



Appeal Decision

Site visits made on 22 March & 19 April 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/D2320/W/22/3313413

Land east of Charter Lane, Charnock Richard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Conlon Holdings Ltd against the decision of Chorley Borough Council.
 - The application Ref 21/00327/FULMAJ, dated 11 March 2023, was refused by notice dated 24 June 2022.
 - The development proposed is the erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 76no. affordable dwellings with access, parking, landscaping and all other associated works (including pumping station) at Land east of Charter Lane, Charnock Richard in accordance with the terms of the application, Ref 21/00327/FULMAJ, dated 11 March 2023, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Conlon Holdings Ltd against Chorley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was recommended for approval by Planning Officers, however it was refused by Members on two matters relating to policy compliance and highway safety. On 17 January 2023 the Council's Planning Committee voted to withdraw the reasons for refusal. The appeal procedure subsequently changed from public inquiry to written representations.
4. Local residents and interested parties were notified of this change and a significant number of objections and comments have been submitted on the appeal proposals, including those from the Parish Council (CRPC) and the Charnock Richards Residents Association (CRRRA) who were originally due to appear as a Rule 6 party to the inquiry. They were given an opportunity to provide comments on the appeal proposals. Updated Statements of Case were also submitted by the Council and Appellant, as well as an agreed Statement of Common Ground (SOCG) and rebuttal statements from the Appellant in response to the local objections. I have had regard to all of the above in reaching my decision.

5. An accompanied site visit took place on 22 March which included representatives from the appellant, Council and CRRA. A further unaccompanied site visit took place on 19 April to further observe the highways conditions. I come to this later in my decision.
6. A completed agreement under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant, dated 21 March 2023. I will return to the agreement later in my decision.

Main Issue

7. While the Council have withdrawn their reasons for refusal, it is clear from the representations made by local residents and interested parties that concern remains in respect of the matters which were the subject of the Council's original refusal.
8. Accordingly, the main issue is whether the site is suitable for development, in the light of the locational policies in the development plan, highway safety and other material considerations.

Reasons

Site and Area Description

9. The site comprises a single broadly rectangular area of around 2 hectares with a small area extending southwards to the south-eastern corner. It is a grassland field with a number of trees and shrubs, located towards the site perimeter with a pond to the north-eastern corner.
10. Accessed via Church Lane, the site borders the village scout building, Charnock Richard Primary School (CRPS), and residential properties to the north, the latter two being accessed from Church Lane. To the east the site is bounded by rear gardens of properties from Leeson Avenue and the south comprises of rear garden areas of properties along Charter Fold, as well as horse riding/menage area, and a paddock.
11. To the west, the site shares a boundary with residential properties to the south of the site access, including dwellings currently under construction. Also to the south of the access Charter Lane forms the western boundary to Charnock Richard and includes a football club, children's play area and two Grade II listed buildings to the north, Darlington Court Almshouses and the original school, which now houses the pre-school.
12. The wider area is residential dwellings. The settlement also has some services and facilities in addition to the pre-school, school, football club, including pubs, a village shop and plant nurseries.

Proposals

13. The proposed residential development of 76 dwellings would take access from the existing site access from Charter Lane. The units include two storey dwellings, bungalows to the south-western corner of the site, and two two-storey apartment blocks to the north-eastern corner of the site. Properties would be detached, semi-detached or small terraced rows and the units would be built in red or brown brick, some which would include areas of render with tiled roofs and white uPVC windows. Dwellings would have private gardens and

the apartments would have communal gardens. All the units would be served by dedicated parking spaces.

14. Landscaping is included in the proposals. None of the trees at the site are subject to a Tree Protection Order, but mature trees T11, T21 and T22 within the site would be retained. Areas of open space would be created to the front of the site at Charter Lane, with a pond and buffer area to the north and south of the access and the existing pond to the north-east of the site would also be retained. Additional planting is also proposed including hedge planting along the northern border and part of the southern boundary where the site bounds properties along Charter Folds.
15. The application is for 100% affordable housing. This would be a mix of 36 affordable rented units and 40 intermediate (shared ownership) units. A Registered Provider has been identified.

Planning Policy

16. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. The National Planning Policy Framework (the Framework) makes clear that the planning system should be genuinely plan-led.
17. The development plan includes the Central Lancashire Core Strategy 2012 (CS) and the Chorley Local Plan 2015 (CLP). The Framework is also a material consideration.
18. There is also a draft Central Lancashire Local Plan which was consulted upon at the beginning of 2023. The parties agree that limited weight should be given to this document, due to its emerging status.
19. CS Policy 1 seeks to locate growth in the most sustainable settlements. Charnock Richards is classified as a smaller village where development will typically be small scale and limited to appropriate infilling...and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.
20. CS Policy 4 sets minimum housing requirements in order to deliver sufficient new housing in Chorley.
21. CLP Policy V2 deals with settlement areas, where there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and other relevant policies.
22. In combination, these policies establish the overall housing requirement figure, and a strategy for the pattern and scale of development across the Borough.
23. The fundamental purpose of the locational policies in the CS is to ensure sustainable development which effectively manages the scale and distribution of new dwellings. This is achieved by directing most new development to areas where there are services, facilities, homes and jobs, and where it can be served by the most sustainable modes of transport.

¹ S38(6) of the Planning and Compulsory Purchase Act (2004)

24. While the appeal site itself is clearly within the settlement, being effectively surrounded by development, the proposed development of 76 dwellings would not be classified as small scale. The exceptions test in Policy 1 relates to redevelopment, whereas the site is undeveloped. Accordingly, there would be an in-principle policy harm.

Highway Safety

25. The appeal proposals have generated significant local objection on highways grounds. It is held that the existing road infrastructure is incapable of supporting the additional homes with safety being compromised for pedestrians, cyclists, horse-riders and other road users.
26. I have reviewed the evidence before me. I also visited the site and area on two separate occasions to witness the local circumstances myself. The second visit took place during school pick up hours (1500-1600), given that this formed a major basis of local concern. This was undertaken on an unannounced day and an unaccompanied basis due to concerns that the traffic conditions at my first visit were not representative. A site visit can only ever be a 'snapshot' in time, but I am satisfied that I have sufficient material to come to a conclusion on this matter.
27. There has been a long history of negotiation at the site with the Lancashire County Council Highways Team (LCC), who on submission of further evidence and revised proposals, withdrew their outstanding concerns. Thus, there is no objection to the proposals from this statutory consultee on highways grounds.
28. A number of documents have been produced by the appellant, including the original Transport Assessment, along with Technical Notes (1-3) which provided updated assessments in line with the negotiations, as well as the Statement of Case and the Transport Rebuttal submitted as part of the appeal. The studies have been completed using the TRICS database to model the effects.
29. No independent technical evidence has been submitted by local residents. Instead, many comments have sought to refute the claims made in the above statements based on local knowledge. This is largely anecdotal and without the benefit of detailed survey work, I have no robust alternative data to base my findings on. However, I fully recognise that it is important to have regard to the lived experience of residents who are the day-to-day users of this part of the highways network.
30. While the specific figures are disputed, the baseline position coupled with the modelled trip generation from the proposed development clearly demonstrates that improvements would be necessary to address highway safety issues arising from the proposed development.
31. In particular, this part of the village, and specifically the junction of Charter Lane and Church Lane is tight with sightlines impeded by existing developments. A cautious entry and exit at this junction is thus necessary by road users.
32. The affected roads at Church Lane and Charter Lane are limited to 30mph speed restrictions, but the speeds vary due to road conditions, for example parked cars. As I witnessed, Charter Lane is used for on street parking for a significant number of cars due to the school and events on at the football club, which effectively reduces the carriageway to a single lane. I also observed the

signage at the junction placed into the carriageway in order to stop parking at this area. Any parking in this area would not accord with the Highway Code, and I note that this area usually has double yellow lines, but these have yet to be repainted following upgrades to the road surface.

33. In terms of pedestrians, I note that the footway along Charter Lane and beyond is also narrow, posing difficult for users, including wheelchair users and those with prams. Given the proximity of the school and pre-school many users are young children. I recognise that the junction, on street parking and pedestrian access along Charter Lane is a problem area and a source of frustration and concern to local residents.
34. However, the data shows that the junction has sufficient vehicular capacity to accommodate the proposed development, even if the development were to generate additional movements over and above what has been modelled. There is also a low recorded accident rate at the junction, even when incorporating the approach favoured by local residents, looking at data from a much longer time period.
35. To the south the junction of Charter Lane with Chorley Lane does not meet the Manual for Streets (MfS) standards. Again, the data indicates that this junction would have capacity to accommodate the proposed levels of growth, and indeed higher levels of traffic generation than modelled.
36. Concern is also raised regarding the effects on the visibility splays from the relocation of the bus stops closer to the junction with Charter Lane, but this would still be a greater distance than the MfS guidance distances.
37. The internal layout of the proposed development, including footways, parking provision for residents, as well as the access onto Charter Lane would meet all the required highway standards. In terms of the wider highway network, a package of improvements would be implemented to address many of these concerns and issues. These are reflected in the submitted plans or would be secured by condition or planning obligation. Specifically, these include traffic calming measures on Chorley Lane and Church Lane, the widening of the footways and upgrades to street lighting. New bus stops would be clearly marked in the carriageway and would bolster the accessibility to sustainable transport methods (which I have covered in detail above). The contribution towards the Travel Plan will also ensure effective monitoring of the conditions.
38. It is also important to note that the mitigation cannot reasonably address all the extant highway issues in this area. Such measures have to be proportionate and relevant to the development to be permitted.
39. In addition, there is other legislation in place to address issues around illegal parking and it would not be the responsibility of the development to resolve such matters which are clearly longstanding. Similarly, the parking generated by events at the football club are also time-limited and the timings would not generally coincide with school traffic.
40. I note that other development is currently underway along Charter Lane, however the cumulative impacts would not be so great as to impede safety, particularly in light of the modelled capacity and mitigation measures.
41. Overall, I find no harm to highway safety. The development would accord with CLP Policy BNE 1 which sets out design criteria for new development and

requires that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would provide adequate on-site parking spaces. The development would also accord with paragraph 111 of the Framework which states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact would be severe.

Other Considerations

Housing Land Supply

42. 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.
43. The Council can currently only demonstrate a 3.3 year supply of deliverable housing. That position is agreed between the Council and appellant.
44. 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 2022.² Accordingly, I am satisfied that there is a critical housing need across the Borough.

Affordable Housing

45. CS Policy 7 relates to the delivery of affordable and special needs housing. Subject to financial viability, it sets targets of 30% in urban areas and 35% in rural areas on sites in and adjoining villages which have, or will have, a suitable range of services. A requirement of 100% affordable housing is specified for rural exceptions sites.
46. It is agreed between the Council and the appellant that there is a significant shortfall in affordable housing across the Borough, against a minimum requirement of 113 units per annum, as set out in the Housing Need and Demand Assessment 2022 (HNDA).
47. However, the HNDA provides an analysis of affordable need by settlement/parish and suggests that there is currently an oversupply of affordable housing in Charnock Richards. It is also noted that the Housing Register has only two households which would have a local connection with this settlement.
48. While the HNDA does suggest an oversupply of affordable housing in this specific settlement, when reading the report as a whole, it is clear that there is an acute Borough wide need and that there are a significant number of households in housing need. The development would make a significant positive contribution to meeting part of the annual Borough-wide need for affordable housing in a location that would provide a respectable level of access to service provision for the future occupants. Moreover, in setting out percentages of affordable housing to be provided, CS Policy 7 does not make provision to alter these levels based on individual settlement need.

² See paragraphs 8.1-8.5 of the SOCG where the appeal decisions are listed.

49. Claims made by CRRRA that the development would result in an oversupply of affordable housing for Charnock Richard and the wider Borough based upon vacant homes statistics and monitoring reports. These are single indicators of what is a much bigger picture. The overall figure in the HNDA document is preferred as it takes into account previous supply and transitional rates for movement of vacant stock. There is also no requirement in the development plan or in national policy to undertake a viability study of alternative sites for affordable housing.
50. In respect of grouping affordable homes in one place, the Homes England document "Building for a Healthy Life" document was not put in evidence before me. But in any case, there is no prevention of 100% affordable schemes in local or national policy. I also note that the size of the units and types of tenure of affordable housing are mixed, which would help to promote community cohesion.
51. Overall, I consider that the development would accord with CS Policy 7.

Sustainable Transport/Accessible Services

52. Charnock Richards is a small-scale settlement of around 450 dwellings and the development of 76 dwellings would proportionally represent a not insubstantial increase. However, for a village of its size, I consider that Charnock Richard is reasonably well served by facilities such as a school, shop, pubs and community centre.
53. These would all be readily accessible by foot from the appeal site and these would be facilitated by the footpath and lighting improvements along Charter Lane.
54. In terms of access to wider facilities such as supermarkets, healthcare and secondary schools, the evidence before me suggests that there is a reasonable bus service provision with two separate services to Chorley and dedicated school bus provision serving a number of primary and secondary schools.
55. Their frequency is limited, but the provision would be improved by a bus services contribution as secured by the planning obligation. Distances for cycling, as a substitute for short car journeys, are not excessive to neighbouring settlements, including Coppull, and railway stations at Euxton and Chorley. There are options to use the National Cycle Route 55 as an off-road route to Preston and Hindley, in addition to using the wider road network.
56. I acknowledge that the development is likely to necessitate some reliance on the private car, but that is not an absolute bar on development. Specifically, the Framework recognises that opportunities to maximise sustainable transport will vary between urban and rural areas as a factor which should be taken into account in decision making (paragraph 105).
57. The village does not benefit from a full range of community services which would meet the everyday needs of its residents. However, for a semi-rural village I consider that the services it has, coupled with the sustainable transport options to access a greater level of service provision, would be sufficient to serve the needs of the proposed development and would provide reasonable alternatives to the use of the private car.

Heritage Assets

58. The two Grade II listed buildings are around 100-130m north of the site. The significance of the assets relates to their architecture as gothic style sandstone buildings. Their historic use also contributes to significance as community buildings for education and health. There would be no effect on the setting of these buildings from the proposed development. This is due to the separation of the properties from the appeal site with intervening development. Moreover, residential development as proposed would sit comfortably in the context of these as historic community assets and as such any visual links between these and the site would not cause harm in accordance with CLP Policy BNE1.

Character and Appearance

59. It is inevitable that any built development on open land will have an effect upon the character and appearance and there would be visual effects. However, in light of the influence of existing built development surrounding the site, and future layout and landscaping there would be no harm in this regard.
60. The density of the development has been raised. The density of developments across the village is variable, with some dwellings occupying larger plots than others. The site would have a greater density than other areas, however the site layout including the groupings of semi-detached and short terraced rows, the provision of open areas, and again, the detailed landscaping proposals, would ensure that the development is not of such a density as to have an overly urbanising and jarring effect.
61. There are also no prevailing architectural styles of dwellings within Charnock Richards, instead the village contains a mixture of house types and styles. The proposed designs on the development would thus be readily assimilated into this context. Overall, I find no harm to the character and appearance of the area in accordance with CLP Policy BNE1.

Biodiversity

62. The proposals would retain some existing habitat features and would involve the creation of a new pond, open areas and incorporate tree and hedgerows. planning. However, the development would result in a slight net loss in local biodiversity.
63. I accept that the requirements for net gain as set out in the Environment Act 2021 are not yet in force. There is also no development plan policy stipulating gains and levels to be attained.
64. However, paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 also states that when determining planning applications, opportunities to improve biodiversity in and around development should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. There would therefore be a minor adverse effect in this regard.
65. As previously identified, some trees would be retained and suitable protection measures during construction would be secured by condition.

Amenity

66. A number of dwellings look out onto the site from their rear habitable rooms and garden areas. The introduction of built development in this location would undoubtedly change that outlook across the open grassland to one of built development.
67. However, based upon the proposed site layout plan and observations made at my site visit, which included viewing the site from some neighbouring properties, I am satisfied that there would be no loss of privacy. The layout of the dwellings and the positioning of windows has been undertaken in a way so as to limit overlooking. Distances would be sufficient to avoid any overbearing effects. The landscaping proposals would also assist with providing screening through the planting of hedgerows to the affected boundaries including at Tudor Lodge and properties along Charter Fold. The long rear gardens serving properties at Leeson Avenue also ensure that there would be no harmful impacts.
68. Other concerns relating to noise, dust and other pollution during construction would be adequately controlled by the implementation of a construction environment management plan, secured by planning condition.
69. Overall, there would be no harm caused to living conditions of neighbouring occupants in accordance with CLP Policy BNE1.

Drainage/Flooding

70. The site is in a low risk of flooding (zone 1). In respect of drainage, the proposed pumping station would be installed to connect to a sewer and it has been demonstrated that the development would not result in an increased run off rate. Conditions relating to detailed design matters for drainage and a drainage strategy would ensure that there would be no harmful effects in respect of this matter.

Agricultural Land

71. There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile (BMV) land is defined as Grades 1, 2 and 3a. The quality of farmland is graded in to enable informed choices to be made about its future use within the planning system.
72. The site is Grade 3, however no evidence of whether this is Grade 3a or 3b is before me. In any case, the site is in a village location surrounded by development and is, at best, at the bottom end of the BMV scale. The evidence does not demonstrate harm in terms of the loss of BMV land.

Infrastructure

73. Broad local concern is raised about the infrastructure capacity of Charnock Richards to cope with the proposed development. I have dealt with topic specific matters related to cumulative effects in my decision. There is no justification to find harm in terms of infrastructure based upon my findings in respect of highways, sustainable transport and accessible services. Education contributions are included in the planning obligation, along with highways work (as previously discussed).

Planning Obligation

74. The s106 commits to providing:

- 100% affordable housing, split as 40 shared ownership units and 36 affordable rent. The obligation sets out detailed provisions including allocations and eligibility criteria for future occupants. This would prioritise those who are resident or have an association with Charnock Richards in the first instance and setting out a hierarchical approach to neighbouring settlements and the wider Borough.
- £45,000 per annum for a period of 5 years to fund bus service enhancements to provide extended services.
- £6000 towards the provision, implementation and monitoring of a Travel Plan.
- £92,247 towards education contributions for school places.
- £286,216 towards open space, including amenity greenspace, parks/gardens and planning pitches.

75. Based on the submitted evidence I consider I consider all the obligations would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind.

Planning Benefits

76. For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: limited, moderate, significant and substantial.

Housing Delivery

77. The delivery of housing is an undisputable benefit of the development in a Borough where the Council cannot currently demonstrate a 5-year supply. Enshrined in the Framework is the Government's objective to significantly boost the supply of housing and as such, I give this significant weight.

Affordable Housing

78. As already identified in my decision, there is a significant need for affordable housing in spite of the contents of the HDNA and the alleged oversupply within Charnock Richards itself. Here, the dispute between the parties goes to the weight that should be given to the provision of affordable housing from the development as a benefit. The provision of affordable housing, which is guaranteed by the planning obligation would provide homes for real people in real need. The provision of 100% affordable housing goes significantly beyond the minimum requirements in CS Policy 7 and mindful that the s106 prioritises local residents in the first instance, the weight to be given to it as a benefit cannot be anything other than substantial.

Employment

79. There would be employment benefits in terms of the provision of jobs during the construction phase. In the longer term there would also be further spending within local shops and facilities by the new population. These benefits have not been quantified and would apply to any housing development of this scale but nevertheless are still considerable and attract significant weight.

Planning Balance

80. The development would conflict with the spatial strategy as set down in CS Policy 1. This harm is a pure policy harm in that I have found no harm in terms of accessibility to services and facilities and sustainable transport, highway safety and infrastructure. Such matters underpin the need for a spatial strategy. However, the policy harm weighs against the proposal, as does the limited harm in terms of biodiversity.
81. In favour of the proposals are the significant benefits I have identified relating to affordable housing, general housing delivery and employment. The lack of harm to these other considerations is neutral in the balance, as is the effect upon heritage assets, amenity, agricultural land, drainage/flooding and character and appearance.
82. Due to the housing land supply position in the Borough, there was considerable debate between the parties (including the CRRA and CRPC) in respect of the weight to be afforded to CS Policy 1 and thus the weight which can be given to the policy conflict, when assessing the proposals under the tilted balance as set out in paragraph 11 of the Framework. A number of appeal decisions were referenced which examined this issue, where different levels of weight were cited by various Inspectors. Case law was also referenced on this matter.
83. As a general point, the legal status of the development plan cannot be altered by the Framework and thus decision makers must apply and conclude on development plan policies. However, the weight to be accorded to conflict with development plan policies deemed to be out of date in accordance with the NPPF is a matter of planning judgement based on the circumstances of the case. Accordingly, where the section 38(6) duty is lawfully performed, a development which does have the benefit of the tilted balance may still be found unacceptable, and equally a development which does not have the benefit of the tilted balance and where there is conflict with the development plan may still merit the grant of planning permission based on relevant material considerations.
84. Regardless of the tilted balance being engaged, in applying the 'flat balance' under section 38(6), I find that the significant benefits of the proposal would outweigh the harm due its limited effects on biodiversity and the nature of the conflict with CS Policy 1. As such the material considerations would warrant a decision other than in accordance with the development plan. Thus I do not need to consider the weight to be attached to CS Policy 1 in any detail as part of considering a tilted balance as it is simply not necessary for me to undertake this exercise.
85. I note that there was a previously refused housing scheme at this site. I have employed my own reasoned planning judgement in this case based on the up-to-date evidence before me. A previous refusal which concluded against the development on the basis of Policy CS1, would not therefore prohibit the approval of this scheme. In addition, I have made my assessment in the light of current policy and legislation and the appeal cannot be assessed in relation to any future legislative changes to the planning system. Finally, I note the concerns raised regarding a perceived lack of community engagement and question marks over future intentions for the site. However, the terms of the proposed development are clear and are what I must base my conclusions on.

Planning Conditions

86. A list of agreed conditions was included in the SOCG and then amended slightly to incorporate omissions and correct minor errors. My consideration has taken account of paragraph 56 of the Framework and advice in the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable.
87. Conditions covering time limits and the approved plans are necessary in the interests of proper planning (conditions 1-2). Conditions relating to materials, finished floor levels and hard landscaping are necessary to protect character and appearance of the area and residential amenity (conditions 3-5).
88. Conditions relating to the submission of a Landscape and Environmental Management Plan, protection measures, implementation and clearance works are necessary to protect existing trees and ecology and to ensure that the visual amenity benefits of the scheme are maximised (conditions 6-9).
89. Drainage and flood prevention conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention (conditions 10-12).
90. A condition relating to contamination is necessary in terms of residential amenity (condition 13) and a condition relating to archaeology is necessary in order to protect any heritage interests at the site (condition 14). As discussed, conditions relating to site access and off-site highways works, and a Framework Travel Plan are necessary to ensure highway safety (conditions 15-17). A condition to support future access to super-fast broadband is necessary in terms of sustainability for future occupants.
91. A Construction Environment Management Plan is necessary to minimise any detrimental impact on the living conditions of nearby residents or biodiversity and to avoid any pollution or dangers to highway safety (condition 19). Implementation of bin and cycle stores is necessary to avoid any pollution and in the interests of amenity (condition 20). Finally, an Employment and Skills Plan is necessary to secure local economic benefits from the scheme (condition 21).
92. All pre-commencement conditions are fundamentally necessary to be agreed prior to the commencement of development.

Conclusion

93. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

Schedule of Conditions

- 1) The proposed development must be begun not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan CL/CL/LP/01 18 March 2021
 - Proposed Site Layout CL/CL/PSL/01 Rev M 3 March 2022
 - Material's Plan CL/CL/MP/01 Rev C 3 March 2022
 - Storey Heights Plan CL/CL/SHP/01 Rev C 3 March 2022
 - Hardstanding Plan CL/CL/HP/01 Rev C 3 March 2022
 - Boundary Treatment Plan CL/CL/BTP/01 Rev C 3 March 2022
 - Waste Management Plan CL/CL/WMP/01 Rev C 3 March 2022
 - Swept Path Analysis of Site Layout with a Refuse Vehicle A118747-TR04 Rev A 5 January 2022
 - Landscaping Proposals Sheet 1 of 2 6341.01 Rev F 6 October 2021
 - Landscaping Proposals Sheet 2 of 2 6341.02 Rev F 6 October 2021
 - Site Sections and Street Scenes CL/CL/SS/01 Rev B 2 December 2021
 - Site Section Pumping Station CL/CL/SSPS/01 Rev B 2 December 2021
 - House Type 6no. Cottage Apartments Elevations CL/HT/CAPTE/03 Rev A 6 October 2021
 - House Type 4no. Cottage Apartments Elevations CL/HT/CAPTE/01 Rev B 6 October 2021
 - House Type 6no. Apartments Plans CL/HT/CAPT/04 Rev A 6 October 2021
 - House Type 4no. Cottage Apartments Plans CL/HP/CAPT/02 Rev B 6 October 2021
 - Bin and Cycle Store CL/CL/BCS/01 18 March 2021
 - House Type BUNGALOW CL/HT/BUN/01 18 March 2021
 - House Type A CL/HT/A/01 18 March 2021
 - House Type A2 CL/HT/A2/01 18 March 2021
 - House Type C CL/HT/C/01 18 March 2021
 - House Type D CL/HT/D/01 18 March 2021
 - House Type D2 CL/HT/D2/02 18 March 2021
 - Site Access Plan A118747-P001 Rev C
 - Proposed Traffic Calming on Church Lane A118747-TTE-00-XX-PL-D-004, Rev P01
 - Proposed Traffic Calming on Chorley Lane A118747-TTE-00-XX-PL-D-005, Rev P01
- 3) The external facing materials, detailed on the approved plans and Design and Access Statement (Revision A, dated February 2022), shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.
- 4) Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building 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 detail shown on previously submitted plans. The development shall be carried out strictly in conformity with the approved details.

- 5) No development shall commence above DPC level until details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) boundary treatments including the alignment, height and appearance of all fences and walls;
 - ii) hard surfacing materials including full details of the colour, form and texture;
 - iii) proposed and existing functional services above and below ground;
 - iv) an implementation programme.
- The works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be retained thereafter.
- 6) No development shall commence above DPC level until a Landscape and Environmental Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) a description and evaluation of the habitat features to be created and enhanced (to include but not necessarily exclusively ponds, grasslands, tree planting and bird nesting and bat roosting habitat / boxes)
 - ii) aims and objectives of management
 - iii) preparation of a work schedule for implementation
 - iv) details of the organisations responsible for implementation and management
 - v) a five-year monitoring and maintenance plan.
- The LEMP shall be carried out as approved.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The development hereby approved shall be carried out in accordance with the details of tree protection (paragraphs 5.2.4 and 5.2.5), amphibians method statement (section 5.4), protection of ditch and pond (paragraphs 5.3.6 to 5.2.8), avoiding the spread of invasive species (paragraph 5.3.1), protection of bats (section 5.5) and birds (section 5.6) of the submitted Ecology Survey and Assessment report produced by ERAP, dated March 2021, ref. 2020- 151.
- 9) No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

- 10) The development shall be carried out in accordance with the principles set out within the Flood Risk Assessment and Drainage Strategy (February 2021, Reford Consulting Engineers Limited). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme. The completed scheme shall be retained and maintained thereafter.
- 11) No development shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewers, directly or indirectly. Those details shall:
- i) include evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels
 - ii) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - iii) include a timetable for its implementation; and,
 - iv) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- 12) No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include:
- i) measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
 - ii) measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

- 13) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and upon completion a verification report for all the remediation works shall be submitted to the Local Planning Authority.

- 14) No development shall take place until a written scheme of investigation shall have been submitted to and agreed in writing by the Local Planning Authority. The programme of field investigation should include an initial phase of geophysical surveying and trial trenching, followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

- 15) No development 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.

The detailed scheme shall be based on the approved preliminary highway drawings listed under condition 2.

If a phasing plan is proposed for the off-site works, this shall be included as part of the scheme and shall detail the specific off-site works that shall be completed by specific milestones in the site's development.

The approved development shall be implemented in strict accordance with the scheme.

No part of the development shall be occupied until the approved scheme for the construction of the site access and off-site works have been constructed and completed.

- 16) No part of the development shall be occupied until the existing vegetation on the highway frontage of the site to Charter Lane and within the visibility splays shown on the approved site plan shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the highway.
- 17) No development shall commence until a Framework Travel Plan is submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Framework Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority in consultation with the Highway Authority. All elements shall continue to be implemented

at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

- 18) No development shall commence until a strategy to facilitate super-fast broadband for future occupants within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.
- 19) No development shall take place, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the siting of cabins;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours;
 - x) the routing of construction vehicles and deliveries to site.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 20) Prior to the first occupation of any of the Cottage Apartments, the bin and cycle stores identified on the approved Proposed Site Layout drawing ref. CL/CL/PSL/01 Rev M and the Bin and Cycle Store drawing ref. CL/CL/BCS/01 shall be completed and ready for use.
- 21) No development shall 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.

*****END OF CONDITIONS*****