

## **APPLICATION REPORT – 21/01076/FULMAJ**

**Validation Date: 3 September 2021**

**Ward: Coppull**

**Type of Application: Major Full Planning**

**Proposal: Demolition of existing dwelling and erection of 67no. dwellings (including 30% affordable housing) with associated access, car parking and landscaping**

**Location: Land 53M West Of Belvedere 31 Darlington Street Coppull**

**Case Officer: Mike Halsall**

**Applicant: Miller Homes, Geoffrey Dickinson And The Blackburn Diocese**

**Agent: Lichfields**

**Consultation expiry: 24 November 2022**

**Decision due by: 30 June 2023 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
  - A highways contribution of £3,000 for a traffic regulation order (TRO) for additional waiting restrictions at the Darlington Street / Hewlett Street junction;
  - a public open space contribution of £153,430; and
  - 30% of the dwellings to be affordable houses.

### **SITE DESCRIPTION**

2. The application site is located to the west of Darlington Street and north of Hewlett Avenue, on the edge of the defined settlement boundary of Coppull. The majority of the site is identified as Safeguarded Land on the Chorley Local Plan Policies Map, i.e. land for future development needs beyond the plan period, to which policy BNE3 of the Chorley Local Plan 2012-2023 applies. A small section of the site, at its south eastern corner where it adjoins Darlington Street, is located within the defined settlement boundary of Coppull.
3. The site consists of approximately 2.8 hectares of mostly agricultural land, largely bound by hedgerows with interspersed trees. A playing field is located to the east, with further open agricultural land to the north and west. There are dwellings and allotments bounding the site to the south west on Tanyard Close, dwellings to the south on Hewlett Avenue and east/south east on Darlington Street. There is a public right of way (FP27) located approximately 20m to the north east of the site boundary. The grade II listed Church of St John The Devine is located approximately 20m to the east, on the opposite side of Darlington Street.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. Planning permission is sought for the demolition of an existing dwelling, St Johns Vicarage, to enable site access from Darlington Street, and the erection of 67no. dwellings (including 30% affordable housing) with associated access, car parking and landscaping.

5. The site access would be gained via Darlington Street where the detached dwelling of St. Johns Vicarage is currently located. The submitted drawings show an internal access road proposed to run along the southern and western perimeter of the site with a further central road bisecting through the middle of the site in an easterly and then northerly direction. Open space and landscaped buffers would be provided between the proposed dwellings and most of the existing dwellings that bound the site. The proposed dwellings would be located along the inner side of the perimeter road and either side of the central road. The proposed 67 dwellings would consist of 21 four-bed dwellings, 32 three-bed dwellings (including 6 affordable dwellings), 6 affordable two-bed dwellings and 8 affordable one-bed dwellings (apartments). All dwellings are proposed to be a maximum of two storeys and nine metres in height with a mixture of detached, semi-detached and terraced dwellings.
6. A policy compliant 20 affordable units would be provided as part of the scheme, 70% (14 units) would be social rent and the remaining 30% (six units) would be shared ownership.
7. The submitted plans have been amended since their original submission to change the mix of affordable housing, at the request of the Council's Housing Officer. Whilst the mix still slightly differs from that requested by the Council's Housing Officer, Jigsaw Homes have provided a letter stating that they support the proposed mix, as follows:

Shared ownership

4 x 3-bed house

2 x 2-bed house

Social rented

2 x 3-bed house

4 x 2-bed house

8 x 1-bed apartment

8. Jigsaw Homes have stated that *"there is sufficient demand in Coppull for the above type of accommodation for affordable housing. The 1 bed apartments are more popular than the two bed apartments and for this reason we would support the provision of the suggested number of 1 bed apartments on this development."*
9. Other changes have included changing the dwelling types, which the applicant's agent has stated was to ensure compliance with updated Building Regulations requirements coming into force since the application was submitted. The rear first floor bedroom window of Plot 3 has also been moved to the side of the dwelling, to avoid directly overlooking the rear garden of no. 29 Darlington Street.

## REPRESENTATIONS

10. Representations have been received from the occupiers of 75 addresses in objection to the proposal. A summary of the issues raised within the representations is as follows:
  - Increase in traffic
  - Highway and pedestrian safety
  - The above issues being exacerbated during school pick-up / drop-off times
  - Access roads are too narrow, emergency services would struggle to access
  - Insufficient local amenities / services – doctors, chemist, A&E, schools etc.
  - Poor drainage / increase in flooding
  - Green Belt harm
  - Impact on wildlife / ecology
  - Visual and landscape impacts
  - Carbon emissions
  - Noise pollution
  - Water pollution
  - Harder to access walking routes
  - Light pollution

- Hedgerow disturbance
  - Darlington Street is prone to collapsing / sink holes
  - Property value diminishing
  - Previous refusal of planning permission at the site
  - Plenty of affordable housing in the area
  - Demolition of a lovely house
  - Coppull crime rate is already high with the Police struggling to cope
  - Criticism of neighbour notification process
  - Should use brownfield sites instead
  - Loss of privacy
  - Land stability / coal issues
  - Small village with a growing population
  - Don't need any more housing in small village
  - Won't be in keeping with local surroundings
  - Loss of the vicarage – part of the history of Coppull and St. John's Church
  - Contrary to the policies of the Local Plan
  - Contrary to policy BNE3 Safeguarded Land
  - Unsustainable development
  - Other approved development will affect highway safety
  - Loss of trees / green space
  - Substation close to residents
  - Deficiencies in the submitted documents
11. A petition in objection to the proposal has also been submitted with 774 names and post codes or partial post codes. Full addresses have not been provided.
12. Any impact upon property value is not a material planning consideration. Other issues are covered in the following sections of this report.
13. It is noted that a previous planning application for development on the site was refused. The currently proposed scheme is however materially different to the previously appealed scheme (ref. APP/D2320/A/10/2123370) which was dismissed for 3no. dwellings on land to the rear of 31 Darlington Road. Setting aside the clear differences in the scale of development proposed, the refused scheme included an access immediately adjoining the side boundary of no.2 Hewlett Avenue which continued along the boundary for approximately 18 metres. In the appeal decision, the Inspector noted that the access would be about 12 metres from the kitchen and dining area of no.2 and would make these rooms and the garden a much less pleasant place to be because of potential disturbance by noise, fumes, lights and a loss of privacy. The Inspector also considered that the access would be visually intrusive when viewed from no.2's garden and its rear-facing rooms because of the lack of intervening screening or vegetation. The proposed access of the current application is significantly different in this instance, as explained elsewhere in this report. The appeal decision was also made in July 2010 which presented a different national and local policy context to the current scheme.

## CONSULTATIONS

14. Coppull Parish Council: Have commented in objection to the proposal as follows:

*"The Parish Council strongly object to the above planning application on the following grounds:*

*1. Demolition – the Vicarage is part of the heritage of the Church which is a listed building and should be protected. The Diocese allegedly would receive all the money from this sale and will not be donating any to the church, which is in dire need of a new roof. The trees which are mainly native trees (Oak and Beech) have TPO's on them and should be preserved.*

2. *Green Belt – the area behind the Vicarage is green belt land and although the area has been classed as “safeguarded” for future development in the local plan, this should not be until 2026. The potential developers are very premature with this application. The area is also a haven for wildlife and this should also be protected.*

3. *Infrastructure:*

- *The roads giving access to this development are extremely narrow (Darlington Street) and have traffic calming measures (Park Road). They are already severely congested at peak times, due to there being a primary school and church/church hall in close proximity. Darlington Street also has a recent history of sink holes.*
- *Contractors trying to navigate down these streets will make it extremely dangerous for children going to and from school and will find it extremely difficult themselves to negotiate the narrow roads and parked cars. The effect of building so many new houses in the area will place a high burden on all local services and will increase traffic tremendously, given there will most likely be at least two cars per house. Drainage is already at capacity and flooding will also be a concern. The noise and disturbance resulting from the proposed development is of great concern and the current properties will be overlooked and some will lose their privacy.*
- *Parking – Very limited for residents, school and church. Although there is a church car park which is very well used, cars are continually double parked on all the surrounding streets making the roads passable in just one direction at a time. The exit from Darlington Street is dangerous, as you have to pull out onto Spendmore Lane due to the sight lines.*
- *School/Nursery/After School Club – already hazardous for parents children, teachers due to the amount of traffic already using these roads.*
- *Doctors Surgery, Library, Dentist, Chemist – only one of each and already under enormous strain. Also have residents from nearby villages, i.e. Charnock Richard, Heskin.*

4. *The proposed site is in a high risk area for previous coal mining and shafts and the precise siting of these is not known. There is also contaminated waste on this site, which could release harmful smells.*

5. *An archaeological investigation needs to take place, as this may be a site of significant interest.*

*The Parish Council sincerely hope that you take all the objections from residents into account when making a decision on this matter”*

15. *The Coal Authority: In their most recent comments the Coal Authority confirm that they withdraw their initial objection, subject to conditions.*
16. *Environment Agency: No objections raised. The Environment Agency advise that they have reviewed the Phase 1 and 2 reports and that the investigation is adequate given the previous use of the site. They note that minor contamination associated with the magazine on site has been discovered and that this would be removed.*
17. *Greater Manchester Ecology Unit: Have responded with no objection to the proposal and have suggested conditions with regards to safeguarding nesting birds, the watercourse, trees, hedgerows and great crested newts and the provision of a detailed landscaping scheme and management plan.*
18. *Lancashire County Council (Education): Have responded stating that there is no requirement for a financial contribution towards education provision.*
19. *Waste & Contaminated Land Officer: Advise that the investigation is satisfactory, and that minor contamination has been identified which will be removed. No objection is raised,*

subject to the development progressing in accordance with the works outlined in the Phase 2 report.

20. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal, subject to conditions.
21. Lancashire County Council Archaeology: Conditions for building recording and archaeological investigation recommended.
22. Lead Local Flood Authority (LLFA): Initially responded with no objection to the proposal, subject to conditions. Objectors commissioned consultants, JBA, to undertake a review of the flood risk associated with the proposals, to which the LLFA responded as follows:

*"I have done a detailed breakdown of JBA's review of the submitted FRA for 21/01076/FULMAJ. Please see my comments on the recurring themes raised within the review of the FRA.*

*The only real viable issue the review raises that has any policy backing is the greenfield runoff rate. However they are comparing the results from the FRA to their own results, which have been calculated using a different methodology. This is somewhat flawed, as a different method will produce a different result as the methods are based on different parameters. The method in the FRA is actually a more up to date method which is more suitable for smaller drainage catchments. The method used in the FRA is an accepted method and the proposed runoff rate meets the required technical standards. In addition to this, the difference in the two calculated rates is 0.7 l/s which is a less than 10% difference between the two rates and likely comes down to the different methods used to calculate it, rather than the calculation being wrong in any way. As such I do not consider this to be an issue.*

*The review of the FRA has issues with existing off-site flood risk surrounding Tanyard Brook, this is a pre-existing issue and because the developer is restricting the discharge rate to the pre-development greenfield runoff rate, then these existing issues should not be exacerbated, they will theoretically remain the same. This meets the required technical standards. There is no policy backing that can make the developer resolve any off-site existing flooding issues, so there is no ground for objection in association with this from the LLFA. When reviewing the downstream flood risk it should be noted that this is to allotment gardens and fields, the risk won't be to people or properties. To get technical about it the surface water flood risk is predominantly medium/low for the adjacent area of tanyard brook, this means that this area has a chance of flooding of between 1% AEP (annual exceedance probability) and 3.3% AEP each year. The proposed drainage strategy is restricting the discharge rate to Greenfield Qbar (approximately the runoff rate experienced in the 50% AEP rainfall event from the pre-developed site) for these more extreme rainfall events, which is much lower than the equivalent pre-developed greenfield runoff rate. In theory this should see a reduction, or no change in flood risk for these more extreme rainfall events, not any increase.*

*I do not disagree with some of the other principles within the review of the FRA, such as the implementation source control and NFM 'slow the flow' techniques, however there is no policy backing to make any of this a requirement of the developer, and without a robust policy backing any objection from myself based on these would not stand in an appeal situation. These are nice to have and what we would LIKE to see, but they are definitely NOT a requirement.*

*The other missing information such a flood exceedance routes and a maintenance plan I have asked for in pre-commencement conditions and are not principles of development so securing these through conditions is fine in my opinion. I am almost certain they want UU to adopt the system under a S104 agreement, you can tell by the way they have done the drainage drawing!*

*In conclusion, I do not believe there are any omissions in the submitted FRA which the applicant needs to address, as explained above. The proposal meets all the required technical standards and any missing information will be secured by the recommended pre-commencement conditions in my response.”*

23. Lancashire Police: Make a number of recommendations in relation to designing out crime.
24. Council's Tree Officer: Have responded to state that this proposed development would result in the loss of a linear group of Beech and seven individual trees protected by TPO. Some of these are category A and B trees. Should the development proceed, an appropriate site specific tree protection plan and an arboricultural method statement should be produced and adhered to.
25. Air Quality Officer: Have responded to state that *“the methodology followed in the applicant's submission is appropriate, and their conclusion that a detailed air quality assessment is not needed is acceptable in this case. I'm also happy that they propose to install EV charging in the properties, so as long as this is followed through it should be fine as a mitigation measure. Where gas-fired boilers are used, would propose them to meet a minimum standard of <40 mg NOx/kWh. With a presumption against using biomass burning within the properties.”*

There is no planning policy requirement in relation to EV charging or setting boiler/biomass standards. These issues are covered under separate legislation.

26. United Utilities: Recommend that the development should be carried out in accordance with the principles set out in the Foul & Surface Water Drainage Design.

## **PLANNING CONSIDERATIONS**

### Principle of development

27. 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.
28. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026. 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).
29. A small section of the site near Darlington Street is located within the defined settlement boundary of Coppull. The site access and five dwellings would be located within this part of the site, covered by policy V2 of the Chorley Local Plan, where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the Plan.
30. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire. Coppull is identified as an Urban Local Service Centre where some growth and investment will be encouraged to help meet housing and employment needs.
31. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary and secondary school places within the catchment area of the site.
32. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to

existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.

33. The majority of the site, where the remaining 62 dwellings would be situated, is identified as Safeguarded Land, as defined in Policy BNE3 (Areas of Land Safeguarded for Future Development Needs) of the Chorley Local Plan 2012 – 2026, known as BNE3.5 North of Hewlett Avenue, Coppull.
34. The site was designated as Green Belt in the 1993 Lancashire Structure Plan. It was removed from the Green Belt designation and reallocated as Safeguarded Land along with a number of other sites in the 1997 Chorley Borough Local Plan under the Safeguarded Land policy (Policy C3). In the Chorley Borough Local Plan Review in 2003 the site was again designated as Safeguarded Land under Policy DC3.12 (North of Hewlett Avenue, Coppull’).
35. The areas of Safeguarded Land covered by Policy DC3 were reviewed as part of the current Local Plan process which started in 2010. The review included a sustainability assessment, and consultation with Lancashire County Council and United Utilities. In order to meet Chorley’s housing, employment and open space requirements in the Chorley Local Plan 2015, safeguarded sites that were considered the most suitable, specifically those that were natural extensions to existing settlements, and proved most viable in terms of highways access and the characteristics of the site were allocated. The remaining Safeguarded Land was retained as Safeguarded Land under Policy BNE3 to provide for potential future development needs beyond the Plan period (i.e. after 2026).
36. Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. The proposal is, therefore, contrary to Policy BNE3.
37. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

#### Other material considerations

38. 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). These are 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
39. 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).
40. 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.
41. 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.

42. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
43. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
44. 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.

#### Housing land supply

45. The following planning appeal decisions are of relevance.

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

46. 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.
47. 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.
48. In respect of the Housing Requirement in Chorley:
49. 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).
50. 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.
51. 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.

52. 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, Ecclestone 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**

53. 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.

54. 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.

55. In respect of housing land supply:

56. 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.

57. 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.

58. 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.

59. 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.

60. 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)

61. 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."*
62. 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**

63. 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.
64. 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.
65. 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**

66. 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.
67. 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.
68. 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.”*

**Land east of Charter Lane, Charnock Richard  
Decision APP/D2320/W/22/3313413**

69. On the 5 May 2023 a decision was issued for the appeal on Land east of Charter Lane, Charnock Richard. The appeal was allowed and full planning permission was granted for the erection of 76 affordable dwellings and associated infrastructure at the site in accordance with the terms of the application, ref 21/00327/FULMAJ, dated 11 March 2021, and the plans submitted with it, subject to conditions.
70. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, the main issue in the appeal was whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.
71. The Inspector concluded the following with regards to housing land supply:

*“Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5-years worth of housing against their local housing need where the strategic policies are more than 5 years old.*

*The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.*

*While this is disputed by a number of interested parties, this position has been extensively tested at appeal, including most recently in a decision dated December 2022. Accordingly, I am satisfied that there is a critical housing need across the Borough.”*

**Land at Blackburn Road, Wheelton  
Decision APP/D2320/W/22/3312908**

72. On the 30 May 2023 a decision was issued for the appeal on Land at Blackburn Road, Wheelton. The appeal was allowed and outline planning permission was granted for the residential development of up to 40 dwellings with access from Blackburn Road and all other matters reserved, subject to conditions.
73. The main issue in the appeal was whether the proposal is consistent with the objectives of local and national planning policies relating to the location of housing, and if there are any adverse effects of the development proposed, including conflict with the development plan as a whole, whether they would be outweighed by any other material considerations.
74. The Inspector concluded the following with regards to housing land supply:

*“the evidence before me has drawn my attention to recent appeal decisions in Chorley, including those where planning permission previously has been granted for up to 123 dwellings at Land adjacent to Blainscough Hall, Blainscough Lane, Coppull1, for up to 80 dwellings at Land to the East of Tincklers Lane, Eccleston2, for up to 34 dwellings at Land south of Parr Lane, Eccleston3 and for up to 25 dwellings at Land off Carrington Road, Adlington. Following those appeal decisions including the developments subject of Inquiries at Blainscough Lane, Coppull and Tincklers Lane, Eccleston, it is not a matter of dispute between the main parties that Policy 4 of the CS is more than five years old and is out of date due to changes to national policy since its adoption including a different method for calculating local housing need. I have no reason to take a different view. Furthermore, even if I were to accept the stated Council position of a 3.3 year deliverable supply of housing based on a local housing need calculation of 569 dwellings per annum (following the standard method set out in paragraph 74 of the Framework and Planning Practice Guidance) rather than the deliverable supply of between 2.4 and 2.56 years identified by previous Inspectors, the shortfall in supply remains significant and clearly below five years. It follows that as I have found Policy 4 of the CS to be out of date and that the Council cannot demonstrate a five-year supply of deliverable housing sites that the ‘tilted balance’ in the Framework is to be applied which I necessarily return to later in my decision.”*

Summary - the tilted balance

75. 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.
76. Policies 1 and 4 of the Central Lancashire Core Strategy and policies BNE3 of the Chorley Local Plan are the most important policies for determining the planning application.
77. As previously discussed, the eastern part of the proposal that is located within the settlement area of Coppull complies with policy 1 of the Core Strategy and policy V2 of the Chorley Local Plan, although this is only a small section of the site. The rest of the proposal

also complies with Policy 1 as it represents growth to help meet a housing need. Policy V2 of the Local Plan does not apply to the larger section of the site as it is not located in the settlement boundary. It is therefore not considered that Policy V2 of the Local Plan is one of the most important policies in the determination of the application.

78. Also as previously noted, Policy BNE3 is a restraint policy and states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land. Much of the site is allocated as Safeguarded Land and the proposal is, therefore, contrary to Policy BNE3.
79. At 1st April 2022 there was a total supply of 1,888 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 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 30% of the of the dwellings would be affordable houses.
80. In light of the above, Policy 4 of the Central Lancashire Core Strategy and BNE3 of the Chorley Local Plan are out of date and the tilted balance is, therefore, engaged.
81. The High Court decision [Gladman Developments Limited v Sec of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council [2021 EWCA Civ 104] concerned the application of para 11d of the Framework and the tilted balance. In particular, the effect of footnote 7 in this case, where there was not a five year housing land supply, was simply to trigger paragraph 11(d) and that it did not necessarily render all policies out of date. It was noted that where 11(d) is triggered due to the housing land supply position it is for the decision maker to decide how much weight should be given to the policies of the development plan including the most important policies and involve consideration whether or not the policies are in substance out of date and if so for what reasons.
82. Policy 1 of the Core Strategy sets out the settlement strategy for the area and is not out of date. That said, the Council cannot demonstrate an adequate supply of housing and the shortfall is significant. Policy 1 of the Core Strategy therefore forms part of a strategy which is failing to deliver a sufficient level of housing. As such, the policy should only be afforded moderate weight in the planning balance.
83. Whilst Policy BNE3 of the Local Plan is broadly consistent with the Framework it is also out of date as it safeguards land based on the housing requirement in Policy 4 which is also out of date. As such, limited weight should be attached to the conflict of the scheme with policy BNE3.
84. 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.

#### Emerging Central Lancashire Local Plan

85. Chorley Council is working with Preston and South Ribble Councils to produce a Central Lancashire Local Plan (CLLP). Once adopted, this will replace the existing joint Core Strategy and Chorley Local Plan. The CLLP is at the Preferred Options Stage and public consultation on Preferred Options Part 1 closed in February 2023.
86. The application site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.28 'North of Hewlett Avenue'. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the

development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

#### Impact on heritage assets

87. As previously noted in this report, the site is located within 20m of the grade II listed Church of St John The Devine ((List Entry Number 1281357). The proposal also includes an existing dwelling 27 Darlington Street, which was formerly a Vicarage, which has been identified as a non-designated heritage asset (NDHA). The proposal therefore needs to be assessed in relation to its impact upon the setting of the listed building and upon the non-designated heritage asset.
88. The Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) sets out the principal duty that a Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight and importance is attached to this duty.
89. The Framework at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
90. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
91. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
92. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
93. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
  - a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.

94. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
95. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
96. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
    - i. Is in accordance with the Framework and relevant Historic England guidance;
    - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
    - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
  - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
    - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
    - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
    - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
    - iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
    - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
    - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
97. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

### Assessment

98. The Council's heritage advisors, Growth Lancashire, have reviewed the proposal and have commented as follows:

*"The key heritage issues for the LPA to consider under the application are:*

1. *Whether the proposal would harm the setting of the adjacent Grade II listed building (Church of St John the Divine).*
2. *In respect of NPPF P.203, – whether the scheme will cause any harm to the non-designated heritage asset (NDHA).*

### The proposal

*The application seeks the demolition of the existing building (former Vicarage) and the erection of 67no. dwellings with associated access, car parking and landscaping. The submission documents present a mixture of detached, semi-detached, terraced and apartment homes, comprising of one, two, three and four-bedrooms. Each unit will have its own area of private amenity space and car parking. All homes proposed will be two storeys, with a maximum ridge height of under 9m from floor level.*

*The proposed landscaping incorporates retained tree planting to the periphery of the site and native hedgerow and shrub planting. The layout incorporates ancillary open space and green infrastructure; with open space proposed to the western part of the site.*

*The site will be accessed via Darlington Street (between No's 25 and 29), via land that is currently occupied by an existing dwelling (formerly a Vicarage), which is proposed to be demolished.*

### Impact on the setting to designated heritage assets

*The issue from a heritage viewpoint is whether the proposal would harm the setting of the grade II listed 'Church of St John the Divine', which overall can be attributed as having a high significance. The properties significance is in its aesthetic and historic context, primarily evidenced in the buildings fabric and architectural form/appearance and continual use as a place of worship.*

*In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.*

*The church was designed by Dudley Newman with carving by Esmond Burton, constructed in the early C20 of Rock faced stone, with a green slate roof in a Perpendicular style with some C12/C13 details. Map regression can determine that originally, the building was adjacent to extensive open (agricultural) land to its north and west. Over time, the land surrounding the church and its immediate context, has been developed with residential dwellings from various periods/styles. However, the land to the north and north-west largely remains as open fields.*

*The proposal site lies directly to the west of the listed building, extending to its north-west, on the opposite side of Darlington Street. The submission documents outline that access to the proposal site will be directly opposite the Church of St. John the Divine.*

*According to the first edition OS map, as noted above, the site was a relatively isolated setting, which gradually changed through the 20th century, with the arrival of the mix of residential dwellings within close proximity on the western side of the church. These 20th century developments have resulted in physical changes to the wider setting of the listed building and have overtime contributed to some gradual erosion of the historic setting. I do not regard the wider setting to contribute, to any significant level, to the overall significance of the listed church.*

*The views to and from the proposal site are limited because of the intervening dwellings. Nevertheless, due to the spacious plots at the northern end of Darlington Road, the*



*proposal site may be glimpsed, between the gaps between dwellings and from where the new access drive will be created once the former Vicarage is demolished. However, I note that to some extent the retention of the existing trees located behind No's 29 & 31 Darlington Street, will limit any views to and from the listed building.*

*Taking into consideration the screened nature of most of the proposal site, (with the exception of the parcel of land directly opposite the listed church containing the former vicarage); I do not regard that site contributes any level of significance to the listed building and can be considered, for the basis of this assessment, to be of a neutral value. With regards to the demolition of the former Vicarage, whilst the existing dwelling is proposed to be demolished, a replacement dwelling will be located in a similar location, albeit closer to the existing boundary wall and church, which to some extent will go some way to retaining the existing relationship and screening the wider proposal site.*

*Whilst the development proposals would lead to a permanent visual change within the setting of the church, I note that change within the setting of a heritage asset does not necessarily equate to harm or loss of significance. As the wider setting contains a mix of dwelling types built at different times throughout the C20 in a variety of styles, I do not feel that a new dwelling, in a different style, will cause any additional harm to the setting.*

*I consider that the significance of the listed building is largely defined by the retained fabric of the building itself, primarily in the buildings design, form and materials, and in its immediate setting confined to the surrounding church grounds.*

*In the context of the setting of the church, I do not think that the new residential development will be noticeable in the immediate context as the listed building. Given the already slightly eroded nature of the setting to the listed building and the neutral importance of the proposal site, in my view, the impact of the new development on the value of the setting will be negligible. Subsequently, I feel the proposal will have no discernible impact on the contribution made by the setting to the significance of the heritage asset.*

#### *Impact to the Non-Designated Heritage Asset*

*The Governments guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.*

*P.203 of the national Framework makes reference to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, an LPA should have regard to the scale of any harm or loss and the significance of the heritage asset.*

*The proposal site contains a NDHA (former Vicarage) to which its significance is based in its aesthetic and historic/associative value. This is primarily evidenced by the historic association of the former Vicarage to the adjacent Church of St. John the Divine. I do however recognise that as a NDHA it has a lower heritage value and as such, can only be afforded (within the national context) as having a low importance or significance.*

*Unlike in the case of designated assets, LPA's are only required to carry out a simple weighing exercise of those material matters and that any impact (which carries no statutory duty on behalf of the LPA) should be considered against the merits of the whole application including the benefits generated by sustainable new development. It is for the Council to apply what weight it considers appropriate, to those material matters in its decision, so long as it is being reasonable.*

*The NDHA is of local importance, and is an early C20 dwelling, which as noted above is associated to the adjacent church, which used to serve as its Vicarage and therefore has some associated value. The existing red brick gatepiers with terracotta capping's are inscribed with 'The Vicarage', which indicates the former status of the building. The plans*

*show that existing gatepiers are to be retained and incorporated into the redesigned Darlington Street frontage.*

*It is my view that the former Vicarage does not visually evidence an obvious or clear association (apart from the named gatepiers), as there is no shared architectural detailing. The former vicarage presents as a further detached residential dwelling, amongst a varied, residential street-scape.*

*In regards to the proposal for it to be demolished, even in the event of its total loss, I can only assign a level of harm that is at the very low end of a scale, which in the national context, would be minimal loss of heritage significance.*

*Nevertheless, lower levels of harm should not be seen as a lesser objection and any harm should be given weight in the LPA's planning judgement. It is for the LPA to have regard to the impact of the works on the NDHA asset (which has been identified as being low). In this case it may be reasonable to expect the LPA to consider the benefits of the proposed scheme to outweigh the low level of harm identified.*

*To help mitigate the loss should the LPA approve the application, then I recommend that a Condition should be applied requiring the production of a photographic record of the former Vicarage, prior to its demolition.*

#### Conclusion / recommendation

*As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments and I have provided a balanced judgement in my comments in relation to the NDHA's and the need to preserve heritage.*

*In regards to the setting of the listed building, I consider the proposal would meet the statutory test 'to preserve', causing no discernible harm to the contribution made by the setting to the significance of the Grade II Listed Building (Church of St. John the Divine).*

*In relation to the loss of the former Vicarage, as indicated above, in my view the proposals, which result in the buildings demolition, would cause some degree of harm or loss of significance. However, given the former Vicarage is a NDHA of low significance, the level of harm caused by the proposals would be similarly limited (low). As such under the NPPF P203 assessment, it is for the LPA to consider if the benefits of the proposed development outweighs the level of harm identified from its demolition.*

*In undertaking that balance should the LPA consider the public benefits to outweigh the harm identified, then the scheme would meet the requirements contained in Chapter 16 NPPF and be deemed to accord with Policy BNE 8 of the Local Plan and Policy 16 of the Core Strategy."*

99. Taking the above comments into account, it is clear that the proposal will have no discernible impact on the contribution made by the setting to the significance of the listed church. This part of the proposal does therefore meet the statutory test 'to preserve', causing no discernible harm to the contribution made by the setting to the significance of the Grade II Listed Building. However, the loss of the NDHA of the Vicarage would give rise to low level harm.
100. The Local Planning Authority must therefore consider the wider public benefits of the proposal against the low level of harm caused by the loss of the Vicarage. As discussed later in this report, there are significant benefits from the delivery of housing from this proposal. This should also be given significant weight in the planning balance.
101. On balance it is considered that the benefits of the proposal outweigh the harm from the loss of the NDHA and therefore the proposal complies with the aforementioned heritage related policies.

### Impact on the character and appearance of the area

102. Core Strategy policy 17 seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets
103. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area; and that the proposal would 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.
104. Policy BNE10 (Trees) of the Chorley Local Plan 2012 -2026 stipulates, among other things, that proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows.
105. When considering any development proposal, the Council must be mindful of the Framework that states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
106. Chorley Council plans positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and seeks to create well-mixed and integrated developments, which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation.
107. The application site is an irregular shaped plot, extending beyond the existing built development of Coppull. In order to access the site, the proposal involves the demolition of the Vicarage building to make way for a vehicular access off Darlington Street and to erect 5no. dwellings on the Vicarage plot.
108. The layout has been designed with a green edge to the perimeter of the site to the north, west and south, with properties being outward facing and fronting the greenspace, providing an attractive outlook for future occupiers. In addition, the greenspace would also act as a visual buffer, providing a soft edge to the countryside.
109. The building to plot ratios would be in-keeping with the surrounding area and the overall density of the development is 24 dwellings per hectare. Whilst not necessarily low density in terms of surrounding properties, there are various constraints across the site associated with coal mining legacies, easements, and existing natural features situated to the west, which means that the whole site is not developable. In this regard, it is considered that the proposed development makes the most efficient use of the developable area of land and makes good use of site constraints by incorporating green infrastructure and ecological enhancements within the scheme. In addition, the green infrastructure also serves to provide separation to neighbouring properties.

110. The proposed development provides a mix of 1 bed, 2 bed, 3 bed and 4 bedroomed properties which would achieve a well-mixed and balanced community. The scale of the development is reflective of the predominantly two storey scale found within the surrounding area, and prominent corner plots are well designed with the use of dual fronted properties to add visual interest to the streetscene. The proposed materials are appropriate to the locality and the use of render on some corner plots would not appear incongruous within the development as they are intended to stand out as feature plots, and the use of render can be found in the locality.
111. There are a number of natural features to site boundaries in the form of hedgerows and trees. In particular those to the north and east of the site have value for foraging bats and nesting birds and are proposed for retention as part of the scheme. Further hedgerow and tree planting is proposed to the site boundaries, and ornamental planting within certain plots. In order to facilitate access to the site, the proposal involves removal of a number of trees which are protected by way of a Tree Preservation Order. The purpose of a Tree Preservation Order is to protect trees that bring significant amenity benefit to the local area.
112. Within the curtilage of the Vicarage there are 8 TPO trees and 2no. groups. These vary in terms of quality and categorisation. Of these, only 2no. of the protected trees are proposed for retention and the remainder would be felled to facilitate plots 1 to 6 and the access road. The loss of these trees would affect the amenity of the area and this is a shortfall of the scheme. Consideration does, however, need to be given to the wider benefits of the scheme and that replacement planting could mitigate this impact in the longer term.
113. Overall, it is considered that the proposal is acceptable in terms of its impacts upon the character and appearance of the site and the wider area and complies with policy BNE1 of the Chorley Local Plan and Core Strategy policy 17 in this regard. The proposal conflicts with policy BNE10 of the Local Plan with regards to the loss of trees, but this is outweighed by the benefits of the proposal, as outlined later in this report.

#### Impact on neighbouring amenity

114. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
115. The application proposes a residential development of 67no.dwellings adjacent to an existing residential area. The proposed vehicular access would be situated adjacent to no.25 Darlington Street and the internal road would run parallel with the side of this property to the north. The road would extend into the application site, also running parallel with the rear boundaries of nos. 2 to 6 Hewlett Avenue.
116. It is acknowledged that the location of the proposed access would result in a change to the existing amenity situation experienced from the private garden areas of these neighbouring properties as it would generate comings and goings of vehicles, including the associated noise and disturbance arising from these movements, where currently the land has an agricultural use with agricultural traffic. However, a landscaping strip would be provided between the access road and these neighbouring properties along the boundary which would vary between approximately 6 metres and 12 metres in width to the side boundary of no.25 and approximately 8 metres in width to the rear garden boundaries of 2 to 6 Hewlett Avenue. The majority of existing trees would be retained, with further tree, hedgerow and bulb planting proposed as part of the landscaping scheme. The landscaped buffer zone would provide an adequate degree of separation from the road to ensure that these neighbouring dwellings would not be subject to unacceptable adverse impacts of noise, disturbance, or visual intrusion, although it is recognised that some degree of noise and disturbance would be unavoidable due to the introduction of a road where none currently

exists. In addition, the applicant has confirmed that they are willing to provide new boundary fencing within the application site.

117. A substation is proposed to be located adjacent to the rear garden of no.25 Darlington Street. Whilst the final details of the substation would be dealt with by planning condition, it would be single storey and of a typical design and scale to other such buildings seen on modern housing estates. It is not considered that the proposed substation would give rise to unacceptable impacts upon the amenity of the occupants of no.25.
118. A number of objections make reference to a previous appeal (APP/D2320/A/10/2123370) on land which forms part of the application site (part of 31 Darlington Street), and they suggest that this demonstrates that the proposed development is unacceptable, in particular the impact of the road on those nearest properties along Hewlett Avenue and Darlington Street. As previously noted however, the proposed scheme is materially different to the appeal scheme for a number of reasons.
119. The officer assessment recognises that there would be some impact on the amenity afforded to these neighbouring properties due to the introduction of a road and associated vehicle movements and activity on land which is currently an agricultural field. However, it is not considered that this amenity impact would be so adverse to warrant refusal of the application and in addition, the proposed residential use would be a compatible land use within a predominantly residential area.
120. Plot 1 would be situated adjacent to no.29 Darlington Street with a separation of approximately 9 metres between the direct side facing elevations. As no.29 has no directly facing habitable windows, and none are proposed in the Ingleton house type of plot 1, this would be an acceptable relationship.
121. The rear elevation of Plot 3 would be approximately 5m from the side boundary of no.29 Darlington Street. A first floor bedroom window has been moved from the rear elevation to the side elevation of the proposed dwelling to avoid directly overlooking the rear garden of no.29. Given that the rear garden of no.29 is elongated and the dwelling on Plot 1 would be located approximately 15m from the dwelling at no.29, it is not considered there would be an overbearing impact upon the occupants of no.29.
122. Plots 2 to 12 would be situated to the north of the proposed internal access road as the site is entered off Darlington Street. Separation distances of approximately 21 metres would be achieved between the facing elevations of the proposed dwellings and the rear garden boundaries of 25 Darlington Street and 2 to 6 Hewlett Avenue. This separation is well in excess of the Council's standards and would ensure that the existing neighbouring properties are not detrimentally affected by overlooking, loss of privacy, or overbearing impacts.
123. Plots 47 and 36, the northernmost of the proposed dwellings on the site, are corner plots which would directly face each other. The separation distance achieved is approximately 14 metres, and whilst this is below the Council's standards for directly facing habitable windows, the plots do provide a dual frontage to the streetscene on these corner plots, and this benefit outweighs the slight reduction to the separation standards. The remainder of the proposed development would be acceptable in terms of the separation standard, and the size of the private amenity areas would be adequate to ensure that that future occupiers have sufficient space to carry out day-to-day domestic activities. Apartments 25-28 would benefit from an amenity area, whereas the outdoor space for apartments 19-22 would be limited. This is not, however, uncommon for apartments, and nonetheless, amenity greenspace would be provided within the wider site for future occupiers to enjoy.
124. All other interface distances between the existing surrounding dwellings and the proposed dwellings meet 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.

125. With regards to noise, dust and other potential pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
126. Having regard to the above, the proposed development is considered to accord with Chorley Local Plan policy BNE1 in respect of amenity.

#### Impact on ecological interests

127. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. The policy also requires, among other things, that where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
128. The application is accompanied by an ecological survey and assessment which includes a licensed bat survey. The site is identified as being dominated by species-poor improved agricultural grassland, although there are locally important habitats present, including a water course (Tanyard Brook), hedgerows to the site boundaries and trees. There are a number of ponds off-site which support great crested newts (GCNs). The application has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) who advise that further ecological assessments are not required, and that there are no objections to the scheme on nature conservation grounds.
129. In respect of GCNs, four ponds in proximity to the site were assessed for their suitability to support GCNs. These ponds ranged from 60 metres to 300 metres in distance of the site and are connected terrestrially across improved grassland fields. GCN eDNA surveys of the ponds were carried out, although pond 2 was dry at the time of the survey. Ponds 1,3 and 4 were positive for GCN eDNA.
130. While much of the habitat within the development site is considered to be sub-optimal for use by amphibians, nevertheless the site may be used occasionally by amphibians and the development may cause harm to amphibians, including great crested newts. Measures have, therefore, been proposed to protect GCNs, including by establishing landscape buffer zones between the built development and the ponds, by implementing measures to avoid possible harm to newts during groundworks and construction operations and by installing new habitats which could benefit amphibians (including new hibernaculae). GMEU advise that provided that the mitigation and compensation measures are implemented in full, the proposed development would not significantly affect the nature conservation status of GCNs. In addition, as the development would require a Natural England Licence or district level licensing scheme, confirmation of such shall be provided to the Local Planning Authority. The above could be secured by way of appropriate planning conditions.
131. It is considered possible to deliver the development proposals without significantly affecting the nature conservation status of great crested newts, providing that the mitigation and compensation measures described are implemented in full. A protected species Licence will be required to be obtained from Natural England before undertaking any work which could cause harm to newts, or if the scheme is to be entered into the District Level Licensing Scheme for great crested newts operated by Natural England a certificate must be obtained demonstrating that the development has been entered into the DLL scheme.
132. Bat surveys have been carried out at the Vicarage building which is identified for demolition. Whilst no evidence of bats was found, there are suitable habitats bordering the property and a number of potential access points, therefore the building has been assessed as

having moderate suitability for use by roosting bats. Bat emergence surveys did not detect the emergence of any bats. Bat inspections have also been carried out at the trees on site. No bat roosts have been recorded on the site, but some of the trees on the site have been shown to have the potential to support roosts. If works are planned to remove these trees, they must be further inspected for the possible presence of bats. All UK bats and their resting places are legally protected.

133. It is noted that the current layout of the development –

- Retains the watercourse, and a wide landscape buffer between the water course and any built development
- Retains the majority of the boundary hedgerows and boundary trees
- Retains the wooded copse *and*
- Provides opportunities for new tree planting and landscaping

134. The application is considered to be acceptable in terms of its potential impacts upon ecological receptors, subject to conditions. It is considered that the proposal complies with policy BNE9 of the Chorley Local Plan 2012-2026.

#### Highway safety

135. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided 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.

136. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) of the Chorley Local Plan 2012 -2026 stipulates that new development and highways and traffic management schemes will not be permitted unless they include appropriate facilities for pedestrian, cycle parking facilities, and/or cycle routes. The policy requires, among other things, that proposal should provide for facilities for pedestrians and cyclists to facilitate access on foot and by bicycle to nearby residential, commercial, retail, educational and leisure areas, where appropriate; and additional footpaths, bridleways and cycleway routes between the countryside and built up areas where appropriate.

137. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network and their initial comments on the application were as follows:

*“The present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.*

*LCC embraces appropriate development within Lancashire in line with local and national policies / frameworks and that which is emerging. This involves working closely with planning authorities, in this case officers of Chorley Council, developers and their representatives and also with National Highways. This approach supports the delivery of high quality, sustainable development and an appropriate scale of development that can be accommodated both locally and strategically.*

#### Access

*The developer is proposing to demolish 31 Darlington Street to provide access to the site from Darlington Street. The proposed access is a simple priority junction. The access road is proposed to be 5.5m wide with 2m wide footways on both sides and 6m radii.*

Sightlines of 2.4m x 25m are to be provided. The form of the junction and its geometry are acceptable to LCC Highways.

#### Local Highway Network

The B5251 Spendmore Lane is the main distributor road through Coppull with Darlington Street joining it on its northerly side. Spendmore Lane has a two lane carriageway with footways on both sides, it is subject to a 30mph speed limit and is lit by a system of street lighting.

The proposed site access onto Darlington Street lies approximately 170m north of Spendmore Lane. Darlington Street has a two lane carriageway and footways on both sides, although for the first 70m from Spendmore Lane the carriageway is generally around 5.3m wide with footway on both sides with widths of 1.2m or less.

The desirable carriageway width for residential developments is 5.5m although there are circumstances where narrower carriageways would be acceptable. Footways should have a desirable width of 2m and again there are circumstances where narrower footways would be acceptable. The combination of narrow carriageway and narrow footway is not conducive for a significant increase in vehicle movements or footfall.

The development site can be accessed without having to negotiate the narrow section of Darlington Street, via Park Road and Hewlett Street, where standard carriageway and footway widths exist. In terms of travel distance from the development site to Spendmore Lane it is a little further but not excessively so.

Darlington Street, Hewlett Street and Park Road are all subject to a 20mph speed restriction and all have traffic calming measures. Road traffic collision in the area that result in an injury tend to be limited to Spendmore Lane as confirmed in the TS.

The traditional peak hours for traffic movements are 08:00 – 09:00 and 17:00 – 18:00, which would result in 39 vehicle movements in the AM peak and 44 vehicle movements in the PM peak. This level of traffic raises no concerns regarding highway capacity.

#### Highway Concerns

Additional pedestrian and vehicle movements along the narrower section of Darlington Street shouldn't be encouraged. Although it should be noted that there have been no recorded injury accidents in the last 5 years.

Given the limited carriageway and footway widths no alterations to the existing highway have been identified that would allow a wider footway to be provided and allow two-way traffic to be maintained without imposing waiting restriction. Introducing waiting restriction is unlikely to be received favourably by local residents and any displaced parking could create additional highway access and safety issues as well as impacting upon residential amenity.

The alternative route to / from the development site is via Hewlett Street and Park Road and would create additional traffic movements in the immediate vicinity of the local primary school and could be perceived to create additional hazard. Again, there are no recorded injury accident in the last 5 years on this route.

The junction of Darlington Street and Spendmore Lane has poor sightlines for vehicles emerging from Darlington Street as well as tight radii along with narrow footways on both Darlington Street and Spendmore Lane. Physical alterations to the junction to improve matters have not been identified due to the limiting width of carriageway and footway. It is also noted that there are no recorded injury accidents here in the past 5 years.

LCC Highways have been liaising with the developers transport consultants over a number of matters which has led to additional plans being submitted. LCC Highways are satisfied



*that the highway mitigation measures now proposed by the developer are sufficient to address those concerns.*

#### Highway Mitigation

*To address LCC's concerns the developer has agreed to provide a junction table at the junction of Darlington Street and Hewlett Street and change the traffic priority so the traffic on Darlington Street must give way.*

*The benefits of this are that it forces drivers travelling from the development site to Spendmore Lane to give way and in doing so give the opportunity to make the decision to continue along Darlington Street knowing that it has limited width and poor sightline at its junction with Spendmore Lane, or utilise the alternative route of Hewlett Street and Park Road.*

*This solution has the potential to put additional traffic past the primary school, however, they would not be significant at times when congestion around the school is at its greatest.*

*The worst times for school congestion and when safety concerns tend to occur is at school finishing time when parent park up as close to the school as they can. At most school this tends to be up to 20 minutes before school finishing time until around 10 minutes after finish time.*

*The assessment in the TS considers the peak traffic hours, but not the impact at school finishing time. An interrogation of the TRICS database would reveal that a development of this scale would generate around 25 vehicle movements in the hour that school finishing time occurs. Half of these movements would be gaining access to the development which is likely to be along Darlington Street from Spendmore Lane and as such these movements can be discarded as having no impact on safety at school finishing time. As concerns at school finishing times are generally short lived, around half an hour, additional trips can be discarded. This together with drivers having a choice would result in around 5 or 6 additional movements.*

#### Layout

*The layout of the development is generally acceptable for be [sic] accepted for adoption under a s38 agreement.*

*Any proposed sustainable drainage systems under the adoptable highway will only be considered acceptable where they are adopted by United Utilities under the powers of the Water Industry Act 1991 or they only retain highway surface water.*

*The developer has provided swept paths to show that servicing is achievable.*

*The sightlines for the parking spaces at plots 06 and 11 would be restricted due to landscaping unless a protection of sightline condition was imposed to limit the height of vegetation to less than 1m height.*

#### Construction

*To ensure that road safety is not compromised during the construction period a Construction Traffic Management plan will be required.*

*In addition to this it is considered appropriate to require a highway survey condition to be undertaken to address the potential highway damage during the construction period.*

#### Conclusion

*Traffic to and from the development site has a choice of routes which are traffic calmed and have a good road safety record and as such the development traffic would not have an unacceptable impact on highway safety.*

*No highway objections are raised subject to the following conditions being imposed.”*

138. In summary, the highways mitigation measures agreed with the applicant are as follows:

- Junction table and change of traffic priority at the junction of Darlington Street and Hewlett Street to give priority to Hewlett Street traffic, as shown on plan 3442-F02 Rev A within the Transport Statement (to be undertaken by LCC Highways Services through a S278 agreement with the developer).
- Tactile paving at the junction of Darlington Street and Spendmore Lane as shown on Plan 3442-F02 Rev A within the Transport Statement (to be undertaken by LCC Highways Services through a S278 agreement with the developer).
- Miller Homes have committed to a Traffic Regulation Order (TRO) for additional waiting restrictions at the Darlington Street / Hewlett Street junction and will provide a financial contribution of £3k to cover the cost.

139. The Council has commissioned an independent review of the transportation issues associated with some of the major housing applications currently awaiting decision, by a transport planning consultancy. A short summary of the conclusions of their assessment of this application is provided below:

*“The site is located within acceptable walking and cycling distances of key services in Coppull, although cycling provision would be on-road for all ages and abilities. Chorley Council should seek contributions with the aim of improving facilities for cyclists on the network in this area.*

*The site provides satisfactory access to sustainable modes of transport including regular bus services.*

*Based on the information presented in the transport statement it would be reasonable to conclude that the cumulative impact of traffic generated by the development proposals would not be severe.*

*It is recommended that Chorley Council ask the Highway Authority to provide an evaluation of the appropriateness of physical characteristics of the Darlington Street/Spendmore Lane junction to accommodate the development traffic.”*

140. The independent review report was issued to LCC Highway Services for comment, and they responded to state that whilst additional cycling improvements could be supported by LCC Highway Services, it was not identified as necessary to make the development acceptable in highway and planning terms and it is doubtful that it would meet the necessary tests. With regards to providing an evaluation of the appropriateness of physical characteristics of the Darlington Street/Spendmore Lane junction to accommodate the development traffic, LCC state that this point was covered in their original response and those comments still stand.

141. In conclusion, the level of proposed parking and other highway implications of the proposal are considered to be acceptable, subject to conditions and a S106 agreement to secure the above referenced TRO contribution. The other measures would be delivered by a S278 agreement under the Highways Act 1980.

#### Drainage and flood risk

142. Core Strategy Policy 29 (Water Management) seeks to improve water quality, water management and reduces the risk of flooding in a number of ways including, among other things, appraising, managing and reducing flood risk in all new developments.

142. The site lies in Flood Zone 1, as defined by the Environment Agency Flood Maps for Planning. Flood Zone 1 has the lowest probability of flooding (from rivers or sea) and residential development is appropriate in flood zone 1 in terms of the flood risk vulnerability classification as set out in the Planning Practice Guidance at Table 3.

143. The application is accompanied by a Flood Risk Assessment and United Utilities, the Lead Local Flood Authority (Lancashire County Council) and the Environment Agency have been consulted on the proposals. All three consultees raise no objection to the proposed development and the former two have recommended drainage conditions.

144. As noted earlier in this report, objectors commissioned consultants, JBA, to undertake a review of the flood risk associated with the proposals. The Lead Local Flood Authority reviewed the JBA report and concluded that they do not believe there are any omissions in the submitted Flood Risk Assessment which the applicant needs to address. They consider that the proposal meets all the required technical standards and any missing information will be secured by the recommended pre-commencement conditions they have suggested.

145. Having regard to the advice obtained from the United Utilities and the Lead Local Flood Authority, it is considered that satisfactory drainage of the proposed development could be secured by way of conditions.

#### Affordable housing

146. Core Strategy policy 7 (Affordable and Special Needs Housing) sets down the approach to the delivery of affordable and special needs housing:

*“Subject to such site and development considerations as financial viability and contributions to community services, to achieve a target from market housing schemes of 30% in the urban parts of Preston, South Ribble and Chorley and of 35% in rural areas on sites in or adjoining villages.....”*

147. The proposed development includes 30% affordable on-site provision which is in accordance with Core Strategy policy 7. This equates to 20 affordable housing units in total, of which 70% (14 units) would be social rented and the remaining 30% (6 units) would be intermediate affordable housing. The breakdown is as follows:

Social rented:

2 x 3-bed house (Ingleton house type)  
4 x 2-bed house (Highmont house type)  
8 x 1-bed apartment (Apartment types 1 and 2)

Shared ownership (Intermediate affordable housing):

4 x 3-bed house (Ingleton house type)  
2 x 2-bed house (Highmont house type)

148. The proposed mix would meet the demand in the area and the proposed layout as shown on the submitted affordable housing plan would ensure that the affordable housing units are fully integrated within the development. Subject to the affordable housing provision being secured by way of a s106 legal agreement, the proposal accords with Core Strategy policy 7.

There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribute to the borough-wide need for affordable housing, which is afforded significant weight in the planning balance, as identified in recent appeal decisions.

#### Public open space

149. Policy HS4A and HS4B of the Chorley Local Plan 2012 – 2026 - Open Space Requirements in New Housing Developments explains that all new housing developments will be required to make provision for open space and recreation facilities, where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open

space and recreation facilities. The requirements for the proposed development are as follows:

*Amenity Greenspace:*

150. Chorley Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Coppull in relation to this standard, and in line with policy HS4A a contribution towards new provision in the ward is therefore required. As the proposal is for residential development in excess of 10 or more dwellings, amenity greenspace is required to be provided on-site with a provision of 0.117384 hectares. The submitted Public Open Space Area Plan shows the location of the proposed amenity green space, and the area exceeds the Council's requirements at 0.194 hectares (1940m<sup>2</sup>) in area one and 0.0991 hectares (991m<sup>2</sup>) in area 2. The applicant confirms that this would be managed by a private maintenance company.

*Provision for children/young people:*

151. Chorley Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Coppull 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 in the ward 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 Study and contribution towards improvements to either of these sites is required.

152. The identified sites are:

- site 1472 Play Area Opposite 14 Manor Way, Coppull
- site 1373.1 Byron Crescent Play Area
- site 1373.2 Byron Crescent MUGA
- site 1369.1 Hurst Brook Play Area
- site 1363.1 Play area adjacent 105 Longfield Avenue

153. The financial contribution required is £134 per dwellinghouse = £8,978.

*Parks and Gardens:*

154. The requirement for a new on-site park or garden within the scheme is not triggered by this development. In addition, there are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study and, therefore, a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace:*

155. The requirement for new on-site natural/semi natural greenspace is not triggered by this development. However, the site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study and a contribution towards improving this site is required.

156. The identified site is:

- site 1728 Reservoir, Mill Lane Coppull.

157. The financial contribution required is £557 per dwellinghouse = £37,319.

*Allotments:*

158. The requirement for a new on-site allotment within the scheme is not triggered by this development. In addition, the site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site and a contribution towards new allotment provision is not, therefore, required.

### *Playing Pitches:*

159. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches, but states that the majority of this deficit can be met by improving existing pitches. Under policy HS4B a financial contribution towards the improvement of existing playing pitches is, therefore, required. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements.

160. The identified sites are:

site ref: 211: Gillet Playing Fields and/or site ref: 222: Jubilee Recreation Playing Fields

161. The financial contribution required is £1,599 per dwellinghouse = £107,133.

162. The total financial contribution required from this development is as follows:

Equipped play area	= £8,978
Parks/Gardens	= £0
Natural/semi-natural	= £37,319
Allotments	= £0
Playing Pitches	= £107,133
<b>Total</b>	<b>= £153,430</b>

163. The on-site amenity greenspace provision and the financial contributions have been agreed by the applicant and could be secured by way of a s106 legal agreement. Subject to securing the above, the proposed development would accord with Chorley Local Plan policy HS4 A and B.

### Sustainability

164. 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 1<sup>st</sup> 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 26th March 2015, which effectively removed the 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.”*

165. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement

above 2013 Building Regulations. This exceeds the Council's previous requirement and now supersedes the requirement for a planning condition.

#### Education

166. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.
167. Lancashire County Council, as the Education Authority, seek to secure financial contributions towards any additional school places required as a result of new housing development in order to mitigate the impact upon the education infrastructure which new housing developments may have.
168. Based upon the latest assessment, Lancashire County Council advise that an education contribution is not required in regard to this development.

#### Employment skills provision

169. 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
170. For housing developments which exceed 30 units, 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
171. An employment and skills plan could be secured by way of a planning condition.

### Community Infrastructure Levy

172. 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.

### Planning balance

173. 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.

174. The adverse impacts of the development relate to conflict with Policy BNE10 of the Chorley Local Plan due to tree loss and conflict with policy BNE3 of the Chorley Local Plan, which can only be attributed limited weight.

175. 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.

176. The scheme would deliver a policy compliant level of affordable homes to the area of which there is a significant shortfall across the Borough. The new affordable dwellings would provide homes for real people in real need.

177. 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 and social benefits the proposal would deliver.

178. The provision of open space and its ongoing management and maintenance and mitigation measures, such as highway improvement measures, are neutral considerations because they are needed to make the development acceptable.

179. The adverse impacts of the proposed development relating to the conflict with policies BNE10 and BNE3 of the Chorley Local Plan would not significantly and demonstrably outweigh the moderate economic and social benefits that the scheme would deliver.

### **CONCLUSION**

180. Members will be aware of the current shortfall in housing delivery in the Borough and that this has resulted in the most important policies for the determination of this application being out-of-date, which triggers the engagement of the tilted balance of paragraph 11d of the Framework.

181. Whilst the proposal conflicts with policies BNE10 (tree loss) and BNE3 (safeguarded land) of the Chorley Local Plan 2012-2026, it is considered that these issues would not significantly and demonstrably outweigh the benefits of the proposal in delivering much needed housing in the borough. It is, therefore, recommended that the application is approved subject to conditions and a S106 Agreement.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 09/00200/OUT      **Decision:** WDN      **Decision Date:** 17 August 2009  
**Description:** Outline application for 3 detached dwellings

**Ref:** 09/00765/OUT      **Decision:** REFFPP      **Decision Date:** 10 February 2010  
**Description:** Outline application for 3 detached dwellings, specifying access and layout (re-submission of application 09/00200/OUT)

**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	LP-01	3 September 2021
Planning Layout	PL-01 Rev H	30 May 2023
Potential Site Access Arrangement	3442-F01 Rev C	30 May 2023
Landscape Layout	101 Rev E	30 May 2023
Affordable Housing Plan	AH-01 Rev F	30 May 2023
Boundary Treatments Layout	BT-01 Rev F	30 May 2023
Route of Build Layout	ROB_001 Rev C	30 May 2023
Proposed Residential Development	CL-01 Rev E	30 May 2023
Electric Vehicle Charging Strategy Layout	EV-01 Rev F	30 May 2023
Materials Layout Facing & Surfacing	MT-01 Rev F	30 May 2023
Ownership & Maintenance Layout	OM-01 Rev F	30 May 2023
Refuse Strategy Layout	RF-01 Rev F	30 May 2023
POS AREA PLAN	POS-01 Rev A	30 May 2023
Tree Protection Plan	6482.02 Rev B	30 May 2023
Schematic Drainage Strategy	21063/D801 Rev C	30 May 2023
Drive Swept Path Analysis	21063/DSP01 A	30 May 2023
Drive Swept Path Analysis	21063/DSP02 A	30 May 2023
Schematic External Levels and Features	21063/SK01(i)C	30 May 2023
Schematic External Levels and Features	21063/SK01(ii)C	30 May 2023
Schematic External Levels and Features	21063/SK01(iii)C	30 May 2023
Flood Routing Plan	21063/SK161 A	30 May 2023
Schematic Road and Drainage Sections	21063/SK201 B	30 May 2023
Schematic Storm and Foul Manhole Schedules	21063/SK250 B	30 May 2023
1 BED MAISONNETTES - APT1	n/a	30 May 2023
L358 - 3B / 4P / 947 - WHITTON	L251801V	30 May 2023
L468 - 4B / 8P / 1368 - DENWOOD	L468801V	30 May 2023
L351 - 3B / 5P / 806 - INGLETON	L351801V	30 May 2023
L251 - 2B / 4P / 725 - HIGHMONT	L251801V	30 May 2023
L354 - 3B / 5P / 837 - WILTON	L354801V	30 May 2023
L455 - 4B / 5P / 1144 - SKYWOOD	L455801V	30 May 2023
L454 - 3B / 4P / 1130 - HAYWOOD	L454801V	30 May 2023
L362 - 3B / 5P / 1018 - CLAYTON	L362801V	30 May 2023
L362 - 3B / 5P / 1018 - CLAYTON - PLOT 3	L362801V - PLOT 3	30 May 2023

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



3. The external facing and hard surfacing materials, detailed on approved drawing Materials Layout Facing & Surfacing ref. MT-01 Rev F, shall be used and no others substituted.

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

4. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

5. The development shall be carried out strictly in conformity with the approved ground and finished floor levels shown on approved drawings:

Schematic External Levels and Features Layout Plan - Sheet 1 of 3 ref. 21063/SK01(i)C

Schematic External Levels and Features Layout Plan - Sheet 2 of 3 ref. 21063/SK01(ii)C

Schematic External Levels and Features Layout Plan - Sheet 3 of 3 ref. 21063/SK01(iii)C

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

6. No removal of or works to any hedgerows, trees or shrubs or other vegetation shall take place between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

*Reason: Nesting birds are a protected species.*

7. All planting, seeding or turfing comprised in the approved details of landscaping shown on approved drawing Landscape Layout ref.101 Rev E, shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, 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..

*Reason: In the interest of the appearance of the locality.*

8. Prior to the construction/provision of any services within a phase, a strategy to facilitate super-fast broadband for future occupants within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.

*Reason: To ensure a sustainable form of development.*

9. 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.*

10. The development shall be carried out in full accordance with the Outline Strategy for Risk Reduction / Remediation Strategy as set out at Chapter 15 of the Desk Study and Ground Investigation Report (dated July 2021) Report no: 20MIL045/GI By Betts Geo Consulting Engineers.

*Reason: To ensure that contamination on site is remediated to an appropriate standard for the end use.*

11. All site works and construction shall be carried out in full accordance with drawing number 6482.02 Rev B titled 'Tree Protection Plan' and the Arboricultural Impact Assessment and Method Statement (Revision B) as received by the Local Planning Authority on 30 May 2023.

*Reason: To safeguard retained trees and hedgerows and in the interests of visual amenity.*

12. The drainage for the development hereby permitted, shall be carried out in accordance with principles set out in the Schematic Drainage Strategy Drawing 21063 / DS01 C, received on 30 May 2023.

No surface water shall drain directly or indirectly into the public sewer.

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.*

13. The development hereby permitted shall be carried out in accordance with the principles set out within the Flood Risk Assessment Rev 02 (dated May 2022).

The measures shall be fully implemented prior to first occupation of any dwelling (or of each phase) 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.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.*

14. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment (and indicative sustainable drainage strategy) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Plan and cross section drawing of outfall in watercourse. A further cross section of watercourse 10m downstream of proposed outfall is also required and this should include both banks, bed and actual water levels.
- v. Report detailing the condition of the watercourse on the Western boundary of the development with list of any remedial works required.
- vi. Breakdown of attenuation in pipes, manholes and attenuation tanks.
- vii. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- viii. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
- ix. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- x. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.*

15. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council Lead Local Flood Authority.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

*Reason: To ensure that the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.*

16. No dwellhouse on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The Verification Report shall demonstrate that the sustainable drainage system has been constructed as per the approved scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means

of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

*Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.*

17. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by the recorded mine entry (shaft), and;

b) any remediation works and/or mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in the interests of the safety and stability of the development.*

18. Prior to the occupation of any dwelling a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the mine entry.

*Reason: To ensure that all remedial work is carried out before the development is occupied.*

19. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority. The submitted scheme shall include, unless otherwise agreed in writing, the following:

- junction table at the junction of Darlington Street and Hewlett Street and change the traffic priority so that the traffic on Darlington Street must give way.
- a Traffic Regulation Order (TRO) for additional waiting restrictions at the Darlington Street / Hewlett Street junction
- Tactile paving at the junction of Darlington Street and Spendmore Lane
- an agreed timetable for the delivery of the off-site works of highway improvement.

The scheme of off-site works of highway improvement shall be completed in accordance with the approved details and timetable.

*Reason: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.*

20. No dwelling shall be occupied until the approved scheme for the site access and off-site works has been constructed and completed in accordance with the approved details.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.*

21. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

*Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.*

22. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall provide for:

- a) vehicle routing and the parking of vehicles of site operatives and visitors;
- b) hours of operation (including deliveries) during construction;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) siting of cabins, site compounds and material storage area(s);
- f) the erection of security hoarding where appropriate;
- g) wheel washing facilities that shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway;
- h) measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
- i) measures to control the emission of dust and dirt during construction;
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- k) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties; and
- l) measures to be taken to protect important habitats during the course of the development (including the water course, trees and hedgerows).

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

*Reason: To protect existing road users and to maintain the operation ad safety of the local highway network and to minimise the impact of the construction works on the local highway network.*

23. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed shall first be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- o A plan to a scale of 1:1000 showing the location of all defects identified.
- o A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time, and weather conditions at the time of the survey.
- o An agreed a timescale for repeated surveys.

No dwelling hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority, which shall be confirmed to the Local Planning Authority in writing.

*Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.*

24. 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.*

25. Prior to the commencement of development, other than site enabling works, an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. Estate Street Phasing and Completion Plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed. No dwelling or dwellings shall be occupied until the estate streets affording access to those dwellings has been constructed to base course in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

*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.*

26. No dwellings shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets and any other areas within the development not to be adopted, including any details of any Management Company have been submitted to and approved in writing 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: To ensure that the estate streets serving the development are 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.*

27. Prior to any development taking place above DPC level, a phasing plan for the delivery of the on-site public open space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the provision of these areas shall be carried out in strict accordance with the approved details and retained as such thereafter.

*Reason: To ensure the delivery of the public open space.*

28. Site clearance works and / or groundworks shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019. authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body or the Council's ecological advisors to the effect that it does not consider that the specified activity/development will require a licence.

*Reason: to safeguard a protected species.*

29. All site works and construction activities shall be carried out in full accordance with the Reasonable Avoidance Measures (RAMs) Method Statement at paragraph 5.6.5 of the submitted Ecology Survey and Assessment, dated July 2021, produced by ERAP.

*Reason: to safeguard a protected species.*

30. Prior to the construction of the superstructure of any of the dwellings hereby permitted a landscape and environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- o A description and evaluation of the habitat features to be created and enhanced (to include but not necessarily exclusively ponds, grasslands, tree planting and bird nesting and bat roosting habitat / boxes)

- o Aims and objectives of management
- o Preparation of a work schedule for implementation
- o Details of the organisations responsible for implementation and management
- o A five year monitoring and maintenance plan

The approved plan will be implemented in accordance with the approved details.

*Reason: To contribute to and enhance the natural and local environment.*

31. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

*Reason: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.*

32. No development, site clearance/preparation, or demolition shall take place on the site until the applicant or their agent or successors in title has secured the implementation of a programme of building recording and analysis works. This must be carried out in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should include the creation of a photographic record of The Vicarage, 27 Darlington Street, as set out in "Understanding Historic Buildings" (Historic England 2016) and the submission of a copy of that record to the Lancashire Historic Environment Record. The record should include a rapid description of the building, inside and out and a full photographic coverage, inside and out with plans showing the locations and directions of the photographs. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.*

33. Prior to any development of the superstructure of the approved substation taking place, details of its scale and appearance shall have first been submitted to and approved by the Local Planning Authority.

*Reason: The interests of the amenity of local residents and the character and appearance of the site.*