

APPLICATION REPORT – 23/00510/OUTMAJ

Validation Date: 16 June 2023

Ward: Chorley South East And Heath Charnock

Type of Application: Major Outline Planning

Proposal: Outline application for the proposed development of 40 dwellings, with associated new access, replacement of brass band building and associated parking, with landscaping reserved

Location: Babylon Lane Heath Charnock

Case Officer: Mike Halsall

Applicant: Adlington Land Limited

Agent: PWA Planning

Consultation expiry: 11 July 2023

Decision due by: 15 September 2023

RECOMMENDATION

1. The applicant has appealed to the Planning Inspectorate against the Council's non-determination of the planning application. As such, it is recommended that the Planning Committee be minded to resolve to grant outline planning permission, subject to conditions and a S106 legal agreement to secure the following:
 - 30% of the dwellings to be affordable with 70% (8no.) of these to be social rented and 30% (4no.) for shared ownership.
 - A contribution of £68,620 for the delivery, monitoring and management of off-site biodiversity enhancements.
 - A contribution of £151,240 for public open space. (£123,240 if privately maintained amenity greenspace)
 - A requirement that the replacement band building is built prior to the dwellings being occupied and made available for use to the local community.

SITE DESCRIPTION

2. The application site forms a roughly triangular section of mostly grassland located on the south eastern side of Babylon Lane on the north eastern extremity of Adlington. The site falls just outside of the defined settlement boundary and forms the majority of a site allocated in the Chorley Local Plan 2012-2026 as Safeguarded Land under policy BNE3.
3. The site is bound by Babylon Lane to the north west, Greenhalgh Lane to the south/south east, dwellings to the north / north east and open fields and scattered woodland to the east. The site is bound mostly by a stone wall and there are trees scattered across the site, mostly to the south west. There are dwellings located on the other side of both Babylon Lane and Greenhalgh Lane.
4. A private road serving the properties to the north east crosses the site towards its northern part. A further road, Whitebeam Close, cuts through the north west corner of the site. There is also a building towards the southern end of the site which is used by the Rivington and Adlington Brass Band.

5. Whilst the majority of the site is located within the parish of Heath Charnock, the south eastern site boundary is within the parish of Anderton.
6. A full planning application (ref. 21/00270/FULMAJ) has also been submitted for the exact same development as proposed by this outline application, albeit it includes details of proposed landscaping.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. The application seeks outline planning permission for the proposed development of 40no. dwellings, with associated new access, replacement of brass band building and associated parking, with landscaping reserved.
8. Two vehicle access points are proposed to serve the development. The existing adopted highway at Whitebeam Close would be used to access plots 1 – 11, while a new access provided off Babylon Lane would serve plots 12-40 and a proposed new band building. The new access road has been positioned at the location of the existing private access route which crosses the site. Pedestrian and cycle access to the development would be available from these two access points and an additional point to the south which was requested by LCC Highway Services. The existing pedestrian link through the site connecting Babylon Lane with Greenhalgh Lane would be retained and upgraded as part of the proposal.
9. The twelve affordable dwellings are proposed to be split between eight social rent units and four in shared ownership, as follows:
 - 4no. 3-bed units for social rent (plots 13, 14, 15 & 16)
 - 4no. 2-bed units for social rent (plots 24, 25, 28 & 29)
 - 2no. 3-bed units for shared ownership (plots 26 & 27)
 - 2no. 4-bed units for shared ownership (plots 34 & 35)
10. The mixture of market dwellings is proposed to be 4no. 3-bed and 24no. 4-bed units. The dwellings are all proposed to be two storey with a mixture of detached and semi-detached properties. The stone wall to the site perimeter is mostly proposed for retention, although would require rebuilding near the southern most site entrance to allow for the required visibility splays. The dwellings are proposed to be laid out in a typical fashion either side of central spine roads with those at the perimeter to be faced in stone. The band rehearsal building would be replaced with a new building in the same use at the southern end of the site. There is a water main beneath the southern section of the site which would remain free of buildings.
11. The site naturally slopes downwards from north to south and so some small retaining walls are proposed within the site, the tallest of which being 1m high. The finished floor levels of the proposed buildings would vary by 5.7m from the highest on Plot 3 at the very northern end of the site, to the band building at the southern end of the site. As such, and with the retaining walls in place, the gradient of the site would be gentle.

REPRESENTATIONS

12. 214no. representations have been received, including from Adlington Town Council and Councillors Alistair Bradley, Peter Wilson, Bev Murray, Samir Khan and Kim Snape citing the following summarised grounds of objection. Some of the representations are from the same people making multiple representations:

Principle of development

- The site is Safeguarded Land
- A previous proposal for 14 dwellings was refused
- The Council has a 5-year supply of housing land
- Chorley has taken more than its fair share of housing
- The proposal is contrary to Policy BNE3

- No weight should be attributed to the emerging plan, in accordance with paragraph 48 of the NPPF
- The applicant has failed to robustly demonstrate that the perceived benefits of the proposal (in their view) outweigh the substantial disbenefits as required by paragraph 11 of the NPPF
- No CIL compliance statement appears to be submitted and should be requested and made available in the public domain, as would any viability appraisal if this is undertaken
- The band building is a private facility and as such there is no planning gain derived from it
- The benefits of the proposal do not outweigh the disbenefits and is contrary to paragraph 11 of the NPPF and BNE3 of the Local Plan
- High density/overdevelopment
- Retail and local public transport (2hr trains) could not accommodate higher population
- Overpopulated already
- Chorley has over supplied on target numbers of new homes by 1,678 up to 2019/20 and has an 11.2 year supply to the end of the current plan period of 2025

Drainage and flood risk

- Increased risk of flooding
- This area is in fact identified as red high risk on the gov.uk website
- Recently Horwich suffered severe flooding and overdevelopment was the suggested cause
- See SO23 - To manage flood risk and the impacts of flooding and Key Core Strategy Policies Policy 29: Water Management
- Surface water typically pools in the southern section of the site and the water is held-back by the stone wall – there is concern that surface water will run-off the new footpath proposed through the southern section of the site, through the new gap in the wall and off-site
- The site should be considered as a functional flood storage area
- The site was removed from the Local Plan process due to flood risk
- Inaccuracies in the submitted Flood Risk Assessment
- There are natural springs across the site, not a culverted watercourse

Ecology and landscape

- Loss of much needed green space / open space
- Loss of habitats / biodiversity
- Harm to wildlife
- The development would remove the historic green boundary between the parishes of Anderton & Heath Charnock
- 'Wildlife and Countryside Act of 1981'
- Ground excavations would favour Japanese knotweed growth
- Who will maintain the area of trees at the bottom of Greenhalgh Lane when the developers have finished, as some of the boundary walls have already fallen down
- Trees are long-evolved, replacement planting cannot compensate for this loss
- There is a tree preservation order on the site
- Against government's environmental bill to 'build back greener' after the pandemic

Character and appearance of the area

- Adverse impact on the character of the area
- Density of housing unacceptable rural infilling which will ruin character of the area
- Design of housing and band building is not in keeping with the properties in the area
- The development would remove the historic green boundary between the parishes of Anderton & Heath Charnock

- No mention of protecting the 'way marker' within the dry stone wall on Babylon Lane side
- Facing materials should match the surrounding area
- The applicant is effectively proposing too many units into a small constrained site, and fails to take account of the surrounding locality in terms of design and layout and as such is contrary to Policy BNE1

Residential amenity

- Overlooking
- Noise and disruption during building work
- Extra noise from loss of trees
- Proposed trees would block light for surrounding houses

Highways and access

- Babylon Lane is the busiest road in Adlington with general traffic, farm traffic and other vehicles going to / from Rivington
- Road is difficult to pass with cars parked
- Lack of parking
- Narrow footpaths make it unsafe for pedestrians
- Increase in traffic (more noise)
- Query regarding access to farm for owners
- Highways safety issues
- Hazard for the school
- Road wearing
- Visibility issues
- Cars forced to park on double yellows, passing places and zig zags
- Access to Appenzell and Newlands?
- Greenhalgh Lane potholes
- Few vehicles follow speed limit
- Lane is at its narrowest at site
- Double decker bus route
- Access for emergency services or parking for delivery
- Pavement access for disabled or buggies
- Significant highway safety concerns and as such should be refused in accordance with paragraph 109 and 110 of the NPPF and Policy BNE1
- Criticism of the applicant's assessment

Other issues

- Loss of band building
- Already other development in the area on Fairview, Grove Avenue, Bolton Road
- Existing infrastructure – doctors, schools, dentists etc. are struggling to cope
- The applicant's company was dissolved in May 2017
- No high school in Adlington
- Loss in property values
- This land failed a pile test that was conducted as a result of Maunders Homes wishing to build on the land in the 1970s
- Major aqueduct runs beneath the fields – building over this would make access impossible
- Previously deemed unsuitable for residential build
- Water pressure is low and may become worse. Strained water supply
- Working have an impact on residents downstream
- Slope Stability
- Walking area benefits wellbeing of the locals
- The Human Rights Act 1998- not giving older people an alternative to the internet for comments regarding the application

- Not enough playgrounds in the area for new children
 - Hedge along Springfield Mews Courtyard should remain in place
 - Material was deposited on the site when Whitebeam Close was built and spoil deposited on the application site, this should be removed prior to the housing being built
 - Air pollution from cars
 - Doesn't follow the 'Proposed Central Lancashire Local Plan Objectives'
 - General criticisms of the applicant's approach and the methods and contents of the assessments submitted in support of the application
 - Conflict with the policies and objectives of the Local Plan and Core Strategy
 - Discrepancies in the submission documents as they say full planning permission is sought, whereas the description says outline
13. Councillors Alistair Bradley, Bev Murray and Samir Khan have specifically commented as follows:
- “As ward councillors for Heath Charnock, we note and support the many valid planning reasons for refusal submitted by both the Parish Council and individual residents to this application, which in our opinion fails to evidence compliance with planning policy and the NPPF on grounds of Highways, Drainage, Loss of Amenity amongst many other failings. These houses are neither wanted or needed either in Heath Charnock or within Chorley Borough and demonstrate the absurdity of the current governments formula based approach to housing numbers and planning priorities.”*
14. One representation has been received in support of the proposal from one of the trustees of the Rivington and Adlington Band, making the following summarised comments:
- The existing band building is in a poor state of repair and is likely to fall down, it has structural and damp problems and the band does not have the funds to repair it
 - The proposal has offered a lifeline to the band
 - The current band room is too small
 - The new building would have disabled access and so will be more inclusive than the existing building
 - There is no existing on-site parking, users park on Babylon Lane and so the proposal will improve this situation
 - New band room could be insulated to reduce noise
15. Further objections were received by email with no postal addresses included. In the interests of the openness, transparency and accountability of the planning system, these representations have not been included in the number of objections or summary of responses above.

CONSULTATIONS

16. Lancashire County Council Public Rights of Way: Have no concerns or objection.
17. Natural England: Have not responded.
18. Lancashire Police: Have responded with some information for the developer to consider in terms of security features they may wish to incorporate into the dwellings. This has been forwarded to the applicant's agent.
19. Environment Agency: Have not responded. They did however respond to the consultation on the full application at this site, which is an identical application (notwithstanding landscaping details). The EA confirmed they have no comments to make on the proposal. They also provided an explanation as to why their comments in relation to the emerging Local Plan differ to that received in relation to the planning application, as follows:

“When the Environment Agency was consulted on the Central Lancashire Issues & Options consultation in February 2020, our comments aimed to be aspirational and we provided some strategic advice to help inform future allocations. We did not specifically object to the allocation of this site, but we identified some potential factors which might give the council reason to avoid residential development and consider alternatives.

We understand that the site has not been progressed as a preferred site in the emerging Preferred Option Central Lancashire Plan but that a planning application for residential development has been submitted for the site. If the information submitted as part of the application demonstrates to the satisfaction of the relevant statutory consultees and the planning authority that the issues we identified as strategic concerns can be managed or mitigated, we have no remit or evidence to challenge those conclusions. It is for this reason that we have not provided any site-specific advice as the strategic issue we identified as being of potential concern has been considered by other consultees.”

20. Lancashire County Council Highway Services (LCC Highway Services): Have not responded. They did however respond to the consultation on the full application at this site, which is an identical application (notwithstanding landscaping details). LCC Highway Services raised no objection to the proposal, subject to conditions and a host of off-site improvement measures to be delivered via a S278 agreement. They also requested new footpaths to Greenhalgh Lane and Babylon Lane. This was implemented by the applicant in revised drawings. LCC Highway Services have requested that the submitted Construction Environmental Management Plan and Traffic Management Plan be adhered to – this can be secured by planning conditions. Further details can be found later in this report.
21. Greater Manchester Ecology Unit: Have recommended conditions relating to the protection of bats, nesting birds and the management of invasive species and a financial contribution to secure an off-site net gain in biodiversity.
22. Regulatory Services - Environmental Health Officer: Responded to the consultation on the full planning application to request that sustainable energy efficiency measures are incorporated into the dwellings, including electric vehicle charging points, and that the band building includes sufficient sound insulating measures to protect the amenity of neighbouring residents.

The Council has standard conditions to ensure that new dwellings meet specific sustainability criteria, as explained later in this report. Electric vehicle charging points are a requirement of building regulations and so there is no need to repeat this under planning legislation. A condition can be attached to require details of sound insulation to be submitted to the Local Planning Authority in relation to the band building to ensure it is fit for purpose.
23. Waste & Contaminated Land Officer: Have responded to state that they have reviewed the submitted geo-environmental assessment and have recommended a condition be attached to any grant of planning permission. The condition relates to the securing of ground investigations, testing and remediation measures, where necessary, prior to the commencement of development.
24. Lead Local Flood Authority: Have responded with no objection to the proposal and have suggested that informative notes and conditions be attached to any grant of planning permission requiring detailed drainage investigations and a drainage strategy to be submitted to the Local Planning Authority for their approval prior to development commencing at the site.
25. Tree Officer: Responded to state that the proposal involves the removal of ten individual trees, eight groups of trees and two hedgerows to facilitate the development. They have requested that an Arboricultural Method Statement is submitted, approved and adhered to during construction work and a landscape plan detailing proposed replacement trees including a maintenance plan for these trees should be submitted and approved.

An Arboricultural Method Statement can be required and implemented via planning condition and a landscaping plan will be required as part of any future reserved matters application.

26. United Utilities: Responded to state that the exact location of the water main that crosses through the site will have to be identified prior to development commencing at the site. They have also requested that conditions be attached in relation to the scheme taking place in accordance with the submitted drainage strategy and for foul and surface water to be drained on separate systems. They will also require a risk assessment to be undertaken and submitted to the Local Planning Authority for approval in relation to their assets that cross the application site. As the final drainage strategy has not yet been determined, it is not appropriate to attach the conditions suggested by United Utilities in relation to surface and foul water drainage.
27. Lancashire Fire and Rescue Service: Have not responded.
28. Lancashire County Council (Education): Have not requested a contribution towards additional school places.
29. NHS: Have not responded.
30. Heath Charnock Parish Council: have responded as follows:

"The Parish Council has considered this application and strongly objects for the following reasons which it asks the Local Planning Authority to take into account:

- 1. The continuing strength and scale of local opposition to its development for housing as evidenced each time an application has been submitted for new homes on this site*
- 2. The site is presently designated as BNE 3.4 safeguarded land for the duration of the Local Plan 2012-26. It should not be considered for development. It is not required or wanted.*
- 3. Chorley District has consistently met and exceeded previous new build housing targets both district-wide and locally in Adlington. In the 12 years from April 2010- March 2022, the Adlington District has contributed 388 new build homes, almost 6% of the Chorley District total of 6,544.*
- 4. There is an existing application as yet undetermined and the outline application which is the subject of this objection is a clear attempt to rush through a permission in advance of a clearly changing planning policy framework in order to maximise land value and developer profit with little regard for local need.*
- 5. The Central Lancashire Local Plan (CLLP) jointly developed for the Chorley, South Ribble and Preston recognises the practicality of working across travel to work and travel to learn areas; sets more rational and practical targets determined locally while still meeting those of the outdated national formula. On approval, the Adlington District will contribute up to 285 additional homes on the 5 proposed sites. There is no current or future shortfall in the supply of land for new build homes.*
- 6. In the CLLP Preferred Options public consultation in early 2023, this site was not proposed for residential development due to the Environment Agency's concerns: - Flood risk level 1 SFRA Strategic Recommendation A which advises withdrawal of the site based on significant level of fluvial, tide or surface water flood risk (if development cannot be directed away from areas at risk) and part of the site is within medium surface water risk zone. The Environment Agency advised avoiding development at this site and retaining the existing priority habitat which is providing flood storage and carbon benefits. This advice should be respected.*
- 7. The Council needs to place greater weight on the well-developed and emerging CLLP and the impending changes in national legislation which would see this site no longer being identified as safeguarded land nor having any chance of being included in future plans for residential development given the sustained strength of local opposition to this and previous proposals. Both the emerging CLLP and the legislative changes that are at an advanced stage in parliament should be material consideration when assessing this application.*

8. In addition to the policy concerns listed above there are significant practical concerns that on their own merits justify a refusal of this opportunistic and speculative application. Ongoing local concerns about road and pedestrian safety would be significantly worsened by the impact of the additional traffic that the site would generate onto an already heavily traffic road; often restricted to single file traffic due to on-street parking and the need for access to drop and collect pupils at Anderton Primary School; immediately outside the site the northbound pavement width is restricted in places to 1.2m or less, with no southbound pavement is expected to fail a Road Safety Audit. There is no 8a bus service as stated in the application. The distance to the train station means additional commuter journeys and pressure on local roads at peak times. The developer suggests 26 two-way vehicle trips in the am and pm peak time from this site alone, which we believe to be a serious underestimate, having to negotiate onto and off the public highway. The cumulative impact of this, in addition to other potential future residential and other urban development proposals in the Adlington district has to be fully considered. Each site can't continue to be considered in isolation.

9. Pressure and strain on local services and infrastructure: with local traffic queuing to gain access to the M61 in both directions each morning; significant pressure on local schools for primary places, with children being allocated to Chorley schools and secondary school pupils potentially facing education outside of the Chorley area. The LCC Schools Planning team have warned of the potential under provision. If approved have request a contribution to fund up to 6 places in a new Chorley district secondary school. There has been no increase in the provision of Dentists, Doctors Pharmacies and Optician's to meet current local needs, let alone any additional requirements. Avoidance of significant stress in the locality which threatens the nature and character of the village; place unsustainable demands on all local education, medical, the public services which the local community is concerned about and must be taken into account.

10. Previous attempts to seek residential development on this site have been rejected for valid reasons. While the land is currently safeguarded, the CLLP has demonstrated there is no need for the site to be developed as objective housing need can be met within the CLLP area and indeed within Adlington and the surrounding parishes without recourse to this site.

11. The Parish Council strongly recommends that this opportunities application should be rejected as there is neither a local need nor a local desire to see the site developed."

31. Anderton Parish Council: responded in objection to the full application proposal, as follows:

"The parish council has major concerns over this proposed development and its potentially detrimental impact on the greater community of Adlington, Anderton and Heath Charnock and this cannot be underestimated.

The proposed development is predicated mainly on sustainability grounds, being sensitive to local context, meeting local housing need and having local amenity services consistent with Adlington being designated as an urban local service centre.

However the council notes that this is a development proposal much along traditional housing estate practice maximizing the number of dwellings and with the potential to accommodate circa an additional 100 vehicles. The access to the site is from Babylon Lane which is not a major road and over the past few years has experienced a number of traffic problems relating to on-street parking, blockage and passing problems and congestion mainly around the primary school entrance. An influx of further vehicles would add to these problems, including potential for increased air pollution.

We note that the application suggests that the site is well located for walking and cycling in respect of local amenities and access to public transport. There does not appear to be any easy or safe walking and cycling routes possible from the site along Babylon Lane and it is to be noted that Adlington has not seen any improvement in public transport provision over recent years and has actually experienced reductions.

Similarly, although Adlington is designated a local service centre there has actually been a reduction in the availability of facilities and services with no enhancements or improvements to match existing developments. All of this tends to increase road traffic commuting which is

contrary to the objectives of sustainability for mitigating climate change. We would also question the need for more local.”

PLANNING CONSIDERATIONS

Principle of development

32. 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.
33. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
34. 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).
35. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Adlington as an Urban Local Service Centre, where some growth and investment will be encouraged to help meet housing and employment needs.
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. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, railway station, primary school, 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 to accommodate the occupants of the development. They have indicated there would be sufficient primary school places within the catchment area of the site. There are high schools within a 10-minute drive of the application site.
38. It is noted that many 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.
39. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

Other material considerations

40. The National Planning Policy Framework (the Framework) is a key material consideration. The purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). There are three objectives to sustainable development set out at paragraph 8 and it is fundamental that development strikes the correct balance between:
 - Environmental - the protection of our natural, built and historic environment
 - Economic - the contribution to building a strong and competitive economy
 - Social - supporting strong, vibrant and healthy communities
41. 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).

42. 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.
43. 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.
44. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
45. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
46. 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

47. The following planning appeal decisions are of relevance.

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

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

52. 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.
53. 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.
54. 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

55. 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.
56. 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.
57. In respect of housing land supply:
58. 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.
59. 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.
60. 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.

61. 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.
62. 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)
63. 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."*
64. 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, Ecclestone
Decision APP/D2320/W/21/3284702**

65. On the 17 March 2022 a decision was issued for the appeal for Land south of Parr Lane, Ecclestone. The appeal was allowed and outline planning permission was granted for up to 34 dwellings and associated infrastructure on land south of Parr Lane, Ecclestone, 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.
66. 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.
67. 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**

68. 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.
69. 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.
70. 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**

71. 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.
72. 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.
73. 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 appellants.

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**

74. 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.
75. 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.
76. 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, Eccleston 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

77. 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.
78. As was the case with the aforementioned appeal cases, the most important policies for determining this application are policies 1 and 4 of the Central Lancashire Core Strategy and policy BNE3 of the Chorley Local Plan. Whilst the proposal would be consistent with Policy 1 of the Core Strategy, it would conflict with Policy BNE3 of the Local Plan, safeguarding land for future development.
79. At 1st April 2023 there was a total supply of 1,717 (net) deliverable dwellings which is a 3.2 year deliverable housing supply over the period 2023 – 2028 based on the annual requirement of 530 dwellings which includes a 5% buffer.
80. 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.
81. In light of the above, policy 4 of the Central Lancashire Core Strategy and policy BNE3 of the Chorley Local Plan are out of date and the tilted balance is, therefore, engaged.
82. 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.
83. 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.
84. 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.
85. 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

86. 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.
87. The site, known as 'Land off Babylon Lane, Adlington', was submitted for consideration through the emerging Central Lancashire Local Plan Call for Sites (SHELAA REF 19C103, 19C272x). The site was discounted at the Part One Preferred Options stage (consultation from December 2022 – February 2023) in accordance with the SHELAA methodology due to the outcomes of the Flood risk - Level 1 SFRA Strategic Recommendation. However, representations were received as part of the Part One Preferred Options consultation regarding the exclusion of this site on flood risk grounds. A refreshed SFRA is being undertaken and will inform the decision on sites to be allocated in the Part Two Preferred Options.
88. The flood risk and ecological considerations of the proposal are addressed later in this report.

Impact on ecological interests

89. 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. The policy is considered to be consistent with the Framework and should be attributed full weight.
90. The sections below provide a summary of the applicant's assessment which has been agreed as acceptable by the Council's ecological advisors and recommended mitigation measures should be secured by planning conditions.

Habitats

91. The site mainly comprises neutral semi-improved grassland fields with limited ecological value. The hedgerows, drystone wall and scattered trees are habitats of highest value, potentially providing suitable resources for birds, bats, badgers, invertebrates and common amphibians.
92. Both hedgerows proposed for removal are considered to be species poor but as they are listed in the Local Biodiversity Action Plan (LBAP) for Lancashire, it is recommended that compensatory planting is provided as part of the final landscaping proposals. Hedgerows and trees to be retained should be protected during construction work. Native compensatory tree planting at a ratio of 1:3 is also suggested. Drystone walls should be maintained and restored to maximise their ecological benefits from providing damp, sheltered areas for insects, songbird nests and small mammals.

Badger

93. No evidence of badger was observed on site, however, it is recommended that mitigation measures are still employed as badgers are a highly mobile species that could become established on-site between the survey having been undertaken and site work commencing. Such measures include an updated badger survey prior to work commencing and protection measures put in place should any badger setts be discovered.

Bats

94. No bat roosts were identified on site but it is recommended that trees to be felled are completed using the soft-fell technique and lowered to the ground and left for 24 hours before chipping. It is recommended that bat boxes are provided on-site as part of the proposals. Other mitigation is also proposed during construction work.

Birds

95. Vegetation removal should take place outside of bird nesting season unless a nesting bird check has first been completed by an experienced ecologist.

Newts

96. It is considered very unlikely that great crested newts are present on the site, however, reasonable avoidance measures are still recommended.

Other ecological issues

97. Mitigation is also proposed for the protection of common toad, hedgehog and notable invertebrates. Measures should also be put in place for the safe removal of any invasive plant species.

Ecology summary

98. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species. The applicant has also volunteered to provide a financial contribution to be directed towards securing a 10% net gain in biodiversity enhancement measures. It should be stressed that this is not required to make the scheme acceptable and is not yet a statutory requirement in planning law until the contents of the Environment Act 2021 being transposed into planning law.

Impacts upon designated heritage assets

99. Greenhalgh Farmhouse is a grade II listed building located approximately 28m to the south east of the application site.
100. 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.
101. 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:
102. 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.
103. 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.

104. 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.

105. 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.

106. 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.

107. 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.

108. 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.

109. 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

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

“The issue from a heritage viewpoint is whether the proposal would harm the significance of the grade II listed ‘Greenhalgh Farmhouse’, which in my view is of high significance. The property's significance is in its aesthetic, historic and evidential context, primarily evidenced in the buildings fabric, architectural form/appearance, vernacular construction methods and its relationship to the original farmstead.

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.

Greenhalgh Farmhouse was constructed in the early 18th century of coursed sandstone rubble and squared stone, with quoins; designed with Tudor style features. The property sits adjacent to an associated barn (of later construction) that has since been converted into residential use.

The first edition OS map evidences that the proposal sites land was wooded during the mid-19th century and surrounded by open farmland, with Greenhalgh Farm to the east and Babylon Farm to the west. During this period, Greenhalgh Lane was a track leading to Greenhalgh Farm. In addition, map regression identifies a structure on the site of the existing brass building, on the 1894 OS Map; suggesting this building formed part of the farmstead.

Throughout the 19th century, the surrounding grounds were developed with the existing stone terraced cottages located on Babylon Lane and Greenhalgh Lane, with later modern housing throughout the 20th century, some of which lie on the western boundary of the farmhouse; leaving only the proposal site undeveloped.

These cumulative changes have overtime contributed to the gradual erosion of the historic ‘rural’ setting and to some degree has impacted on how the listed building, has in more recent times, been experienced. This has reduced the contribution made by the wider setting to the significance of the Listed Building. However, Historic England in its Planning Note on the Setting of Heritage Assets, identifies that when a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, the significance of the asset.

Having viewed the site I have no doubt that the proposed site at one time had a historical connection to the listed farmhouse. The historic maps shows access across the land and the small stone building currently used for band practice related to the former farmhouse. The submitted Heritage statement confirms this association. However, whilst the remnants of that historic setting is still visible in the landscape, we have to acknowledge that it has been significantly weakened by more recent residential developments and the modern enclosure of the farmhouse and barn, which largely separates them from site.

The proposal site lies directly to the front of the listed building, spreading out to the north, south and west. The site, however, is largely screened by a combination of hedgerows and trees, which restricts the visual connection between the two. I do however note that the farmhouse is still glimpsed at along Greenhalgh Lane in the same context of the site.

In this context, I agree to a certain extent to the comments contained in the Heritage Statement that the site is not a significant contributor to the significance of the Listed Building and whilst we need to consider that its setting is not just confined to its immediate enclosed garden curtilage the contribution made by the land within the wider setting is I think low.

In a similar way the brass band practice building (a former farm building) and the retained stone boundary walls also possess some degree of heritage value and form part of the altered wider setting. Their contribution for the basis of this assessment, should also be considered to be low.

In summary I have no doubt that the new residential development will be noticeable in the same context as the listed building, even with the listed buildings being largely screened and therefore would conclude that some impact will occur. Section 5.3 of the applicants Heritage Statement concludes that the proposal will alter the historic context of the surroundings and result in less than substantial harm (minor harm).

The proposed development would undoubtedly cause some further erosion of the historic setting to Greenhalgh Farm, which I have identified as being of low value. Subsequently, I feel the proposal will cause some harm to the contribution made by the setting on the significance of the heritage asset. I would regard this harm to be slight/low.

On this basis, the scheme causes 'less than substantial harm' and should be assessed under p.196 of the NPPF. It is for the LPA to consider the level of harm in its planning balance considering also any public benefits which relate to or are generated by the scheme. More information on public benefits is included in the Planning Practice Guidance and can be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).

Lower levels of harm should not be seen as a lesser objection and any harm to designated heritage should be given 'great weight' in the planning judgement and requires clear and convincing justification.

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.

As indicated in the assessment above I have identified that the proposal will cause some low level harm to the setting of the adjacent heritage assets. As such the proposal would fail to meet the statutory test 'to preserve'. It will be for the LPA to consider whether the benefits generated by the scheme outweigh that harm and whether as such, the proposal would meet with the objectives of Chapter 16 NPPF, Policy 16 of the Core Strategy and Policy BNE 8 of the Local Plan."

111. It is considered that the identified low level harm to the contribution made by the setting on the significance of the heritage asset is outweighed by the public benefits of the proposal through the supply of housing, as identified later in this report. The proposal therefore meets the objectives of the aforementioned policies.

Impact on trees

112. 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. The policy is considered to be consistent with the Framework and should be attributed full weight.
113. A relatively small number of trees and hedgerows are to be removed as part of the proposal. The scheme has been revised following comments received from the Council's Tree Officer for two additional trees to be retained which are considered to be of high value. Mitigation measures in the form of protective fencing and tree, shrub and hedges is proposed and would be controlled by planning condition. A landscaping scheme would also be required to meet the requirements of a planning condition which will require compensatory planting throughout the site. The proposal is considered to be acceptable in this regard and complies with policy BNE10 of the Local Plan.

Highway safety, access and parking

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 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. The policy is considered to be consistent with the Framework and should be attributed full weight.
115. 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.
116. Highway safety and access issues have been one of the main concerns expressed by residents during the consultation period. Lancashire County Council is the Local Highway Authority that manages and maintains the highway network in Lancashire and promotes safe travel and developments in accessible and sustainable locations within the county. As such, at certain stages in the planning process Chorley Council formally seeks the views of the County Council as a statutory consultee to assist in making an informed decision about proposed development. The following summarises comments received from LCC Highway Services related to the full planning application, but are equally as applicable to this proposal.

Access

117. The northern part of the development would be accessed off Whitebeam Close. Sightlines of 2.4m x 43m are proposed onto Babylon Lane. The remaining part of the site will be accessed off a new access onto Babylon Lane, where 2.4m x 43m sightlines will be provided.
118. A new pedestrian access is proposed at the junction of Babylon Lane and Greenhalgh Lane. This is to overcome the lack of footway along the Babylon Lane frontage of the site.

119. All these access points are acceptable however, the pedestrian access is likely to require a minor modification in order to achieve the necessary sightlines. This has been accepted by the developer and the final details can be dealt with by way of a planning condition.

Internal Layout

120. The internal layout is generally acceptable, however the footpath to the junction of Babylon Lane and Greenhalgh Lane should be widened to 3.5m shared use footway / cycleway. Although relevant guidance recommends segregating footways and cycleways it is considered acceptable to depart from this advice as the path is in isolation. It is also recommended that this link be lit and offered for adoption with the other internal roads that comply with LCC adoption standards.

Sustainable Travel

121. In the previous LCC Highways response it was suggested that a contribution towards improving public transport services may be required. The 8a bus service has ceased passing the development site. The level of funding required to keep this service would be out of proportion with the scale of the development and would be unlikely to be sufficient to maintain it as a viable service beyond the 5 years over which support is generally sought. It is likely that funding through s106 contributions would not meet the necessary tests.

122. Previously upgrading the bus stops on Babylon Lane was considered necessary, however, with the loss of the bus service it is now considered appropriate to upgrade the two bus stops nearest to the traffic signals on Bolton Road. The upgrades will include a replacement shelter for the southbound stop.

S278 Highway (off-site) works

123. The s278 works shall include the following:

1. New site access to Babylon Lane
2. Existing site access at Whitebeam Close and upgrading of verges to footway
3. Pedestrian / Cycle access to Babylon Lane at its junction with Greenhalgh Lane.
4. Upgrading of existing northbound bus stop on Bolton Road, including raised boarding area and bus stop markings.
5. Upgrading of existing southbound bus stop on Bolton Road, including replacement shelter, raised boarding area and road markings.

Conclusion

124. LCC Highway Services raise no objection to the proposed development, which is considered to be in a sustainable location, close to local amenities. The level of parking proposed meets with the Council's standards. There have been comments made by neighbour representations stating that the level of parking proposed for the band building is not sufficient. The existing band building has no dedicated on-site parking with users having to park on Babylon Lane. The proposal therefore represents an improvement to the current situation.

125. The increase in car movements in the area as a result of the proposed development would not result in a significant increase in traffic or highway safety issues. There seems to be a common fear / misconception amongst existing residents situated close to proposed new housing sites whereby one imagines all residents of a new development leaving their houses at the same time during rush hour for commuting and school runs. Whilst there may be a peak in movements at such times, not all occupants will have children of school age, will drive, will need to leave home to work, will need to travel to work for 9am (flexible working) or indeed will work at all. In reality the movements from a new housing site will largely be staggered throughout a day and with only 40 houses proposed for this site, it is likely that the increase in movements will be imperceptible at most times of day.

126. The proposal is considered to be acceptable with regards to highway safety, access and parking, subject to conditions and the above referenced improvements to be delivered via a s278 agreement.

Impact on the character and appearance of the area

127. Policy 17 of the Core Strategy 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. The policy is considered to be consistent with the Framework and should be attributed full weight.

128. 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, among other things, 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.

129. The surrounding housing stock close to the development site are generally of natural or reconstituted stone facades facing the application site, with brick facades more prominent beyond that initial building line. There is a range of terraced, semi-detached and detached dwellings surrounding the application site.

130. 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.

131. 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.

132. The site area is 2.13 hectares so the scheme is the equivalent to approximately 19 dwellings per hectare, which is quite low terms of layout. Although it is not considered that the density could be said to be out of keeping with the density of development on the outskirts of Adlington. The low density is partly a result of accommodating the new band building, and car parking area, the retention of trees in the southern section of the site and the location of a water main along the south eastern of the site boundary.

133. The proposal includes main spine roads through the site with secondary roads branching off and the proposed units arranged in parcels of development with interspersed landscaping areas, mainly in the southern section of the site and to site boundaries.

134. All units will be two storeys in height and of a contemporary design with the houses to the perimeter of the site being faced in reconstituted stone and dwellings within the site being red brick. All dwellings would have grey roof tiles. There would be a mixture of detached and semi-detached dwellings with some integrated and some detached single garages.

135. The existing dry-stone wall located to the perimeter of the site contributes positively to the character of the area and also has ecological benefits from providing habitat for mammals and other species. The landscaping condition which would be attached to any planning permission for the proposed development will include a requirement for the wall to be protected during construction work, repaired and maintained following the completion of the development.

136. It is considered that the proposed dwellings will assimilate with the built form of existing dwellings in the area. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development therefore complies with the above referenced policies in this regard.

Impact on amenity

137. 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. The policy is considered to be consistent with the Framework and should be attributed full weight.

138. With regards to noise, dust and other 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.

139. All interface distances between the existing surrounding dwellings are considered to be 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, although it is considered appropriate to attach a planning condition requiring that all first floor side windows that serve WCs, bathrooms or shower rooms be obscurely glazed to protect privacy. There would be an adequate degree of screening around the plots.

140. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

Drainage and flood risk

141. As noted earlier in this report, the site was submitted for consideration through the emerging Central Lancashire Local Plan and was discounted due to the outcomes of the Flood risk - Level 1 SFRA Strategic Recommendation A which advised withdrawal of the site based on a significant level of fluvial/tidal or surface water flood risk (if development cannot be directed away from areas at risk). Part of the site is within medium surface water risk zone. The Environment Agency advised avoiding development at this site and retaining the existing priority habitat which is providing flood storage and carbon benefits.

142. Policy 29 (Water Management) of the Core Strategy 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. The policy is considered to be consistent with the Framework and should be attributed full weight.

143. Lancashire County Council as Lead Local Flood Authority is the responsible 'risk management authority' for managing 'local' flood risk which refers to flood risk from surface water, groundwater or from ordinary watercourses.

144. A Flood Risk Assessment and Drainage Strategy was submitted with the application and reviewed by United Utilities and Lancashire County Council as Lead Local Flood Authority (LLFA). The site is in Flood Zone 1 (the lowest risk) as identified by the Environment Agency. This was later updated by the applicant to address the removal of the site from the Local Plan process.

145. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the

aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

146. The flood risk assessment identifies that the risk of flooding from surface water flows and all other sources has been assessed as having a low probability of flooding.

147. In addressing the removal of the site from the Local Plan process, the updated Flood Risk Assessment states:

“An updated Level 1 Strategic Flood Risk Assessment (SFRA) was completed in February 2021 by JBA Consulting which is a key document that has informed the new local plan (CLLP) currently being prepared. The site was a suggested housing allocation in the Issues and Options consultation undertaken in 2020 (site ref. 19C272x), however as part of the Preferred Options consultation, it is no longer a suggested housing allocation. The following reasons are cited:

“Flood risk - Level 1 SFRA Strategic Recommendation A which advises withdrawal of the site based on significant level of fluvial/tidal or surface water flood risk (if development cannot be directed away from areas at risk). Part of site within medium surface water risk zone. The Environment Agency advised avoiding development at this site and retaining the existing priority habitat which is providing flood storage and carbon benefits.”

As such a detailed review of the updated Level 1 SFRA has been undertaken to further understand the evidence provided to remove the site’s allocation status.

The Level 1 SFRA is focused on collecting readily available flood risk information from a number of key stakeholders, the aim being to help identify the number and spatial distribution of flood risk sources present throughout the Central Lancashire Authorities’ (CLA) authority areas of Chorley, South Ribble and Preston to inform the application of the Sequential Test.

The CLA require this Level 1 SFRA to initiate the sequential risk-based approach to the allocation of land for development and to identify whether application of the Exception Test is likely to be necessary. This will help to inform and provide the evidence base for the Central Lancashire Authorities’ (CLA) Local Plan.

The three LPAs provided their latest potential development sites data and information to undergo an assessment of flood risk. Development consideration for all potential development sites are summarised through a number of strategic recommendations summarised as follows:

- *Strategic Recommendation A – consider withdrawal based on significant level of Fluvial/tidal or surface water flood risk (if development cannot be directed away from areas at risk)’*
- *Strategic Recommendation B – Exception Test required, if site passed the Sequential Test;*
- *Strategic Recommendation C – consider detailed site layout and design around identified flood risk if site passes the Sequential Test i.e. redrawing of development boundaries to remove risk or incorporation of risk through appropriate mitigation techniques;*
- *Strategic Recommendation D – site-specific FRA required as a minimum; and*
- *Strategic Recommendation E – subject to consultation with the LPA and LLFA, the site could be allocated or permitted for development on flood risk grounds due to little perceived risk.*

Appendix E of the Level 1 SFRA, 'Site Assessment Recommendations' provides a strategic assessment of the suitability, relative to flood risk, of the site to be considered for allocation in the CLA Local Plan.

The subject site (19C272x) is considered under Strategic Recommendation A (see definition above). The subject site and 5 others have been included within Strategic Recommendation A not on grounds of flood risk as per its definition, but due to maintaining environmental habitats. The document also states:

"Another Chorley preferred site 19C272x corresponds to an allocation site 19C103 which the EA recommended for development avoidance and the site retained as the existing priority habitat which is providing flood storage and carbon storage benefits."

Appendix C of the Level 1 SFRA, 'Development Site Assessment Spreadsheet' indicate the level of flood risk to each site following a strategic assessment of risk. Table 2 below replicates the information provided regarding the subject site.

Table 2 SFRA Site Assessment

| Site Area | Flood Zone Coverage | | | | | | | | Risk of Flooding from Surface Water | | | | | |
|-----------|---------------------|-----|-----------|-----|-----------|-----|-----------|-----|-------------------------------------|------|-------------|------|-----------|------|
| | FZ1 | | FZ2 | | FZ3a | | FZ3b | | Low Risk | | Medium Risk | | High Risk | |
| Ha | Area (ha) | % | Area (ha) | % | Area (ha) | % | Area (ha) | % | Area (ha) | % | Area (ha) | % | Area (ha) | % |
| 2.50 | 2.50 | 100 | 0.00 | 0.0 | 0.00 | 0.0 | 0.00 | 0.0 | 0.20 | 8.18 | 0.06 | 2.39 | 0.03 | 1.15 |

Further discussion of Table 2 above is provided with Section 3 of this report, however it is noted that within Appendix C it is stated that the flood storage area identified by the EA is not shown on any available mapping. Given that the flood risk associated with the site is negligible, provision of flood storage, if any is present (over and above the fact that it is a predominantly undeveloped greenfield site) is irrelevant if the site is not at material risk of flooding (as shown in Table 2). [Their emphasis].

The hydrological survey conducted by an experienced Chartered Hydrologist in February 2023 confirms that the site is undulating and has a general fall southwards / south-westwards.

As such, during heavy rainfall events runoff would readily shed off site (uncontrolled) onto Babylon Lane and Greenhalgh Lane, therefore there is currently no 'flood storage' provided by the site which correlates with available EA mapping.

In any case and as standard practice, the development of the site would include a bespoke Sustainable Drainage Scheme (SuDS) which would limit the rate of runoff to greenfield runoff rates, and therefore would not result in any net increase in off-site flood risk. Indeed, there appears to be opportunity to provide 'additional' runoff attenuation on site to provide a local flood risk reduction."

148. The Environment Agency's reasoning for their comments to the Local Plan process are provided earlier in this report and essentially explain that they were made with regards to the future aspirations for the site, but now an application has been submitted, it is for the statutory consultees on drainage to comment. Should those consultees have no objection the proposal, then the EA have no remit or evidence to challenge those conclusions.
149. An intrusive ground investigation has not yet been completed but British Geological Survey maps indicate the underlying strata to be Glacial Till superficial deposits which are underlain by Pennine Lower Coal Measures Formation bedrock, comprising of mudstone, siltstone and sandstone. As these materials are impermeable, infiltration as a measure for managing surface water is likely to be unfeasible. Intrusive ground investigations are recommended in order for this to be confirmed.

150. The nearest watercourse is the culverted ordinary watercourse which is proposed to be diverted around the application site. As such, it is envisaged that the surface water runoff from the site will discharge into the proposed culverted watercourse diversion at a restricted greenfield runoff rate. This is subject to Ordinary Watercourse Consent from the Lead Local Flood Authority.
151. The connections to the existing drainage network along with flow rates will require separate consent from the Lead Local Flood Authority and United Utilities.
152. The Lead Local Flood Authority have recommended planning conditions requiring full details of a drainage strategy to be submitted based on evidence that the highest tier in the drainage hierarchy has been used and other associated conditions. This will require intrusive ground investigations to be undertaken.
153. United Utilities state that, according to their records there is a water main within the site boundary and the applicant will be required to submit evidence that trial holes have been undertaken to confirm the precise location of their infrastructure. United Utilities will require unrestricted access to operate and maintain the main. This can be attached as an informative note to any grant of planning permission. They also suggest conditions be attached to any grant of planning permission in relation to securing sustainable foul and surface water drainage at the site.
154. Although the Environment Agency suggested the removal of the site from the Local Plan Process, they have stated they have no comments to make on this planning application.
155. Given local concerns in relation to the drainage and flood risk implications of the proposal, the Council commissioned an independent review of such issues by a drainage consultant. The conclusions of the report are as follows:

“The Environment Agency and the Lead Local Flood Authority have not objected to this development taking place on flood risk grounds. The LLFA's approval of development is based on the satisfaction of the conditions stated. United Utilities have approved the development of the Babylon Lane site, subject to the conditions stated being met. Were planning permission to be granted by the LPA, there are a number of conditions that must be attached to a subsequent decision notice. Based on the evidence made available, JBA sees no reason to disagree these findings.

The objections from a local resident are concerned with the surface water drainage within the site. United Utilities has approved the FRA and Preliminary Drainage Strategy. In addition, the LLFA have deemed that development remains appropriate at this site, assuming development is in accordance with the FRA and Surface Water Sustainable Drainage Strategy.”

156. In light of the above, the proposal is considered to be acceptable in terms of surface and foul water drainage, subject to conditions, and complies with the aforementioned policies in this regard.

Minerals safeguarding

157. Much of the northern part of the application site forms part of a designated Mineral Safeguarding Area within the development plan. Policy M2 of the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) – Site Allocation and Development Management Policies - Part One 2013 seeks to protect mineral resources in Lancashire from needless sterilisation.
158. The applicant's Mineral Assessment Review submitted in support of the application identifies that, from a review of geological mapping, it is likely that the safeguarding area relates to the presence of coal measures underlying the site.

159. Given the close proximity of the site to existing residential development it is not considered that mineral extraction at this site would be acceptable due to the associated impacts upon residential amenity. The noise, dust, vibration and highway related impacts of quarrying the land in this location would be significant. As such, any mineral resource beneath the site would not be needlessly sterilised as a result of the proposed development and there is no conflict with policy M2 of the JLMWLP.

Affordable housing

160. Policy 7 of the Central Lancashire Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size. The proposal would provide a policy compliant level of affordable housing which would be secured by a s106 legal agreement.

161. 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 should be given significant weight in the planning balance, as identified in recent appeal decisions in the borough.

Public open space

Amenity Greenspace

162. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.73 hectares per 1,000 population.

163. There is currently a deficit of provision in Heath Charnock and Rivington in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. As the development is 10 or more dwellings the required amenity greenspace should be provided on-site. The amount required is 0.07 hectares. A maintenance cost of £28,000 is also required for a 10 year period if private maintenance is not proposed.

Provision for children/young people

164. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.

165. There is currently a surplus of provision in Chorley South East and Heath Charnock in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019). A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

166. There is no requirement to provide a new park or garden on-site within this development.

167. The site is within the accessibility catchment (1,000m) of parks/gardens that are identified as being low quality and/or low value in the Open Space Study (sites ref 1744 War Memorial Garden, Railway Road), a contribution towards improving these sites is therefore required. The amount required is £1,467 per dwelling.

Natural and Semi-Natural Greenspace

168. There is no requirement to provide new natural/semi natural greenspace on-site within this development.

169. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) therefore a contribution towards improving existing provision is not required.

Allotments

170. There is no requirement to provide allotment provision on site within this development.

171. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site HW5.3 – Harrison Road, Adlington. A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

172. 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. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

173. The total public open space financial contribution required from this development is as follows:

| | |
|----------------------|---|
| Amenity greenspace | = £28,000 (if private maintenance not proposed) |
| Equipped play area | = £0 |
| Parks/Gardens | = £58,680 |
| Natural/semi-natural | = £0 |
| Allotments | = £600 |
| Playing Pitches | = £63,960 |
| Total | = £151,240 (£123,240 if privately maintained amenity greenspace) |

Sustainability

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

175. 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.

Employment skills provision

176. 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

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

Education

178. Lancashire County Council Education have provided a contribution assessment for this development which can be summarised as follows:

Lancashire County Council is responsible for the provision of school places across the 12 county districts. The county has been facing significant increases in the birth rate at the same time as capital funding from the Department for Education has been significantly reduced.

Where the growth in pupil numbers is directly linked to housing development and existing school places are not sufficient to accommodate the potential additional pupils that the development may yield, Lancashire County Council would seek to secure developer contributions towards additional school places. Only by securing such contributions (which, depending upon the scale of development, may also include a contribution of a school site), can Lancashire County Council mitigate against the impact upon the education infrastructure which the development may have.

The assessment shows the level of impact on primary and secondary school places relevant to the development and provides details on the level of contribution required to mitigate the development impact.

The latest information available at this time was based upon the latest School Census available and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will not be seeking a contribution for primary school places or secondary school places.

Community Infrastructure Levy (CIL)

179. 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. This development will be CIL Liab on approval of the final reserved matters application.

Other issues

180. A previous application, ref. 12/00895/FULMAJ was refused by Chorley Council (and dismissed on appeal) on part of the application site in 2013 for the erection of 14 dwellings. The application only related to 0.8 hectares of the current 2.13 hectare site and related to the area of land around Whitebeam Close. The refusal of the previous proposal is a material consideration in the determination of the current application. The reasons for refusal were as follows:

1. The size of the site is over the threshold of 0.5 hectares that requires 30% affordable housing to be provided, as no affordable housing has been proposed the proposal is contrary to Policy 7 of the Core Strategy.
2. The application site is a greenfield site and the proposed density of 17.5 dwellings per hectare is not considered to represent the efficient use of this land. The layout shows 14 large detached properties and it is not considered that there are material considerations that require the density to be this low. The proposal is therefore considered to be contrary to Policy 5 of the Core Strategy in that it does not make efficient use of the land.
3. The application is contrary to Policy BNE3.4 of the submitted Chorley Local Plan 2012 – 2026 and it is not considered that there are other material considerations that outweigh this.

181. Each of the reasons for refusal are addressed below.

182. Firstly, the proposal offers a policy compliant 30% affordable dwelling scheme in this instance. The proposal therefore complies with Policy 7 of the Core Strategy.

183. Secondly, the current proposal identifies 20 houses on the same parcel of land previously proposed for 14, and so the density on this part of the site has been substantially increased. Whilst the overall density of the site is similar to the previously refused proposal, as explained earlier in this report, this is due to accommodating the new band building, and car parking area, the retention of trees in the southern section of the site and the location of a water main along the site's south eastern boundary. The density is therefore considered to be acceptable in this instance.

184. Finally, and most importantly, the housing land supply situation in Chorley has changed significantly since the refusal of the above referenced application. As identified earlier in this report, the Council no longer has a 5 year supply of housing land and policy BNE3 of the Local Plan is out-of-date. The housing supplied by this proposal therefore weighs heavily in the planning balance in favour of the proposal.

Planning balance

185. 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.

186. The adverse impacts of the development relate primarily to its conflict with policy BNE3, safeguarding land for future development. However, as the Local Planning Authority cannot show a 5-year housing land supply policy BNE3 is out-of-date and can only be attributed limited weight. There would also be some low-level harm caused by the proposed development to the contribution made by the setting on the significance of the grade II listed

Greenhalgh Farmhouse. This must be given great weight in the planning balance, in accordance with the Framework. The Framework indicates that the planning system should be genuinely plan-led. There are no other identified negative impacts of the proposal which cannot be sufficiently mitigated by the imposition of planning conditions.

187. 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.
188. 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.
189. The application site is considered to be in a sustainable location close to the existing amenities in Adlington.
190. 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 significant weight to the social benefits.
191. The provision of open space and its ongoing management and maintenance and sustainable transport improvements are neutral considerations because they are needed to make the development acceptable.
192. The applicant has volunteered to provide a financial contribution towards securing a 10% net gain in biodiversity value which would be directed to a scheme outside of the application site. Providing a 10% net gain in biodiversity is not yet a legal requirement in planning legislation but the applicant has nonetheless agreed to achieve this. This is not required to make the scheme acceptable and so is an additional environmental benefit of the proposal.
193. The proposal would deliver a replacement band building. One may consider this as necessary as the proposal would involve the demolition of the existing building. Given the state of the existing building however and upgraded facilities that would be included with the replacement band building, this is also considered to be an additional social benefit of the proposal should be attributed moderate weight in the planning balance.
194. The adverse impacts of the proposed development relating to its conflict with policy BNE3 and the low-level harm associated with the grade II listed building would not significantly and demonstrably outweigh the economic, social and environmental benefits the proposal would deliver.

CONCLUSION

195. The application site is located in a sustainable location on the edge of a settlement identified in the Central Lancashire Core Strategy as a place where growth and investment is encouraged to help meet housing and employment needs. Whilst the proposal would conflict with policy BNE3 of the Chorley Local Plan 2012-2026 and cause harm to the setting of a grade II listed building, these adverse impacts do not significantly and demonstrably outweigh the economic, social and environmental benefits it would deliver, as identified above. As such, it is recommended that the Planning Committee be minded to resolve grant outline planning permission, subject to conditions and a legal agreement as set out earlier in this report.

RELEVANT HISTORY OF THE SITE

Ref: 5/5/10667

Decision: PERFPP

Decision Date: 25 May 1974

Description: Site for bungalows

Ref: 74/00705/OUT **Decision:** REFOPP **Decision Date:** 6 November 1974
Description: Outline application for 20 dwellings

Ref: 75/00292/OUT **Decision:** REFOPP **Decision Date:** 9 June 1975
Description: Outline application for 25 houses

Ref: 12/00895/FULMAJ **Decision:** REFFPP **Decision Date:** 28 March 2013
Description: Residential development of 14no. two-storey 4 and 5 bedroom detached houses

Ref: 21/00270/FULMAJ **Decision:** PDE **Decision Date:** Pending
Description: Full application for the proposed development of 40 dwellings together with associated new access, open space and landscaping, replacement of brass band building and associated parking.

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. An application for approval of the reserved matter, landscaping, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended 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 | 1073-M-LP01 Rev A | 16 June 2023 |
| Planning Layout | 1073-M-PL01 Rev M | 16 June 2023 |
| Affordable Housing | 1073-M-AH01 | 16 June 2023 |
| "Charnock" House Type Planning Drawing | 1073-M-HT-C | 16 June 2023 |
| "Enfield" House Type Planning Drawing | 1073-M-HT-E | 16 June 2023 |
| "CharnockV2" House Type Planning Drawing | 1073-M-HT-C2 | 16 June 2023 |
| "Stanbury" House Type Planning Drawing | 1073-M-HT-E | 16 June 2023 |
| "Jamesville" House Type Semi Variant Planning Drawing | 1073-M-HT-Js | 16 June 2023 |
| "Jamesville" House Type Planning Drawing | 1073-M-HT-J | 16 June 2023 |
| "Martland" House Type Planning Drawing | 1073-M-HT-M | 16 June 2023 |
| "Newton" House Type Planning Drawing | 1073-M-HT-N | 16 June 2023 |

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| "Newton" House Type Corner Variant Planning Drawing | 1073-M-HT-Nc | 16 June 2023 |
| Single Garage Planning Drawing | 1073-M-GAR | 16 June 2023 |
| Materials & Boundary Treatment | 1073-M-MB01 Rev E | 16 June 2023 |
| Refuse Strategy Layout | 1073-M-RF01 Rev C | 16 June 2023 |
| Rivington & Adlington Brass Band Rehearsal Building Planning Drawing | 1073-M-BRB-01 Rev A | 16 June 2023 |
| Preliminary Drainage Strategy | BLA-AJP-XX-00-DR-C-0900 Rev P4 | 16 June 2023 |
| Visibility Plan | 2443-F03 Rev C | 16 June 2023 |
| FINISHED LEVELS & RETAINING WALLS LAYOUT | BLA-AJP-XX-00-DR-C-1400 Rev P2 | 16 June 2023 |
| Proposed Drainage Layout | 001 Rev 00 | 2 November 2023 |

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

3. The external facing materials, detailed on plan ref. 1073-M-MB01 Rev E entitled 'Materials and Boundary Treatment' shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

4. No part of the development hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

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.

5. None of the approved dwellings shall be occupied until the approved scheme referred to in the above condition has been constructed and completed in accordance with the scheme 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.

6. No part of the development shall commence until the visibility splays shown on drawing 2443-F03 Rev C have been provided. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures.

Reason: To ensure adequate visibility at the site access in the interest of highway safety.

7. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following -

- a. Vehicle routing for vehicles carrying plant and materials 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;
- f. the erection of security hoarding where appropriate;
- g. wheel washing facilities;

- h. measures to control the emission of dust and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j. measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: To protect existing road users, to maintain the operation and safety of the local highway network, to minimise the impact of the construction works on the local highway network and upon neighbouring residents.

8. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

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

9. No dwelling within each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

11. 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 highway infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

12. The erection of the approved replacement band building identified on approved drawing ref. 1073-M-BRB-01 Rev A, entitled 'Rivington & Adlington Brass Band Rehearsal Building' shall not be commenced until details of the sound attenuation measures against internally generated noise has been submitted to and approved by the Local Planning Authority.

Reason: To protect the amenities of occupiers of nearby premises.

13. All bathroom, WC and shower room windows in the first floor side elevations of the approved dwellings shall be fitted with obscure glass and obscure glazing shall be retained at all times

thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

14. All ecological measures and/or works shall be carried out in strict accordance with the details contained in the Bat Method Statement produced by Urban Green dated September 2020.

Reason: To safeguard a protected species.

15. Prior to any earthworks a method statement detailing eradication and/or biosecurity measures for Japanese knotweed, montbretia and cotoneaster shall be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the spreading of an invasive species.

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

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

17. The development shall be carried out in strict accordance with the recommendations and enhancement opportunities specified in the submitted Preliminary Ecological Appraisal, produced by Urban Green and dated September 2020.

Reason: For the safeguarding of protected species and other ecological receptors.

18. Due to the proposed sensitive end-use (housing with gardens), no development shall take place until:

a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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

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

19. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (GON.0147.0096 Version 1, Gondolin, 23/02/2023).

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

20. 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 surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment (GON.0147.0096 Version 1, Gondolin, 23/02/2023) and indicative Drainage Strategy (BLA-AJP-XX-00-DR-C-0900 P4, Alan Johnston Partnership, Dec. 2020) 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The peak flow rate for the whole development site shall be limited to no greater than 13.5l/s as outlined in the Preliminary Drainage Strategy (BLA-AJP-XX-00-DR-C-0900 P4, Alan Johnston Partnership, Dec. 2020).

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

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 in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

21. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure 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.

22. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water 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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

23. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable 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 must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water 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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

24. No development shall commence (including any earthworks) until details of the means of ensuring the water main/s laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall include a survey of the exact location of the water main/s and outline the potential impacts on the water main/s from construction activities and the impacts post completion of the development and identify mitigation measures to protect and prevent any damage to the water mains both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and to ensure protection of the public water supply.

25. No dwelling shall be occupied until any fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be 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.

26. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

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

27. Prior to the commencement of development, an Arboricultural Method Statement (AMS) shall be submitted to and approved by the Local Planning Authority to identify the measures that will be employed to protect the existing trees identified for retention on the submitted landscaping plans ref. UG_11950_LAN_SL_DRW_04 Rev P03 entitled 'Soft Landscape Plan 1/2' and ref. UG_11950_LAN_SL_DRW_05 Rev P03 entitled 'Soft Landscape Plan 2/2' during construction work. The approved works shall thereafter be undertaken in strict accordance with the approved AMS.

Reason: To define the consent and to safeguard the appearance and health of the trees proposed to be retained.

28. 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.

29. The landscaping scheme to be submitted as part of a reserved matters application shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to mitigate for loss of trees, shrubs and bird nesting habitat.

The scheme shall also include details of how the perimeter dry stone wall will be protected during construction work, repaired and maintained following completion of the development.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

30. As part of the submission of the first reserved matters application, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.