

## **APPLICATION REPORT – 22/00407/OUTMAJ**

**Validation Date: 6 April 2022**

**Ward: Eccleston, Heskin And Charnock Richard**

**Type of Application: Major Outline Planning**

**Proposal: Outline application for the erection of up to 15no. dwellings with all matters reserved save for access from Tincklers Lane (resubmission of 20/01085/OUTMAJ)**

**Location: Land At Tincklers Lane Tincklers Lane Eccleston**

**Case Officer: Mike Halsall**

**Applicant: Ms Lynne Howard**

**Agent: PWA Planning**

**Consultation expiry: 7 July 2022**

**Decision due by: 14 July 2023 (Extension of time agreed)**

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### **RECOMMENDATION**

1. It is recommended that outline planning permission is granted, subject to conditions and a S106 legal agreement to secure the following:
  - 35% of the dwellings to be affordable with 70% of these to be social rented and 30% for shared ownership
  - £32,340 for public open space contributions
  - £49,506 for two additional secondary school places

### **SITE DESCRIPTION**

2. The application site forms part of a wider parcel of land designated as Safeguarded Land under Chorley Local Plan 2012 – 2026 policy BNE3 (BNE3.7 East of Tincklers Lane, Eccleston). The site is located to the west of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy. The site is comprised of agricultural land covering an area of approximately 0.8 hectares with a small wooden building in its south western corner.
3. The application site is surrounded by existing dwellings to the east and north, open fields to the south and Tincklers Lane to the west, beyond which are further dwellings and agricultural land. Much of the land to the south of the application site, also forming part of the Safeguarded Land designation, has recently gained reserved matters consent (ref. 22/00748/REMMAJ) for the erection of 65 dwellings, pursuant to outline planning permission ref. 20/01331/OUTMAJ, which was granted on appeal.
4. Outline planning application ref. 20/01085/OUTMAJ, for the development of up to 15 dwellings on the current application site, albeit with a different site access arrangement, was refused in April 2021. The previous refusal is a significant material consideration in the determination of this application and the key issue to consider is whether this application overcomes the reasons for refusal of the previous application. This is fully addressed in the 'Other Issues' section of this report. The reasons for refusal were as follows:
  - 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land

supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.

- 2) The application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application fails to demonstrate that a safe access can be provided in the proposed location as the sightlines would be obscured and motorists and pedestrians egressing the site would be unable to do so safely. In addition, the corner radii of the proposed access is not 6 metres and does not, therefore, ensure that refuse and service vehicles can smoothly transition in and out of the site. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.
- 4) The extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012.
- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks outline planning permission for the erection of up to 15 no. dwellinghouses, including the provision of a new access from Tincklers Lane, to the western edge of the site opposite the residential properties of Glendale and Moorcroft. All other matters are reserved.
6. The application states that the dwellings would be detached and of varying design, and an illustrative site plan has been provided which demonstrates one possible way in which the site could be developed. This shows a central road with a cul-de-sac arrangement of 5no. dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5no. dwellings. Vehicular and pedestrian access would be via a single proposed access point from Tincklers Lane to the west of the site.

## **REPRESENTATIONS**

7. 11no. representations have been received, including from Councillor Alan Whittaker, citing the following summarised grounds of objection.

### *Principle of development*

- Eccleston has more than enough houses
- This is Green Belt land, the Camelot brown site can be built on

### *Character and appearance of the area*

- What makes Eccleston an attractive place to live, countryside with green spaces, will be lost with over development of the area
- Loss of rural feel

### *Residential amenity*

- Overlooking / loss of privacy
- Noise

### *Highways and Access*

- The proposal does not show connectivity with the 80 dwelling scheme to the south
- Vehicle access should be via Doctors Lane through the 80 dwelling site
- There should be pedestrian and cycle links through the north of site and a continuous footway to link into the existing footways on Tincklers Lane. This would enable pedestrians to access the bus stop on Towngate and increase the sustainability of the site and the site to the south and the surrounding residents of Eccleston
- The footway links through this estate would remove the need for pedestrians to walk up Tincklers Lane which has no footway and narrow verges for most of the lane from Doctors Lane
- The linking up of the sites also encourages pedestrians to use the PRow network to the east of the site
- The applicant should also support through s106 contributions public realm improvements and s278 off site highway works, this could include the upgrading of the bus stop on Towngate to a Quality Bus Stop and centre line marking improvements on Towngate and The Green
- The masterplan for the whole site of BNE3.7 would ascertain the proposed mitigation and how the costs are allocated to each site
- As submitted the site should not be supported and a masterplan for the wider safeguarded land as identified in BNE3.7 is undertaken. This should show continuous footway and cycle links and one vehicle access from Doctors Lane to serve the whole site
- The masterplan should also include a scheme for bus stop upgrades, footway improvements, centre and edge of carriageway markings, public realm improvements such as planters and benches and a committed maintenance budget and installation of a kissing gate for the PRow footpath10
- Pedestrian safety
- Increase in traffic
- Recent new builds and planning approvals will increase traffic further
- Road users use Tincklers Lane as a 'cut-through'
- Traffic calming measures and a reduction in the speed limit to 20mph is required
- Road is often used by large farm vehicles
- The road has blind bends
- Poor local public transport services
- Criticism of the applicant's transport assessment

### *Ecology and landscape*

- Loss of biodiversity
- Harm to wildlife

### *Drainage and flood risk*

- The site floods in autumn / winter

## Other issues

- It is requested that there is provision for affordable housing. To have 5no. units on this site would be around 30% of the proposed dwellings
  - Local services are already overstretched / at capacity and would require expanding by s106 / CIL monies
  - Someone could profit from selling this land at the expense of the village community
  - The village is becoming a town
  - Plenty of other villages / towns with brownfield sites that could be used
  - Light pollution
8. One representation has been received which neither objects nor supports the application but requests the following improvements:
- Extension of the pavement to the PROW located to the south of the site;
  - Improvements to the bus stop on the green near the junction with Tincklers Lane;
  - Funding to replace the play equipment on the recreation ground at the top of Drapers Avenue; and
  - Funding to improve the bus services in the village

## CONSULTATIONS

9. Eccleston Parish Council: Have responded in objection to the proposal on the grounds that recent Planning Inspectorate decisions allowing appeals for up to 80 houses in this location and up to 34 on land off Parr Lane mean there are no requirements for additional housing in the village.
10. United Utilities: Have responded to state that the proposal is acceptable in principle and have requested that conditions be attached in relation to ensuring the site is drained sustainably and for foul and surface water to be drained on separate systems. United Utilities have also provided advice to the applicant in relation to some of their assets which may pass beneath the application site. This information will be included as an informative note on the planning permission, should the application be approved.
11. Lancashire County Council (Education): Have responded to the consultation and more detail of their response is provided later in this report. In summary, two additional secondary school places will be required as a result of this proposal, generating a required contribution from the developer of £49,506.
12. Environment Agency: Have not responded on this occasion.
13. Lancashire Police Designing Out Crime Officer: Have responded with a list of security measures for the proposal, aimed at reducing crime. The measures have been issued to the applicant's agent for consideration, when drawing-up the detailed design of the development at reserved matters stage, should this outline application be approved.
14. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal, subject to conditions.
15. Greater Manchester Ecology Unit: Have been in protracted negotiations with the applicant throughout the consideration period of the application to have the biodiversity net gain assessment updated. GMEU have no objections to the proposal, subject to conditions to safeguard protected species, eradicate an invasive species at the site and secure biodiversity enhancement measures.
16. Regulatory Services - Environmental Health Officer: Have responded with no objections in principle regarding environmental concerns and have requested a detailed construction environmental management plan to outline how the construction phase of the development will be carried out without causing a detrimental effect on neighbouring properties. This can be secured by planning condition.

17. Lead Local Flood Authority: Initially responded in objection to the proposal and requested further information from the applicant in terms of the drainage strategy for the site to include details of peak flow control and site levels. Revised information was subsequently submitted by the applicant and the LLFA withdrew their objection, subject to conditions.

## **PLANNING CONSIDERATIONS**

### Principle of development

18. 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.
19. The Development Plan comprises the adopted Central Lancashire Core Strategy (2012) and the adopted Chorley Local Plan 2012- 2026.
20. 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).
21. Core Strategy Policy 1 sets out the locations for growth and investment across Central Lancashire and identifies Eccleston as a Rural Local Service Centre, where limited growth and investment will be encouraged to help meet housing and employment needs and to support the provisions of services to the wider area.
22. The Chorley Local Plan shows the application site forming part of a larger area of land safeguarded for future development needs beyond the plan period (Policy BNE3.7). 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.
23. Located on the edge of the settlement, the site is in an accessible and sustainable location, within a reasonable walking distance of bus stops, community facilities and shops that would provide for the day to day needs of residents. The Education Authority has indicated there would be sufficient primary school places within the catchment area of the site and that demand for secondary school places would be mitigated by a financial contribution.
24. It is noted that some neighbour representations have made comments regarding pressure on Primary Care provision and other local services. However, this is not substantiated by evidence and the providers of these services have not made representations relating to existing shortcomings or requested contributions towards additional provision. The proposed development is considered to be consistent with Policy 1 of the Core Strategy.
25. Core Strategy Policy 4 sets out the minimum housing requirements for the plan area and is assessed later within this report.

### Other material considerations

26. 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

27. 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).
28. 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.
29. 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.
30. Paragraph 59 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
31. Paragraph 60 of the Framework reinforces that requirements represent the minimum number of homes needed.
32. 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

33. The following planning appeal decisions are of relevance.

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

34. 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.
35. 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.

36. In respect of the Housing Requirement in Chorley:
37. 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).
38. 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.
39. 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.
40. The Inspector concluded that as such the Council can no longer demonstrate a 5-year supply of housing land meaning that the tilted balance, and presumption in favour of sustainable development was, therefore, engaged under paragraph 11(d) of the Framework.

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

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

41. 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.
42. 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.
43. In respect of housing land supply:
44. 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.
45. 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.
46. 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.

47. 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.
48. 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).
49. 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."*
50. 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**

51. 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.
52. Following the Local Planning Authority's (LPA) 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.
53. 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**

54. 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.
55. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply as born out through recent appeal decisions, the main issue in the appeal was whether there were any material considerations that would justify dismissing the appeal.
56. The Inspector concluded the following with regards to housing land supply:

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

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

*The proposal would provide for up to 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**

57. 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.
58. Following the LPAs withdrawal of the reasons for refusal of the application, based upon the LPA not having a 5-year housing land supply, 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.
59. The Inspector concluded the following with regards to housing land supply:

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

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

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

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

60. 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.
61. 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.
62. The Inspector concluded the following with regards to housing land supply:

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

*cannot demonstrate a five-year supply of deliverable housing sites that the 'tilted balance' in the Framework is to be applied which I necessarily return to later in my decision."*

#### Summary - the tilted balance

63. Paragraph 11d (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.
64. As was the case with some of 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.
65. At 1st April 2022 there was a total supply of 1,890 (net) deliverable dwellings which is a 3.3 year deliverable housing supply over the period 2022 – 2027 based on the annual housing requirement of 569 dwellings which includes a 5% buffer. Chorley does not have a five-year deliverable supply of housing plus 5% buffer and the shortfall is significant. Significant weight should therefore be attached to the delivery of housing provided by this proposal and that 35% of the dwellings would be affordable houses.
66. 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.
67. 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.
68. 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.
69. 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.
70. 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

71. 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.
72. The proposed site was consulted on as part of the Preferred Options Part 1 consultation, site ref CH/HS1.35 'East of Tincklers lane'. Responses to this consultation are being reviewed and will inform Preferred Options Part 2. In addition, a number of assessments are ongoing and will inform decisions made on sites to be taken forward as part of the development of the CLLP. The Part 2 consultation document will comprise a full suite of draft policies, both strategic and development management (non-strategic) policies, in addition to proposed allocations for all land uses. It will also set out the infrastructure that will be required to support the growth that is planned for Central Lancashire.

### Impact on ecological interests

73. 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.

#### *Protected sites*

74. The application site does not have any nature conservation designations, legal or otherwise. It does lie within the SSSI Impact Risk Zone for Wrightington Bar Pasture (5km away), Marton Mere (10km away) and West Pennine Moors (10km away), however does not match the development description of activities likely to impact the sites at these distances.

#### *Habitats*

75. The grassland site is largely used for pony grazing and is judged to be improved neutral grassland without substantive ecological value. The hedgerows on the site however are judged to be priority habitats. Based on the indicative layout, hedgerows 1 (southern site boundary) and 2 (northern site boundary) would be retained, although the indicative plans show partial loss of hedgerow 3 (western site boundary) to accommodate the access and the development to the north. The Council's ecological advisors, GMEU, have recommended a condition is used to ensure that all boundary hedgerows and trees should be adequately protected from any adverse impacts of the proposed development, in line with sections 5.2.1 and 5.2.2 of the ecology report. Where this cannot be achieved adequate compensatory planting will be required, and sufficient regard given to the Important, and Priority Habitats on the site.

#### *Great crested newts*

76. A small population of great crested newts were recorded in a pond (pond 17) located 116 metres north west of the site boundary on the opposite side of Tincklers Lane. GMEU accept the justification made within the ecology report, that a licence for the proposed works is unlikely to be required for great crested newts, which includes analysis of other ponds and habitat in the area, dispersals barriers and quality of the terrestrial habitat on the development site. However as there would still remain a low risk of newts and other amphibian being present on the site, they advise that the avoidance measures (RAMMS)

for Amphibian detailed in section 5.4 of the ecology report be implemented, and should great crested newts be discovered on the site, work would need to cease immediately and a Natural England Licence obtained.

#### *Bats*

77. No evidence of bats was found within any of the structures on site, which are constructed of timber frames/corrugated metal sheets and contained skylights and no roof voids. They were assessed as having negligible potential for roosting bats.
78. Trees on the southern boundary were identified as having low potential to support roosting bats. These trees are indicated to be retained within the plans. No other bat roosting opportunities were identified in the trees on the site. Assuming that the trees on the southern boundary are retained, there is no requirement for further bat survey work.
79. The boundary features were judged to have low-moderate suitability for use by foraging bats. It is, therefore, recommended that any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines (<https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>) and sections 5.5.1-5.5.3 of the ecology report.

#### *Birds*

80. No evidence of Schedule 1 protected species such as barn owls were observed during the survey, however the site does have potential to support breeding birds. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). A condition should be used so that any site clearance, building demolition or tree and vegetation removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

#### *Other protected species*

81. No other protected species were found on the site or are thought likely to occur or be impacted by the proposals. The ecology report has demonstrated minimal risk to great crested newts due to poor terrestrial habitat on the site, dispersal barriers between ponds and the site and distance of ponds from the site. The Rapid Risk Assessment (Natural England) has also been used to demonstrate an offence is unlikely, and GMEU accept the conclusions of this report. GMEU recommend an informative note should be attached to any planning permission which is granted, to make the applicant aware of the potential for legally protected species to be present within the site. Should they find or suspect any such species on the site during the development work, then work should cease, and the Local Planning Authority should be contacted for further advice.

#### *Invasive species*

82. Himalayan cotoneaster is present on site. This is an invasive species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended). GMEU advise that eradication of this species from the site is secured as part of any planning permission which is granted, following the methodology in section 5.3 of the ecology report.

#### *Enhancements for biodiversity*

83. The majority of the semi-natural habitat on the site is proposed for development. While it is not species rich grassland that would qualify as a habitat of Principle Importance, it offers greater biodiversity value than developed land. Loss of a section of hedgerow is also anticipated.
84. The applicant has updated the biodiversity net gain assessment at the request of GMEU which identifies that, based upon the indicative site layout, the proposal would result in a small net-loss in biodiversity value due to the loss of a section of hedgerow. A condition can

be attached to any grant of planning permission requiring the final scheme at reserved matters stage to deliver a net-gain in the biodiversity value of the site. The net gain assessment identifies that the addition of one urban tree would be sufficient to deliver a net gain at the site. There is, therefore, no reason to consider that the final proposal could deliver a net gain at reserved matters stage, should this outline application be approved.

85. Additional enhancement measures are proposed within the ecology report such as bat and bird boxes, including swift boxes and maintenance of connectivity through the site (e.g. wildlife access gaps between fencing) which should also be secured through any planning permission.

Ecology summary

86. The proposal is considered to be acceptable in terms of its impacts upon ecological receptors, subject to conditions to safeguard protected species and a financial contribution to provide off-site biodiversity enhancement measures to compensate for the loss in biodiversity value of the site.

Highway safety, access and parking

87. 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.
88. Policy ST1 (New provision of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development) 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.
89. Highway safety and access issues have been one of the main concerns expressed by residents during the publicity 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 comments were received from LCC Highway Services.

*The proposed development was refused planning permission in 2020 following application, 20/01085/OUTMAJ with the highway grounds for the refusal being the applicant's inability to meet the necessary highway requirements to ensure safe access and egress of the development. The highway requirements are:*

- *Provision of 5.5m wide site access with 6.0m corner radii.*
- *Provision of 2.4m x 59m visibility splays in both north and south directions of the proposed site access.*
- *Provision of 2.0m wide footway along the frontage of the site extending from the existing footway in the north to the south boundary of the site and replanting of the hedge behind the new footway outside the visibility splays. The footways are to be*

*extended on both sides of the proposed access into the development for a distance no less than 20m.*

- *Provision of dropped kerbs and tactile pavings on both sides of the site access.*
- *Provision of textureflex bar and 'Slow' worded markings on Tincklers Lane on the approach to the site access from south to supplement the existing from the northern approach.*
- *Extension of the street lighting from its current end north of the site towards south to the point of speed limit change.*

*The current application, 22/00407/OUTMAJ is a resubmission of the previously refused application and includes a revised Technical Note, an Indicative Site Layout, Site Access Layout and Swept Path Analysis, all of which sought to address the above highway requirements.*

*It should also be noted that since this site was originally proposed the land immediately to the south has undergone a planning appeal (20/01331/OUTMAJ for up to 80 dwellings with vehicular access from Doctors Lane) and has been allowed. In the appeal decision the Inspector makes reference to the land to its north (i.e. this site) with regards to connectivity and integration.*

*The Doctors Lane site showed a pedestrian / cycle access to Tincklers Lane immediately adjacent to this site and the potential to provide a similar link to this site. However, since this is an outline application a link between the two sites could be provided at reserved matters stage.*

*A reason for refusal on the previous application was the "extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 - 2026; and policy 17 of the Central Lancashire Core Strategy 2012", whilst this is not a highway reason for refusal it should be noted that LCC Highways would not oppose this site being accessed through the now consented site at Doctors Lane with the potential to move the pedestrian / cycle link to the northerly boundary of this development. However, it is clear that this is not being offered as part of these proposal.*

*Having analysed the revised submissions, I can confirm that the required highway mitigation measures have been complied with and incorporated into the proposal. As such, LCC considers the proposal acceptable subject to the following suggested conditions and an advice note.*

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

*The site is located on the edge of Ecclestone and is connected to the transport network by rural roads. There is no cycling infrastructure close to the development site, and although the road network is lightly trafficked, only confident cyclists are likely to be prepared to cycle to and from the site. We feel that a commensurate sum for cycle infrastructure improvements should be requested although this may generate only limited benefits locally given the size of the development.*

*The nearest bus stop to the proposed development site is on Towngate, approximately 160m to the north west... the site is poorly served by modes alternative to the car... a commensurate sum should be secured for enhancement to the bus stop. In particular, Real Time Information should be a priority given the infrequent nature of the services.*

*The site is located within acceptable walking and cycling distances of key services but has*

*poor access to public transport. The application states that the site will be built out for 15 houses, and analysis of the trip generation and traffic flows on adjacent highways concludes that the development of the site will not result in traffic capacity problems. In addition, the low level of traffic generated by the site is unlikely to give rise to safety concerns.*

*As such, we would not raise any concerns with regard to the transport implications of the proposal but suggest that commensurate contributions are secured for sustainable transport enhancements.*

91. The applicant has responded to the independent review, as follows:

*The NPPF states at paragraph 57 that:*

*Planning obligations must only be sought where they meet **all** of the following tests: (my emphasis)*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

*The first point to note is that Tetra Tech have clearly stated that they have no concerns with the development. Although they suggest planning contributions are requested, there is no suggestion that the development would be unacceptable without these.*

*With regards to the contribution for cycle infrastructure, they have said that this may only generate 'limited benefits'. Clearly, they do not feel that the contribution is necessary to make the development acceptable in planning terms and a request in this regard would fail the tests set out in NPPF para. 57.*

*With regards to the contribution in relation to bus stops enhancements, the comments they make refer to frequency of bus services at the stop closest to the site, which they state is 'poorly served'. No comments are made about the bus stop itself, and yet they suggest planning contributions specifically for enhancements to the bus stop, including Real Time Information. There does not appear to be any justification for this request; presumably there is a timetable displayed at the bus stop and users are likely to be aware of regular bus times. This request does not meet test (a) of NPPF para 57 as it is clearly not necessary to make the development acceptable in planning terms, or test (b), since this is not considered directly related the development (or any specific concerns raised about the quality of the bus stop).*

*It is noted as above that LCC Highways have not requested any planning contributions as part of this application or the application which was previously refused on this site. Coupled with the above, it is not considered that it is appropriate for the Council to request planning contributions in relation to sustainable travel associated with the proposed development."*

92. Given the location of the site on the edge of the settlement boundary of Eccleston which is a Rural Local Service Centre, as defined by policy 1 of the Central Lancashire Core Strategy, it is considered to be in a sustainable location. As such, it is not considered that the financial contributions towards sustainable transport connections identified above could be justified, nor would they be commensurate with the scale of development. Further, such contributions were not requested as part of the previously refused scheme at this site and so it would not be appropriate to request them for this application.

### Conclusion

93. LCC Highway Services raise no objection to the proposed development, which is considered to be in a sustainable location, close to local amenities. The final site layout at reserved matters stage can be designed to meet with the Council's car parking standards. 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

94. 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.
95. 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.
96. 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.
97. 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.
98. The application seeks outline planning permission for up to 15no dwellings, with the illustrative masterplan showing a main central road with a cul-de-sac arrangement of 5no. dwellinghouses to the north of the site, and the south of the site is split with two driveways each serving 5no. dwellings. Vehicular and pedestrian access would be via a single proposed access point from Tincklers Lane. The location of the access is a detailed matter and, whilst the layout is indicative it demonstrates one way in which a layout can be achieved, whilst following from this defined access point.
99. Given the location of the proposed access point, to achieve the required sight lines, the hedgerow frontage to Tincklers Lane to the north of the proposed site access would be lost. Rather than lose the hedgerow to the south of the access, it is proposed to be partially relocated set-back slightly from the highway. This is a change compared to the previously refused application which was assessed on the basis of both hedgerows having to be removed. The hedgerows are a key feature of the site and of Tincklers Lane. In addition, a footway is identified on the illustrative masterplan to connect to an existing footway to the north and to the south. LCC Highway Services also require street lighting along the full stretch of footway. The extent of the highway works required, combined with the loss of a significant length of hedgerow would undoubtedly alter the character of Tincklers Lane from a simple rural lane to a more urbanised estate road. This would be detrimental to the character and appearance of Tincklers Lane, although the harm is only considered to be slight and could be mitigated by additional planting to the site frontage as part of the reserved matters application.
100. The indicative site layout plan shows the three trees subject to a Tree Preservation Order as being retained. It is envisaged this will form part of the landscaping scheme to be submitted at reserved matters stage, should this application be approved. A section of hedgerow would need to be removed as part of the proposal. It is considered that adequate compensation can be provided on-site as part of the landscaping scheme.

101. With regard to the density of the development, the application proposes a low-density development of up to 15no. dwellings, which is the maximum number applied for. The submitted plans indicate that these would all be detached homes. The Iceni Housing Study 2020 refers to broad density targets and for this location the required density is 25-30 homes per hectare. This would equate to a required density of 20-24 dwellings that should provide for a mix of houses. The supporting Planning Statement explains that the lower density of the site is to be consistent with surrounding development. It is not considered that the proposed density is significantly different to other development in the area and is not considered to render the scheme unacceptable.
102. An illustrative masterplan has been provided, however, this is for indicative purposes and does not form part of the assessment at outline stage, except for the access which is a detailed matter. Detailed design would be reserved for later consideration and would be subject to a full assessment. There is no reason to consider that a sensitively designed scheme at reserved matters stage could not be found to be acceptable with regards to its impacts upon the character and appearance of the area.

#### Impact on amenity

103. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided 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.
104. With regards to noise, dust and other potential pollution during the construction period, these would be short in duration and limited in intensity. Such impacts could be adequately controlled through a construction environmental management plan (CEMP) which can be required to be submitted to the Local Planning Authority for approval prior to works commencing.
105. As noted above, the proposal is submitted in outline with the appearance, landscaping, layout and scale of the proposal being left to reserved matters stage. It is considered that this site is capable of accommodating a sensibly designed scheme of up to 15 dwellings that would not have any unacceptable impacts upon residential amenity and accords with national policy and policy BNE1 of the Chorley Local Plan in this regard.

#### Drainage and flood risk

106. 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.
107. 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.
108. A Flood Risk Assessment and Drainage Strategy has been 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.
109. 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.

110. The submitted flood risk assessment and drainage strategy identifies the following:

- Whilst no ground investigations have been undertaken at the site, nearby borehole records indicate the presence of clay which would prevent the use of infiltration at the site. It recommends that infiltration testing is undertaken to confirm this conclusion.
- It is likely the site will require a positive drainage solution, i.e. drainage to a watercourse. The nearest is a drainage channel along the southern site boundary, draining east to west.
- The nearest United Utilities surface water sewer is located in the access road between nos1 and 111 The Hawthorns. Given the relative site levels, this option is not considered to be viable.
- It is proposed that surface water will be discharged at an attenuated greenfield rate to the above referenced drainage channel.
- Site levels would need to be raised by approximately 0.7m to achieve the connection
- Attenuation would be provided by permeable paving and swales along the site's main access road and private roads down to the channel.
- Foul water would be connected by gravity to an existing combined sewer that crosses the site.

111. The connections to the existing drainage network along with flow rates will require consent from the Lead Local Flood Authority and United Utilities.

112. 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. United Utilities have also recommended similar conditions to the Lead Local Flood Authority.

113. The proposal is considered to be acceptable in terms of surface and foul water drainage, subject to conditions.

#### Affordable housing

114. Policy 7 of the Central Lancashire Core Strategy requires 35% affordable housing for rural areas 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.

115. There is an acute shortfall in the provision of affordable housing in the borough. This development would make a valuable contribution 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*

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

117. There is currently a surplus of provision in Eccleston, Heskin & Charnock Richard 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 amenity greenspace 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.

*Provision for children/young people*

118. Policy HS4A of the Chorley Local Plan 2012 - 2026 sets a standard of 0.08 hectares per 1,000 population.
119. There is currently a surplus of provision in Eccleston, Heskin & Charnock Richard 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*

120. There is no requirement to provide a new park or garden on-site within this development.
121. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019), therefore, a contribution towards improving existing provision is not required.

*Natural and Semi-Natural Greenspace*

122. There is no requirement to provide new natural/semi natural greenspace on-site within this development.
123. The site is within the accessibility catchment (800m) of areas of natural/semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Assessment Report (February 2019)/Open Space Study Paper (February 2019) (site 1669 Rear of Larkfield, Eccleston), a contribution towards improving these sites is, therefore, required. The amount required is £557 per dwelling.

*Allotments*

124. There is no requirement to provide allotment provision on site within this development.
125. The site is not within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site, a contribution towards new allotment provision is, therefore, not required from this development.

*Playing Pitches*

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

Amenity greenspace	= £0
Equipped play area	= £0
Parks/Gardens	= £0

Natural/semi-natural	= £8,355
Allotments	= £0
Playing Pitches	= £23,985
<b>Total</b>	<b>= £32,340</b>

### Sustainability

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

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

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

125. Given this change, instead of meeting the code level, the Local Planning Authority required that dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the transitional provisions. Building Regulations 2022 have now been brought into force and under Part L require a 31% improvement above 2013 Building Regulations. This exceeds the Council’s previous requirement and now supersedes the requirement for a planning condition.

### Education

126. Central Lancashire Core Strategy policy 14 (Education) seeks to provide for education requirements in a number of ways including asking developers to contribute towards the provision of school places where their development would result in or worse a lack of capacity at existing schools.

127. 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.

In accordance with Lancashire County Council’s ‘School Place Provision Strategy’, the following will apply:

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.

Latest projections for the local primary schools show there to be 117 places available in 5 years' time, with additional planning approvals expected to generate a demand for 13 further school places. With an expected pupil yield of 6 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Latest projections for the local secondary schools show there to be a shortfall of 36 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

With an expected yield of 2 places from this development the shortfall would increase to 38. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 2 places.

Permanent expansion in secondary places:  
£24,753 x 2 places = **£49,506.**

#### Employment skills provision

128. 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

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

#### Community Infrastructure Levy (CIL)

130. 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 Liable on approval of the final reserved matters application.

#### Other issues

131. The application is supported by a Phase I Geoenvironmental Site Assessment which concludes that, given the undeveloped nature of the site there are unlikely to be any significant sources of contamination present. Given the sensitive end use of the proposal (dwellings with gardens) it is recommended that intrusive ground investigations take place

prior to the commencement of development to ascertain if any remediation measures are required to make the site safe for development.

132. Outline application ref. 20/01085/OUTMAJ for up to 15 dwellings on this site was refused in April 2021 and this decision is a material consideration in the determination of this application. The reasons for refusal were as follows:

- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 - 2026. Chorley has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 - 2026. It is not considered that there are material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.
- 2) The application does not make any provision for affordable housing and fails to demonstrate a mix of housing types and housing numbers to achieve the policy requirement of 35% on-site provision. The proposal is, therefore, contrary to the Central Lancashire Core Strategy 2012 Policy 7 and the Central Lancashire Core Strategy Affordable Housing Supplementary Planning Document.
- 3) The application fails to demonstrate that a safe access can be provided in the proposed location as the sightlines would be obscured and motorists and pedestrians egressing the site would be unable to do so safely. In addition, the corner radii of the proposed access is not 6 metres and does not, therefore, ensure that refuse and service vehicles can smoothly transition in and out of the site. The proposal is, therefore, contrary to policy BNE1 (d) of the Chorley Local Plan 2012 - 2026.
- 4) The extent of the highway works required, combined with the loss of a significant length of hedgerow, would completely alter the character of Tincklers Lane from a simple rural lane to an urbanised estate road which would be detrimental to the character and appearance of Tincklers Lane, the locality, and the site itself. This is contrary to policy BNE1, policy BNE9 (iii) and policy BNE10 of the Chorley Local Plan 2012 – 2026; and policy 17 of the Central Lancashire Core Strategy 2012.
- 5) The application site is proposed in isolation from the wider site allocation BNE3.7 of the Chorley Local Plan 2012 -2026 and, therefore, leads to a piecemeal approach to the development of the wider site which results in an unsustainable form of development. It fails to consider patterns of movement and connectivity which means that the development does not integrate or function well with the surrounding area. The proposal does not, therefore promote sustainable transport options for people or secure a high-quality inclusive design. The proposal is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy 2012, policy ST1 of the Chorley Local Plan 2012 – 2026 and the National Planning Policy Framework.

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

#### Reason 1

134. 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, now weighs heavily in the planning balance in favour of the proposal. This reason for refusal does not apply to the revised proposal.

#### Reason 2

135. The proposal offers a policy compliant 35% affordable dwelling scheme in this instance. The proposal therefore complies with Policy 7 of the Core Strategy. This reason for refusal does not apply to the revised proposal.

### Reason 3

136. The proposed site access has been improved compared to the previous proposal and now meets the requirements of LCC Highway Services, along with providing other off-site improvement works, e.g. street lighting and footways. This reason for refusal does not apply to the revised proposal.

### Reason 4

137. The hedgerow to the south of the site access would be moved into the site, rather than removed entirely, and whilst there may still be some harm caused to the character of the area, this is now considered to be limited and not of a sufficient magnitude to make the scheme unacceptable. This reason for refusal does not apply to the revised proposal.

### Reason 5

138. Outline planning permission and reserved matters consent have been granted for housing on the adjoining site to the south and so this reason for refusal is no longer relevant. As identified by LCC Highway Services, the Inspector's decision makes reference to the land to its north (i.e. this site) with regards to connectivity and integration. The proposals for the site to the south show a pedestrian / cycle access to Tincklers Lane immediately adjacent to this site and the potential to provide a similar link to this site. However, since this is an outline application a link between the two sites could be provided at reserved matters stage.

### Planning balance

139. Paragraph 11d) 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.
140. 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 character and appearance of Tincklers Lane. 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.
141. 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.
142. 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.
143. The proposal would boost the supply of housing in a situation where there is no five-year supply and an under-provision of affordable housing and, as a result, moderate weight can be given to the economic and social benefits.
144. The provision of open space and its ongoing management and maintenance, sustainable transport improvements, biodiversity enhancements and the financial contributions to school places are neutral considerations because they are needed to make the development acceptable.

145. The adverse impacts of the proposed development relating to its conflict with policy BNE3 and the low-level harm associated with the character and appearance of Tincklers Lane would not significantly and demonstrably outweigh the moderate economic and social benefits the proposal would deliver. As such, the proposal is recommended for approval.

## CONCLUSION

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

147. Whilst the proposal would conflict with policy BNE3 of the Chorley Local Plan 2012-2026 and cause harm to the character and appearance of the area, it is considered that these issues would not significantly and demonstrably outweigh the benefits of the proposal in delivering much needed housing in the borough. The proposal is, therefore, recommended for approval.

## RELEVANT HISTORY OF THE SITE

**Ref:** 20/01085/OUTMAJ      **Decision:** REFOPP      **Decision Date:** 13 April 2021  
**Description:** Outline application for the construction of up to 15no. dwellings (with all matters reserved save for access from Tincklers Lane)

**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 matters, namely the appearance, landscaping, layout and scale of the approved development, 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 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	1330-PL01	6 April 2022
Proposed Layout	PB8581-PHD-PD-JN-DR-D-0001 Rev P01.01	6 April 2022
Swept Path Analysis	PB8581-RHD-PD-JN-DR-D-0050 Rev P01.01	6 April 2022

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

3. Prior to the commencement of development or as part of any reserved matters application, an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details. All works shall be undertaken in strict accordance with

paragraphs 5.2.1 to 5.2.3 of the Updated Ecological Survey and Assessment, dated July 2022 and produced by ERAP Ltd.

*Reason: To minimise any negative impact on the hedgerows and trees within and near the site that are to be retained.*

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with any contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based upon the Phase 1 Geoenvironmental Site Assessment ref. 13-741-R1, dated November 2019, submitted in support of this application, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

*Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution.*

5. 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.*

6. 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.*

7. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors.
- hours of operation (including deliveries) during construction.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- siting of cabins.

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- wheel washing facilities.
- measures to control the emission of dust and dirt during construction.
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- the routing and timing of construction vehicles and deliveries to site.

Given the sensitive nature of the area surrounding the proposed development care will be needed regarding the planning and management of construction traffic. Due to the historic nature of the hamlet/village of Wheelton any construction traffic would need to use the western junction of Blackburn New Road & Blackburn Road (the junction closest to the development site). Unfortunately, by using this junction this would put construction traffic in direct conflict with vulnerable road users during the morning and evening peaks. As this western junction also serves as the primary route for access to the local primary school during the morning and evening peak there is a significantly high vehicle and pedestrian volume.

8. All works will be undertaken in strict accordance with Sections 5.3 (invasive species), 5.4 (RAMMS) and 5.5.1 to 5.5.3 (bats) of the submitted Updated Ecological Survey and Assessment, dated July 2022 and produced by ERAP Ltd.

*Reason: To safeguard protected species and avoid spreading of an invasive species.*

9. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority.

The proposed offsetting scheme shall be based upon the submitted Biodiversity Net Gain Assessment, dated August 2022 and produced by ERAP Ltd, and shall:

- a) be based on prevailing DEFRA guidance;
- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation.

The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

*Reason: To deliver biodiversity net gain and compensate for the loss anticipated at this site as a result of the proposed development.*

10. 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 and surface water sustainable drainage strategy K36869/01A/FRA/RH produced on 16/06/2022 by R. G. Parkins & Partners Ltd.

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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and policies 17 and 29 of the Central Lancashire Core Strategy.*

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

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 + 40% 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;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography, topography of the adjacent properties on The Hawthorns and Tincklers Fold, 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.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance, Defra Technical Standards for Sustainable Drainage Systems and policies 17 and 29 of the Central Lancashire Core Strategy.*

12. 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 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 into 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 surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.*

13. 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 SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- 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.*

14. 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.*

15. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority 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.*

16. No part of the development hereby approved shall be occupied or opened for trading 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.*

17. No part of the development shall commence until the visibility splays shown on drawing PC3408-RHD-PD-JN-DR-D-0001 Rev P01 has 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.*

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

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

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority

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

19. Either with any reserved matters application for a phase or prior to the commencement of each phase full details of the existing and proposed ground levels and proposed dwelling finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To ensure the final development is not harmful to the character of the area or residential amenity*

20. For each phase, notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul waters for that phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

*Reason: To ensure the site is properly drained.*

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

*Reason: To future-proof the development.*

22. For each phase, with any reserved matters application or prior to excavation of the foundations for any dwellings, samples of all external facing and roofing materials for that phase (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the local planning authority. All works shall be undertaken strictly in accordance with the approved details.

*Reason: to ensure the final development is suitable to the character of the area.*

23. For each phase, with any reserved matters application or prior to the construction of any part of any dwelling above ground level, full details of the alignment, height and appearance of all fences, walls and gates to be erected on the site (notwithstanding any such details shown on previously approved plans) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other boundary treatments shown in the approved details shall be erected in conformity with the approved details prior to occupation of the final dwelling of the development.

*Reason: To ensure the boundary treatments are appropriate.*

24. For each phase, with any reserved matters application or prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken strictly in accordance with the approved details and shall be completed in all respects before occupation of the final dwelling in that phase.

*Reason: To ensure the hard landscaping measures are appropriate.*