demonstrate that surface water infiltration to ground is not an option. The proposal is to connect to the purpose-built sewers at an unrestricted rate as they were designed and purpose built for these types of connections throughout the Group One development. The Group One drainage strategy proposed flow controls that were to be implemented via weirs within the watercourses themselves. The resultant storage being online and provided within the lagoons and modified watercourses through the Group One site. The scheme has been agreed in principle with the Lead Local Flood Authority and United Utilities who have no objections to the proposed development, subject to conditions.
91. In light of the above, the proposed development incorporates the most suitable sustainable drainage option available to its location and would not increase the risk of surface water

flooding. The proposal therefore accords with national and local planning policy with regards to flood risk and surface water drainage and is acceptable in this regard.

Highway safety

92. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
93. The vehicular access to the site would be provided via three connections to Brookwood Way. (LCC) Highways are of the opinion that the highways layout and level of off-road car parking conforms to current guidelines and the proposed development would not have a severe impact on highway safety within the site and a safe and suitable access to the site has been provided for all road users.
94. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. The site is in a sustainable location with multiple options in terms of sustainable transport modes within walking distance of the site. It is also noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions. The proposal conforms to national and local planning policy with regards to highway safety and is therefore acceptable.

Ecology and trees

95. Section 174 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that proposals do not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site. Policy BNE9 of the Chorley Local Plan 2012 – 2026 explains that biodiversity and ecological network resources will be protected, conserved, restored and enhanced.
96. Much of the southern section of the site and part of the northern section are dominated by bare ground and gravelled areas which have been used as a site compound, including car parking, material storage areas and metal cabins. Other areas consist of flattened ground and a soil bund with established colonised vegetation, dense and scattered shrub, running water, amenity grassland and a very small pocket of broadleaved woodland in the south east corner of the site consisting of three mature oak trees and a few young willows and ash samplings. The woodland is proposed to be retained as part of the proposal.
97. The site has no nature conservation designations, legal or otherwise. No adverse impacts on any legally protected sites are anticipated. Buckshaw Wood and Pasture Biological Heritage Site (BHS) is adjacent to the western boundary of the site. This is an area of semi-natural woodland and marshy neutral grassland, with the woodland habitat in closest proximity to the site. A stream is also present on the southern boundary of the northwest section of the site. Without mitigation measures there is potential for the development to have a negative impact on the BHS.
98. Following comments made by the Council's ecological advisors (the Greater Manchester Geological Unit, GMEU) the proposed development has been pulled-back away from the BHS and a buffer zone introduced to protect the BHS from encroachment. Further, an assessment of biodiversity net gain was requested by GMEU which has been submitted and updated by the applicant, through discussion with GMEU. The assessment identifies that the proposal would be incapable of providing the 10% net gain on-site which will soon become a legal requirement through the contents of the Environment Act 2021 being

transposed into planning law. The applicant has therefore agreed with an adjacent landowner of grassland to provide off-site biodiversity enhancement measures to form part of a S106 legal agreement, to include habitat management prescriptions and long-term monitoring.

99. Conditions would be attached to any grant of planning permission to ensure the submitted landscaping scheme and mitigation measures for the safeguarding of protected species, and the adjacent BHS and trees are implemented. Further, a S106 agreement will be required to deliver the funding for off-site biodiversity enhancement measures. It is therefore considered that the proposal accords with national and local policy in this regard.

Employment skills provision

100. The Central Lancashire Employment Skills Supplementary Planning Document (SPD) was adopted in September 2017. The SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the Framework. The SPD goes on to state that one of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. The SPD seeks to;

- Increase employment opportunities by helping local businesses to improve, grow and take on more staff
- help businesses to find suitable staff and suppliers, especially local ones
- improve the skills of local people to enable them to take advantage of the resulting employment opportunities
- help businesses already located in Central Lancashire to grow and attract new businesses into the area

101. The SPD requires development over certain thresholds to be accompanied by an Employment and Skills Statement to ensure the right skills and employment opportunities are provided at the right time. This is to the benefit of both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

102. It is, therefore, recommended that a condition requiring an employment and skills plan is attached to any grant of planning permission.

Public Open Space

Amenity Greenspace

103. Policy HS4A of the Chorley Local Plan 2012-2026 sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Buckshaw in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision is therefore not required from this

development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019) / Open Space Study Paper (February 2019) (Study site 1818 Opposite 58-66 Wentworth Drive, Euxton). A contribution towards improvements to this sites is therefore required from this development. The amount required is £140 per dwelling.

Provision for children / young people

104. Policy HS4A of the Chorley Local Plan 2012-2026 sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Buckshaw in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019) / Open Space Study Paper (February 2019) (Site Ref 1815.1 Playground adjacent 92 Mile Stone Meadow). A contribution towards improvements is therefore required from this development. The amount required is £134 per dwelling.

Playing Pitches

105. The Playing Pitch Strategy and Action Plan (December 2018) identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements, with borough-level detail provided in the Chorley Open Space, Sports and Recreation Strategy (OSSR) Action Plan 2020 to 2036. The amount required is £1,599 per dwelling.
106. The total open space contribution required from this scheme is £151,713 which will be secured via a S106 legal agreement.

Sustainability

107. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the [Planning and Energy Act 2008](#) in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government’s intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent.”

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

108. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

Other issues

109. The one objection received in relation to this proposal relates to the capacity of local education and GP services to serve the proposed development. Lancashire County Council's Education department has responded to the consultation on this application to state that no contribution is required for the creation of additional primary or secondary school places. With regards to GP services, funds from the Community Infrastructure Levy noted in the preceding paragraph of this report includes for supporting such services.

Applying the tilted balance

110. Paragraph 11. d) ii. of the Framework indicates that, where the most important development plan policies for determining the application are out-of-date, planning permission should be granted, 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; the tilted balance.

111. The housing allocation reference HS1.21 identifies that the overall allocation could deliver 761 units, 817 have already been approved through reserved matters applications across the site allocation and this proposal would further increase this to 897 units. It should be noted that the housing allocation numbers detailed in policy HS1 are indicative and the housing requirement is a minimum to ensure enough housing is provided through the Local Plan. It is considered that in this case the greater level of housing cannot fail to comply with the Development Plan given that there is no express limitation upon the number of dwellings as allocated in the site-specific policy and within the wider plan (as is the case with all Development Plan) housing figures are not to function as ceilings.

112. The adverse impacts of the development relate primarily to its conflict with the mixed-use allocation of the site, namely policy EP1 of the Chorley Council Local Plan. It is considered that the proposal complies with the spirit of policy 10 of the Central Lancashire Core Strategy in providing additional housing over and above that identified for this site within policy HS1. It has been demonstrated that there would remain a sufficient quantity and variety of employment land within the Borough following the loss of this site. As such, the conflict with policy EP1 is only given limited weight in the planning balance.

113. In terms of benefits, the provision of new housing would bring construction and supply chain jobs, places for the economically active to live, increased local spend and greater choice in the local market. These benefits have not been quantified and would apply to any housing development of this scale but are still considerable.

114. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic benefits and significant weight to the social benefits.

115. The provision of open space and biodiversity gain contributions are neutral considerations because they are needed to make the development acceptable. That said, the 10% net gain in biodiversity is not yet a legal requirement in planning legislation but the applicant has nonetheless agreed to achieve this.

116. It is not considered that the adverse impacts of the proposed development relating to the conflict with Policy EP1 of the Local Plan would significantly and demonstrably outweigh the economic and social benefits of the proposal. As such, the proposal is recommended for approval.

Community Infrastructure Levy

117. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging

commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

118. Whilst the proposal would result in the loss of the employment allocation on this site, there would remain a sufficient supply of employment land within the Borough and significant weight is given to the delivery of additional housing on this brownfield site. It is considered that the adverse impacts of the proposal do not significantly and demonstrably outweigh the considerable economic and social benefits it would deliver. The proposal is therefore considered to be acceptable and is recommended for approval subject to the conditions identified below and a S106 obligation, as set-out earlier in this report.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan C1 & C2	GRP1.PP.C1.C2	26 October 2020
Planning Layout	G1C1.PL01 Rev E	17 February 2022
Landscape Proposals Sheet 1 of 2	6605.01 Rev B	1 March 2022
Landscape Proposals Sheet 2 of 2	6605.02 Rev B	1 March 2022
Drainage Layout	15048-5-EDGE-XX-XX-DR-C-2001 Rev P06	10 December 2021
Culvert Crossing Details	15048-5-EDGE-XX-XX-DR-C-2004 Rev P01	6 October 2021
Burnham (R20)	BH-WD17 Rev F	7 March 2022
The Cannock Apartments	CAN	15 April 2021
Single & Twin Garage (6 x 3) Plans & Elevations	PHL.SGD(6x3).P01	15 April 2021
The Piel Apartments	PIEL Rev A	19 November 2020
The Alnwick	ALN	26 October 2020
The Barton	BAR	26 October 2020
The Buttermere	BUT	26 October 2020
The Derwent	DER	26 October 2020
The Grasmere	GRA	26 October 2020
The Hornsea	HOR	26 October 2020
The Moseley	MOS	26 October 2020
The Windermere	WND	26 October 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to any development taking place above DPC level, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

7. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

8. Prior to any works taking place above DPC level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwelling
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling.

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.

9. All landscape works shown on the approved drawings ref. 6605.01 Rev B and 6605.02 Rev B received on 01.03.2022 shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All planting should comprise only native plant communities appropriate to the natural area.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

10. Prior to the construction of the superstructure of the dwelling hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

11. The approved dwelling shall not be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

13. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

Reason: To protect the amenities of the nearby residents.

14. Should, during the course of the development, any contaminated material other than that referred to BAE's investigation, risk assessment and remediation reports be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

Reason: Please note it is the applicants responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012)..

15. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should follow the recommendations in Section 5 of the submitted 'Preliminary Ecological Appraisal Update' report and include details of protection of existing and retained habitats (including BHS habitats and the stream), protection of species such as nesting birds (paragraphs 5.14 and 5.15 of the report), amphibians (5.13) and mammals (5.10). The CEMP should also include a lighting scheme (5.8), tree protection measures (5.2) and details of reasonable avoidance measures.

Reason: To protect local flora and fauna.

16. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage strategy report (November 2020, 15048-5-EDGE-XX-XX-RP-C-0001_FLOOD RISK ASSESSMENT[P01], EDGE Consulting Engineers). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

17. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 15048-5-EDGE-XX-XX-DR-C-2001, Rev P06 - Dated 5.11.21 which was prepared by EDGE. The development shall be completed in accordance with the approved details.

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

18. The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.

19. The development shall be carried out in strict accordance with the measures of tree protection identified on drawing ref. P.1376.20.02 Rev A, which forms part of the Arboricultural Impact Assessment ref. P1376.20, dated September 2020, submitted to the Local Planning Authority on 24 March 2022. All trees proposed for retention shall be protected in accordance with BS5837.

Reason: To minimise impact upon trees to be retained.

20. The development shall be carried out in strict accordance with the ecological mitigation measures identified at Section 5 of the Preliminary Ecological Appraisal Update report, dated February 2022, received by the Local Planning Authority on 7th February 2022.

Reason: To protect ecological receptors and enhance the biodiversity value of the scheme.